LEGISLATIVE COUNCIL

Tuesday 17 March 1987

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

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 6)

His Excellency the Governor, by message, intimated his assent to the Bill.

PAPERS TABLED

The following papers were laid on the table:

By the Hon. J.R. Cornwall, for the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Data Processing Board—Annual Report, 1985-86.

Industrial Safety, Health and Welfare Act 1972—Regulations (3)—

Construction Safety Code

Industrial Safety Code

Commercial Safety Code.

By the Hon. J.R. Cornwall, for the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Eyre Peninsula Cultural Trust—

Northern Cultural Trust—

Riverland Cultural Trust—

South East Cultural Trust—

Annual Reports, 1985-86.

QUESTIONS

RANDOM BREATH TESTING

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Attorney-General, as Leader of the Government in this Council, a question about random breath testing.

Leave granted.

The Hon. M.B. CAMERON: It has been reported today that random breath testing operations in this State will be trebled next month in a major attack on drink-driving. The report says the move has been made possible by increased Government funding, which has allowed police to buy extra RBT equipment and train additional police personnel in its use. This is a very positive step which has my full and unqualified support.

I might add that that was one of the recommendations made by the select committee into random breath testing three years ago. However, there is already a rumour circulating that this boost in random breath testing will continue for only a month, and I would like some clarification on this point because I think it is important that a clear statement be made in relation to this matter. My questions to the Attorney-General are as follows:

1. Will the move continue for only one month or will the RBT program now announced be undertaken at this level indefinitely?

2. Does the Government intend to run concurrently with this RBT boost advertisements similar to those which were run (and are still running) in New South Wales to raise the population's perceived level of risk of detection? (This was also recommended by the select committee.)

The Hon. C.J. SUMNER: I will refer the question to my colleague in another place and bring down a reply.

DEFAULTING LAND BROKERS

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

Leave granted.

The Hon. K.T. GRIFFIN: Last week I raised questions about defaulting land brokers, in particular, Hodby, Schiller and Field, and the problems faced by members of the public who deal with a broker who is licensed but lose the money they believe has been properly invested and secured by first mortgage. The Attorney-General gave some advice to members of the public, and that was widely publicised last week. That advice included getting legal advice on the mortgage documents, searching the certificates of title at the Lands Titles Office, exercising strict supervision of their money as it passes from their hands to the borrower, and other precautions.

The publicity of the Attorney-General's advice prompted a number of people to contact me to say that they had undertaken all those checks that he had recommended but they still appear to have lost their money, even though they hold a mortgage which purports to secure their money. They have checked the certificates of title, they have inspected the properties, seen the insurance cover notes, tracked their money through Hodby and have received a mortgage. They all thought they were home and hosed. But they have been frustrated by an order of the Federal Court freezing their securities and their funds. The issue of the reliability of a first mortgage is being considered by the Federal Court in relation to Hodby's bankruptcy.

The concern which I have, and the concern raised by investors who seem to have lost a large amount of money in the Hodby matter (and probably in the Schiller matter, too), is that a first mortgage now does not appear to be the cast-iron security which the Torrens Title system has guaranteed for the past 100 or so years. The proposition being promoted in the Federal Court is that, even though lenders have a first mortgage security, if they cannot prove that it was actually their money which was advanced for that mortgage, their security may not be any good.

That sort of proposition threatens the whole of the Torrens Title system. The ramifications are disturbing. The question might well be asked: how does a lender prove that money going into a lawyer's trust account or a land broker's trust account along with the money of many other persons is actually the money which may subsequently be lent on a first mortgage when it may be one of many transactions handled by the lawyer or land broker? My questions to the Attorney-General are as follows:

1. Will the Attorney-General, as the Minister responsible for the Real Property Act, urgently consider the ramifications of the Federal Court case on first mortgage securities under the Torrens Title system?

2. If the system is under threat, will the Attorney-General consider amendments to the Real Property Act to ensure that registered first mortgages over land are the substantial security that they ought to be?

The Hon. C.J. SUMNER: The answer to the first question is 'Yes'. The answer to the second will depend on the result of any considerations that the honourable member has suggested as part of the first question. The points that the honourable member has raised are well made in the sense that the Federal Court has apparently frozen proceed-

ings, in effect, with respect to those people who have had lent moneys secured by a first mortgage. I do not think that the issue has been resolved in any permanent sense. It is an interim order which, obviously, at some point in time will have to be resolved through the courts and, in that sense, the matter has not been finally determined.

I can only reiterate what I said last week: namely, if people are involved in blatant dishonesty and fraud, then it is very difficult to see how the law can accommodate that situation. That seems to have been what has occurred in this case. I said—and I repeat—that people ought to take all possible steps to ensure that they sight the documentation, sight the title, and ensure that the moneys they have lent to a land broker or given to a land broker to be invested have in fact been invested. This point that the honourable member raises is important because, if it is ultimately upheld through the courts, it has serious implications for the people concerned and possibly for the future. So, I am happy to examine the matter further, although it may be premature to come to any final decision about it, because the Federal Court has not yet made a final determination about the matter.

Determinations made to the present time, as I understand them, are interim determinations which can still be the subject of further debate. I assume that the Federal Court took the view that the situation ought to be frozen as it is at the moment to enable the extensive investigations that have to be carried out to be carried out and then, no doubt, the parties in dispute can revive the matter before the court. If the position that the honourable member has explained to the Council is still maintained in the long term, it has very serious implications—I agree with that.

However, it may be premature at this stage to suggest that legislation should be enacted urgently, because it may be that the final decision of the Federal Court, in fact, is not inconsistent with what the honourable member has put, namely, the security of the first mortgage and the inviability, in effect, of the record on the titles held at the Lands Titles Office as part of the Torrens Title system. Obviously, everyone concerned should seek his or her own legal advice—I am sure the honourable member has advised people, anyhow—because it may be that the class of people who have been disadvantaged by this action do not have the same interests in common.

In fact, it is fairly obvious now that they do not, because some did have mortgages to them in their names and others did not. So, on the face of it, some of them may be secured and others may not. Obviously, the class of people who have been aggrieved by the actions of these land brokers do not have precisely the same interests in common. They have clearly some interests in common, but others they may not have in common, so in that sense they really do need to seek their own legal advice. I will take this matter up and, if anything can be done by me, I will do it.

Certainly, if the long-term effect of this court decision is such as to put in doubt the whole question of what we assume to be the law with respect to the Torrens Title system, the matter will need to be examined in the long term. In the short term, as I have said before in this Council, whatever I or the Department of Public and Consumer Affairs and the Commissioner for Consumer Affairs can do to assist these people, we will do.

INTERPRETING AND TRANSLATING SERVICES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before directing a question to the Minister of Ethnic Affairs on the subject of interpreting and translating services.

Leave granted.

The Hon. L.H. DAVIS: The annual report of the South Australian Ethnic Affairs Commission for the year ended 30 June 1986 was tabled recently. The report notes that June 1986 marks the fifth anniversary of the establishment of the South Australian Ethnic Affairs Commission as a statutory authority. I am sure that the Attorney-General would readily acknowledge that this was an initiative of the Tonkin Liberal Government and, in particular, of the then Minister of Ethnic Affairs (Hon. Murray Hill). I am delighted that my colleague continues to take an active interest in this important area. This most comprehensive review of the commission's activities during 1985-86 expresses concern at problems arising in the interpreting service. On page 15, the report states:

> The Commission's Health Interpreting Service has experienced considerable increases in demand, and is still unable to meet any demand outside of the major metropolitan hospitals or outside normal working hours.

On page 6, the report notes:

> There is a pressing need for additional clerical staff in the Interpreting and Translating Services Branch, where the marked increase in the number of booking and contractors claims for payment has stressed existing resources.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: It has just been tabled: it has just come out. The report goes on to observe that for 1986-87 'it appears more likely that staff numbers will be reduced and that could have quite disastrous consequences at this stage of the commission's development'.

Appendix G of the annual report for 1985-86, which has only recently been tabled, as the Minister should know, shows a dramatic 40.1 per cent increase in requests for interpreting and translating services provided by the Health Interpreting Unit at the Royal Adelaide Hospital—from 3 855 to over 5 400. That was in the year 1985-86 as against 1984-85. Appendix H shows a 21 per cent increase in demand for interpreting and translating services provided by the Health Interpreting Unit at the Queen Elizabeth Hospital—from 5 019 in 1984-85 to 6 073 in 1985-86. A strong increase in demand has occurred from all major ethnic groups for interpreting and translating services at major hospitals and that includes Italian, Greek, Vietnamese, Kampuchean, Polish, Serbian/Croatian, Chinese, Spanish, Russian and Farsi. My question is: Has the Government taken any steps to remedy the problem in the interpreting and translating services area, particularly in hospitals, as highlighted in the 1985-86 report of the South Australian Ethnic Affairs Commission?

The Hon. C.J. SUMNER: The answer is 'Yes'.

AMDEL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question on the restructuring of Amdel.

Leave granted.

The Hon. I. GILFILLAN: On 12 February in another place, the Premier said:

> As part of the restructuring, the South Australian Government does not intend to transfer to Amdel ownership of its property at Thebarton which Amdel currently occupies. The South Australian Government will retain ownership of that piece of land and, therefore, be responsible for it.

Concern has been expressed in the media by groups of residents in the Thebarton area about the dangers of radioactivity from Amdel's activities on the Thebarton site. In

this morning's *Advertiser*, the Managing Director of Amdel was quoted as saying, 'The Australian Mineral Development Laboratories, Amdel, has given a categorical assurance there is no danger of radiation contamination at its Thebarton plant.' That is some consolation to the residents in that area. However, I am sure that some residents still feel that there is great concern that material comes from Roxby Downs and is treated on the Amdel site and, eventually, some returns to Roxby Downs.

This results in a toing and froing of a radioactive material through an inner Adelaide suburb. It is being treated mostly in an open situation on a site located in that inner Adelaide suburb. There are certainly grounds for some members of the public continuing to be concerned. The question I am asking the Attorney about the Thebarton site is emphasised in a memo sent to the Premier by the Minister of Mines and Energy (Hon. R.G. Payne) to be viewed by Cabinet. It is dated 2 April 1985 and relates to the Amdel site at Thebarton, as follows:

The Amdel site at Thebarton has, from time to time, been the cause of local community concern in relation to material buried on site remaining from work on uranium undertaken by the South Australian Department of Mines and Energy prior to the formation of Amdel. Community expectations were raised by a plan to relocate Amdel's Thebarton activities at Technology Park. Limited Commonwealth assistance was obtained for the relocation but it was subsequently recognised that the total funds available from the State and Amdel were insufficient.

Whilst continued surveillance by the Department of Health has shown that no radiation hazard to the community exists, a Government working party which examined the problem concluded that cleaning up the site to remove all radioactivity would be an extremely costly exercise. This fact, together with the possibility of further claims in relation to hazards, whether accurate or not, means its continued use by Amdel is the only practical and economic solution. As the cost of cleaning up the site, if that later became necessary, could be a substantial setback to a restructured Amdel, it would need to be retained by the South Australian Government and leased to the organisation. This will have financial advantages with the State being able to take a proportion of pre-tax profit. The State would also be able to place conditions on the lease, in particular the termination of uranium work at Thebarton.

It is quite obvious from this letter that there are good reasons why the Government has decided to retain the Thebarton site. This document has apparently not been made public. I believe that this is an important reason for having concern about the Thebarton site: therefore, will the Attorney-General say why the Government has decided not to sell the Thebarton site? Was the decision influenced by the location of radioactive material buried on that site? Finally, what is the estimated cost of cleaning up that site to remove all radioactive material?

The Hon. C.J. SUMNER: I will have to take those questions on notice. A Bill dealing with this matter will come before the Parliament shortly. Presumably, the honourable member can pursue his interest in this topic at that time.

PERSONAL EXPLANATION: Dr MICHAEL ROSS

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.R. CORNWALL: On 26 February I inadvertently misled the Council and I wish to set the record straight. In answer to the Hon. Martin Cameron on 26 February I referred to the coordinator of the AIDS program in South Australia, Dr Michael Ross. I wrongly described Dr Ross as a qualified medical practitioner and a psychiatrist. In fact, his principal qualification is a doctorate in psychology from the University of Melbourne and the University of Stockholm, Sweden. Although it is true that Dr Ross is not a clinical psychiatrist, he is an acknowledged expert in psychiatry, particularly in the research field. As Clinical Senior Lecturer in Psychiatry at Flinders University, a post he has held for the past two years, Dr Ross plays a major role in teaching students about the behavioural and psychological basis of psychiatry. Members can be assured that my further description of Dr Ross as a specialist in the field of AIDS whose excellent work is well known in this country was absolutely correct.

LEGISLATIVE COUNCIL COMMITTEE SYSTEM

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Legislative Council committee system.

Leave granted.

The Hon. R.I. LUCAS: About nine months ago informed sources advised an *Advertiser* political journalist, Greg Kelton, of certain matters. Following that, on 25 June 1986, an article appeared in the *Advertiser* under the heading 'Government to unleash watchdog on statutory body', as follows:

The South Australian Government is planning a permanent parliamentary watchdog to monitor the operations of the State's statutory authorities, which have a total debt of more than $1 billion. A Government spokesman confirmed yesterday that the Attorney-General (Mr Sumner) had drawn up a submission for Cabinet outlining possible options for closer scrutiny of the authorities. It is understood that one of the options is for a parliamentary committee similar to the powerful Public Accounts Committee to have the power to investigate authorities and make recommendations on their future operations, including whether they should be allowed to continue. Another option is to vary the powers of the PAC to enable it to carry out the investigations. At present, the PAC can look only at statutory authorities which have been mentioned in the annual report of the Auditor-General.

That matter has been raised with the Attorney on a number of occasions in the past nine months, and the other question of the Attorney-General's attitude towards the establishment of a standing committee of the Legislative Council on law reform matters or matters of a legal nature has also been raised with him. My questions to the Attorney are:

1. What has happened to the Attorney-General's watchdog on statutory authorities?
2. Will he introduce legislation this session for the watchdog on statutory authorities and, if not, why not?
3. Will he introduce legislation this year to establish a legal affairs committee or some such legal affairs committee of the Legislative Council and, if not, why not?

The Hon. C.J. SUMNER: If my recollection serves me correctly, these matters were dealt with in the policy statement of the Government prior to the last election. Honourable members will recall the debacle that occurred in the previous Parliament as a result of the attitude of members opposite, the Liberals, not so much in this Council but certainly in the House of Assembly, who had a dreadfully—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: That is not true, actually. They had a dreadfully obstructionist approach to reforming the committee system, at a time when to have proceeded to reform the committee system I think would have been easier than it is at present. The Government wishes to see the committee system upgraded, but obviously we cannot move in this or any other area unless some attention is given to the resources that are necessary.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: The honourable member interjects of course. I am saying that the matter has to be examined in the context of the budget and, whether it be a committee on legal reform, a legal and constitutional committee, a committee on law and criminal justice policy, a

committee on the statutory authorities, or whether it be in relation to expanded powers for the Subordinate Legislation Committee to deal with deregulation, one has to consider the matter of resources. Members opposite seem to have forgotten this difficulty that Governments are having in Australia at present.

The Hon. L.H. Davis: South Australia was 'up and running' a little while ago!

The Hon. C.J. SUMNER: It still is—it is up and running very well.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It is certainly running a lot better than it would have been had members opposite been in power, I can assure the Council of that.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: These issues and indeed a number of other initiatives that are being examined by the Government which have financial implications will have to be considered in the budget context; it is as simple as that. As I have said previously, I tried to get the committee system upgraded during the previous Parliament by what I thought was a reasonable approach. It was quite counterproductive, as it turned out; the decision to have a select committee of both Houses clearly retarded progress. I understand that we now finally have the joint services committee in place: if my memory serves me correctly, that proposition began in about 1980. Apparently, if one wants to get anything done in this State or Parliament the one thing that one should not do is to refer anything to a bipartisan committee—particularly if one is talking about the Joint Services Committee. That took three years to get through; it took incredible negotiations because of the attitudes of members of Parliament, who did not seem to be able to agree on anything in this area, whether it is in another place or in here.

The other select committee I established in good faith after the 1982 election fell in a hole because of the obstruction principally of the honourable member's colleagues in another place.

Members interjecting:

The Hon. C.J. SUMNER: It was not the result of obstruction by our people, I can assure you of that.

Members interjecting:

The Hon. C.J. SUMNER: It would not have gone to a select committee if that had been so: we wanted the matter to proceed. We wanted to proceed with it, but we did not even get a response from the Liberal Party in the Lower House on the discussion paper we issued.

The Hon. R.I. Lucas: Did you get—

The Hon. C.J. SUMNER: I was on the committee representing the Labor Caucus.

Members interjecting:

The Hon. C.J. SUMNER: The honourable member has misunderstood. The discussion paper was prepared on my authority and represented and was issued with the authority of Caucus.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Yes, they did; they broadly supported the discussion paper. That was the fact of the matter.

Members interjecting:

The Hon. C.J. SUMNER: It was issued by me as Attorney-General and as Chairman of the select committee. The Labor Party put out a position in its discussion paper. Some members up here responded to it. Liberal members in another place did not respond; we could not get anywhere with them. They did not want to know about reforming the committee system, and that is why the matter fell into a hole. It was a pity that that opportunity was lost because there was the opportunity at that time to perhaps allocate some resources to it. The problem that we have now is that no initiative like that will proceed unless the funds can be found for it first. No initiative is proceeding in the Government, unless funds can be found for it first.

The Hon. R.I. Lucas: Are you arguing for it?

The Hon. C.J. SUMNER: Of course. It is being considered as part of the budget discussions but, if we cannot find funds for it—and the indications are that in fact there will be less money in the next budget than in this budget—the situation will not change. The Commonwealth has already announced a May economic statement. It has already indicated that the States will probably have to suffer a further reduction in funds, so that one of the major tasks we have is trying to find savings throughout government. If one wants to add an additional function, which involves the provision of resources for the committee system, one has to find savings somewhere. That is the reality. It does not mean that it will not proceed. What it does mean is that obviously we will not proceed with it until we know whether we can get the funds to finance it. In terms of principle the commitment remains.

CONSUMER AFFAIRS COMPLAINT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about the Department of Public and Consumer Affairs and its handling of complaints.

Leave granted.

The Hon. M.J. ELLIOTT: In particular, I refer to one complaint. I had a fellow come to see me about six months ago who had considerable dealings with the Department of Public and Consumer Affairs. It appeared that he had really not got very far. I followed that up with letters, and I received pretty well the same sort of fobbing off as my constituent got when he was trying to solve his problem. So, I feel I need to raise the matter in this Council. It relates to the case of Mr Joshua Neuman who, having come to South Australia from Sydney, applied for a job and was told that he needed a car. As his boss had known him in Sydney, he offered to help him get the car by acting as a referee so that Mr Neuman could obtain a loan. As Mr Neuman had no credit rating here, he needed the assistance of his business associate.

They went to AGC and saw Mr Terry Dunn who organised an application and who suggested that he—Neuman—purchase his car from Kevin Corcoran at Future Wheels. Mr Dunn was acting as a spotter for Future Wheels. The consumer and guarantor signed the first set of mortgage documents with the car salesman but AGC declined the application. A notation on that document, which I have seen, says that the car is for the chap who works at such and such a place and that there is a need to apply in the State Manager's name to get approval. In other words, no car sale means no commission and no AGC business.

Mr Kevin Corcoran from Future Wheels turned up to see the guarantor in this case and said that there was a botch-up with the documents and asked him to sign it again. This time the guarantor did not sign as the guarantor but as the owner. When the fellow at the time asked what was going on, he was told that the form was messed up and that Mr Neuman would be approached to get the other signature.

That never occurred, and I do not believe that Mr Neuman was aware of that until some time later.

AGC then came forward with the money and the car sale went through. Mr Neuman signed the sixth schedule as the purchaser and clearly he was becoming the owner of the car. I suggest at this stage that it is irrelevant as to who paid for the car and where the money came from. As it turned out, the car was a lemon. According to RAA and other reports it was riddled with rust, it had no compliance plates, and was an absolute lemon in every way that one could imagine, and it cost $11 000.

Mr Neuman went to the Department of Public and Consumer Affairs after he got no satisfaction from Future Wheels. The department just told him to go away but he persisted. The department eventually negotiated a deal, that the car would be fixed, although according to reports that I saw it was unfixable. There was also an offer that Future Wheels would buy it back for $9 000: there was the option. This wreck of a car would be repaired or the owner would lose $2 000. At that stage the Department of Public and Consumer Affairs pulled right back from the whole thing.

In my explanation I have tried to simplify what is a complicated matter. I have documentation 3 centimetres to 4 centimetres thick, and I have no doubt at all that Mr Neuman is being absolutely straight down the line in his complaint but the department has not given him any sort of reasonable hearing at all. He was left in what I consider an untenable position. Therefore, I ask the following questions.

Why has the department refused to acknowledge and confirm the first interview Mr Neuman had with the department, when Mr Neuman was told to go away because there was nothing that they could do for him? At this initial interview why was immediate action not taken to give Mr Neuman advice about his rights under the Trade Practices Act regarding recision of a contract to which he as a purchaser was party.

In view of the information I have about consumer complaints against Future Wheels—in particular, 66 complaints over about six years—why, and on what grounds, did the Department of Public and Consumer Affairs decide that no offence was committed and that no misrepresentation was made by Future Wheels? The department tended to believe the company rather than the consumer. Why did the department not institute a thorough investigation into the business deals of Future Wheels, as well as its association with salespersons in AGC? Does the Attorney agree that Mr Neuman has suffered considerably as a result of this problem—professionally and financially—and that he has suffered as a result of the department's mishandling and concealment of the problem, a problem that he never created or contributed to? Does the Attorney believe that Mr Neuman is entitled to some form of compensation after all that he has been through?

The Hon. C.J. SUMNER: This matter has been the subject of negotiations, discussions, and correspondence back and forward between Mr Neuman, the department, between me and the Hon. Mr Elliott, and it is really difficult to see what more can be added to all the dealings that have existed surrounding this matter. Allow me to say, first, that the department is not in a position to enforce its view on a trader. The department can receive complaints; it can investigate complaints; and it can attempt to conciliate complaints.

The Hon. M.J. Elliott: There were 66 complaints.

The Hon. C.J. SUMNER: Not from Mr Neuman. The Hon. Mr Elliott seems to be getting the point mixed up. I am explaining the position taken by the Department of Public and Consumer Affairs and the Commissioner: a position which has existed ever since the department was established. The department can receive, investigate and conciliate complaints. The department took up the complaint lodged by Mr Neuman; it discussed the complaint with the dealer; negotiations were carried out; and the dealer offered to repurchase the vehicle for $9 000 or repair all the defects in the vehicle. However, when the department conveyed that offer to Mr Neuman, he advised the department that he had referred the matter to his solicitor and that no further action was required by the department.

If the consumer did not wish the department to take any further action following the negotiation of the offer, that is a matter for the consumer. The department is not in a position to force a trader to pay this amount of money (or any other amount of money) without the matter going to court. Apparently, Mr Neuman sought legal advice, so he could have proceeded with some legal remedies if he felt that that was justified. However, the department took up the matter and did what it could: it achieved a position where the dealer was prepared to make certain offers to Mr Neuman, and apparently Mr Neuman said that no further action was required by the department. Obviously, Mr Neuman is not satisfied, and I point out that Mr Neuman has complained to the Ombudsman. In fact, he has complained to two Ombudsmen, but neither of them saw fit to lodge a complaint with the department.

On 14 August 1985 the then Ombudsman wrote to Mr Neuman and said (in part):

> The department did in fact do all within its power to negotiate an adequate and proper settlement.

Apparently Mr Neuman then went to the new Ombudsman, who considered that no further investigation was justified. I am sorry if Mr Neuman is dissatisfied. However, the department has taken whatever steps it was able to take. There is no doubt that the vehicle contained defects. An offer to repurchase the vehicle or to have all the defects repaired to ensure that the car complied with Australian design rules was negotiated and put to Mr Neuman. Mr Neuman rejected both offers and said that he would seek his own legal advice. That having happened, Mr Neuman lodged a complaint with the Ombudsman's office, but both the then Ombudsman and the new Ombudsman did not see fit to take up the matter. In the circumstances, it is a little difficult to know what more I can add to what the honourable member has said.

The Hon. M.J. ELLIOTT: I desire to ask a supplementary question. Can I infer from the Attorney-General's answer that the Department of Public and Consumer Affairs lacks teeth, if it is forced to ask people to accept something which is obviously unsatisfactory?

The Hon. C.J. SUMNER: I am not quite sure what the honourable member means. If he is suggesting that the Commissioner or officers of the Department of Public and Consumer Affairs should be able to go around the State issuing edicts and orders to all and sundry as an agency of Government—

The Hon. M.J. Elliott: It was a shonky deal—come on!

The Hon. C.J. SUMNER: If there are shonky deals, there are means whereby these issues can be addressed in the proper way. Apparently the honourable member wants a Government agency to be able to wander around the State at will and order people to take a particular course of action. That is what the honourable member wants. He does not want—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —tribunals or courts to arbitrate about these matters. The honourable member wants to give a Government agency the power to go around and make decisions on behalf of the Government about disputes in the community. I would have thought that, in a democratic community (which the Hon. Mr Elliott sometimes pontificates about), the notion of a Government telling people what to do in a dispute between citizens or in a dispute between the police and citizens could amount to authoritarianism. The Hon. Mr Elliott suggests that the Government should be able to direct its agents to go out into the community and tell one party to a dispute that it is wrong and it should follow a particular course of action without giving that party any option to go before an independent tribunal or court. That is the proposition that the Hon. Mr Elliott brings into the Chamber. I ask all honourable members to ask the Hon. Mr Elliott whether that is consistent with the sort of democracy that we have in this country. Honourable members know the sorts of countries—

The Hon. C.M. Hill: Sounds like Joh.

The Hon. C.J. SUMNER: That is right; he sounds exactly like Joh. The honourable member knows the sorts of countries where Governments can direct people to do things unchallenged by the notion that you ought to go before an independent court or tribunal to have disputes resolved. The Department of Public and Consumer Affairs can receive, investigate and attempt to conciliate complaints. If in the final analysis the dispute remains, in some circumstances the department obviously cannot go out and order people to do certain things. What it can do is take proceedings before the appropriate tribunal, or the aggrieved individual can take proceedings before a court or tribunal, to have the matter resolved. In other words, if people's rights are affected in the community—either Government against citizen or citizen against citizen—those rights should be protected or determined by a proper arbitral process, that is, a tribunal or a court. That is the structure that has been established, and I think it is a reasonable structure. In fact, it is an essential structure in the sort of community in which we live.

If there is a continuing complaint, problem or dispute, obviously a consumer has to have it resolved by a tribunal. In some circumstances the Commissioner for Consumer Affairs can assist. In this particular case Mr Neuman did not want the department to assist. Mr Neuman went to the department, which negotiated a two-pronged offer—$9 000 to repurchase the vehicle or, alternatively, the repair of all the defects. Mr Neuman said he did not want the department to act any more and went off to his own solicitor. Then, still aggrieved, he went to the Ombudsman's office and lodged a complaint, which was considered by two Ombudsmen, but neither of them saw fit to take up the matter.

MAGISTRATES COURT DELAYS

The Hon. K.T. GRIFFIN: Does the Attorney-General have a reply to a question I asked on 18 February about Magistrate Court delays?

The Hon. C.J. SUMNER: It is a lengthy reply, so I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

Current waiting times for courts are as follows:

Supreme Court

(a) Criminal—There were 77 trials awaiting disposal at the end of January 1987. The waiting time was 3-4 months. This is impacted upon by seasonal factors such as public holidays and availability of the profession. This will reduce to a norm of 2-3 months during the months ahead.

(b) Civil—The waiting time at the end of January 1987 was 10 months. Seasonal factors are involved once again. Having regard to the number of cases awaiting trial, namely 883, it is expected that 8-9 months will be achieved in the normal course of events.

District Court

(a) Criminal—The waiting time at the end of January 1987 was 38 weeks. This is not a constant figure. The waiting time varies within a band width of about 20 to 30 weeks, depending upon a number of factors including the particular mix of cases being dealt with in any month.

(b) Civil—The current waiting time is 52 weeks. It was 60 weeks in August 1986.

I mentioned previously the various actions which have been taken to reduce the delays in the District Court. The pre-trial conferences are beginning to have some effect already and the temporary judicial assistance has commenced. I am confident that there will be reasonable reduction in the waiting period as those measures continue to have an impact. Improved management techniques will assist in improving the position.

Adelaide Children's Court

The current waiting time is 16 weeks. Additional, temporary judicial assistance is being provided in order to reduce this to a more acceptable level.

Appeal Tribunals

The waiting time is now 3 months from the date of lodgement. The measures taken by the Government have succeeded in reducing delays quite significantly in the Appeal Tribunals. It might be noted that delays up to 6.5 months were being experienced as at August last year.

Licensing Court

The waiting time is now only 2 months in the jurisdiction. Again, improvements have resulted from assistance provided to the court.

Magistrates Courts

	Civil	Summary
Adelaide Local Court—		
Limited	24 (28)	
Small Claims	8 (8)	
Adelaide Magistrates' Court—		
1 day trials		6 (11)
2 days + trials		15 (22)
Berri	4 (9)	14 (14)
Ceduna	16 (12)	16 (12)
Christies Beach	16-18 M (16-17 M)	16-18 M (16-17 M)
Glenelg—(Due to closure of court all matters diverted to A.M.C.)		
Holden Hill		6-8 M (7-9 M)
Kadina	17 (21)	17 (21)
Millicent	8-12 M (8-12 M)	8-12 M (8-12)
Mount Barker	13 (13)	13 (13)
Mount Gambier	17 (18)	17 (18)
Murray Bridge	15 (12)	15 (13)
Naracoorte	17 (18)	17 (18)
Para Districts	22 (20)	22 (20)
Port Adelaide	5 (8)	5-8 M (8)
Port Augusta	14 (10)	14 (10)
Port Lincoln	6 (10)	6 (10)

	Civil	Summary
Port Pirie	17 (16)	17 (16)
Tanunda	21 (17)	21 (17)
Whyalla	6 (6)	6 (6)
Yalata	6 (6)	8 (8)

(The figures in brackets are for the previous month.)

Significant reductions in waiting times have occurred in the Adelaide Magistrates' Court in the past 6 months, largely because of the implementation of a more efficient listing system, leading to a higher disposition rate.

The waiting time for 1 day trials is 6 weeks and for 3 day or longer trials is 15 weeks. The trend is continuing and the current position represents an improvement over the past 6 months of 100 per cent in 1 day trials and about 40 per cent in 2 day or longer trials.

In August last year I detailed a number of decreases in waiting times in the Magistrates Courts. While there are of course fluctuations in the figures in some instances, notable in circuit courts which do not sit every day, it is pleasing to see that the overall trend is one of continuing improvement. The Chief Magistrate and the Court Services Department are closely monitoring the situation and are presently attending to the few instances which appear to be contrary to the general trend.

The court system does not have unlimited resources at its disposal. However, the injection of some additional resources and improvements in the management of case scheduling and court lists has led to the present position. There is, of course, still room for improvement. The reforms which are gradually taking place in the courts should ensure that the present trends will continue.

EMERGENCY FINANCIAL ASSISTANCE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about emergency financial assistance.

Leave granted.

The Hon. DIANA LAIDLAW: In response to questions that I have asked on this subject in the past, the Minister has advised that together with other State Ministers he believes that emergency financial assistance is a Commonwealth responsibility. On 26 February last year, for instance, the Minister advised:

> Some of them believe emergency financial assistance is a Commonwealth responsibility to the extent that they have already withdrawn emergency financial assistance within their own States.
>
> We have not taken that step yet. We think that is a drastic one, one which I am loath to take but one which we may be forced to take ultimately if the Commonwealth does not recognise its responsibilities soon.

The Minister went on to say that he would be raising this matter at the forthcoming conference of Ministers of Social Welfare, which I understand was in October of last year. Since that time, the Federal Government in recent weeks has advised that it intends to propose cutting funds both to the States and in the area of human service delivery.

Also, the DCW has imposed work bans, one such provision being that of emergency financial assistance without assessment. I therefore ask the Minister the following questions: have the DCW work bans led to a withdrawal of emergency financial assistance as he predicted in response to a question of mine on 25 February last? Also, in the past year has he received any indication as to whether or not the Commonwealth Government is prepared to assume responsibility for emergency financial assistance and, if not, does the Minister continue to believe that the State Government may be required to withdraw its own contribution to emergency financial assistance, an amount which this year is $1.356 million which, I understand, helps about 35 000 people?

The Hon. J.R. CORNWALL: First, with regard to the Commonwealth, no—we have not had any joy. Secondly, with regard to the State's contribution, I am certainly not proposing that we should at this stage reduce in any way the annual amount allocated for emergency financial assistance. I will not, of course, canvass what may or may not be in the 1987-88 budget. The Opposition seems to be hell bent on getting into all sorts of destructive, destabilising and worrying speculation at this time. That, of course, achieves nothing except mischief.

With regard to the administration of emergency financial assistance in light of the bans which have now been applied throughout the metropolitan area, it will certainly be difficult, but I am informed that it is considered—and this is the opinion which was given to me as recently as midday today by the Director-General of Community Welfare—that we can certainly manage for the time being. Senior staff are involved, of course, in a substantial amount of direct service delivery, and that will cause us considerable inconvenience. There will come a time when the level of disadvantage for the disadvantaged will be clearly at a point which will be unacceptable.

I repeat what I have said in this place and publicly elsewhere ever since this foolish political campaign began: it is callous and counterproductive. It achieves nothing except to impose very considerable hardship on the people who the leaders of this political campaign are allegedly trying to help. They do at this stage, of course, stand in contempt of the State Industrial Commission. That will have a number of serious ramifications ultimately for the entire membership of the PSA if they do not come to their senses.

The matter is now one which is substantially and properly with the Minister of Labour and the Department for Personnel and Industrial Relations. We will do everything we can to ensure that common sense prevails, but let me make it very clear that we will not cave in to the political pressure which is being applied using the disadvantaged, the clients, as pawns in this action.

Members interjecting:

The Hon. J.R. CORNWALL: It is ironic, to say the least—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: I am sure you do, Mr Dunn. It is ironic, to say the least, that the Hon. Mr Dunn and his colleagues, the arch-conservatives in this place, are lining up with the social workers to condone an industrial action which has been ruled in this State's own Industrial Commission by the umpire to be a political campaign. They have very flexible principles. If it were something that affected them in some way, of course, they would be on their feet, railing. If it were a blue collar union involved in a genuine industrial action, they would all be chorusing. They would be in unison, chorusing their condemnation, but because they think there might be some political kudos in it, they do not mind seeing the disadvantaged clients of the DCW used as pawns in what is a callous and counterproductive political action.

COURT HEARING

The Hon. R.J. RITSON: I ask the Attorney-General whether, in the case of the person whose name I give to him in confidence now, first, it is true that that person is

committed for trial? Secondly, how long ago was the committal? Thirdly, has the person been tried? Fourthly, if not, when is the person to be tried? Fifthly, if he is not to be tried, why not?

The Hon. C.J. SUMNER: I will seek the information and bring it back.

POKER MACHINES

The Hon. M.J. ELLIOTT: Has the Attorney-General an answer to the question I asked him about poker machines on 25 February?

The Hon. C.J. SUMNER: The General Manager of Australian National, Mr D.G. Williams, has advised me that the main purpose of the Commonwealth Bill is to amend section 13 of the Australian National Railways Commission Act 1983, to permit Australian National to provide entertainment to railway travellers. I understand that on a strict interpretation of the Act this is not currently possible.

Australian National's intention is to provide special entertainment facilities on the Ghan train between Adelaide and Alice Springs. They have limited their plans to the Ghan because it is controlled throughout its entire journey by Australian National, its duration of 24 hours is sufficient to make the addition of entertainment a genuinely attractive extra feature for travellers, and because they wish to counter the possible threat to patronage on this train resulting from the improved Stuart Highway. Australian National believes the inclusion of a small number of poker machines on the Ghan will add to its attractiveness as a tourist train, bringing more passengers to both Adelaide and Alice Springs, and helping to improve the financial viability of the service.

It has no plans at present to establish facilities for gambling anywhere but on the Ghan train. However, if it proves successful on the Ghan, it may give consideration to making them available on other trains (for example, the Indian Pacific), but not elsewhere (for example, in Australian National stations or other premises). Further, the Bill provides that gambling may not be undertaken except by persons who are *bona fide* travellers. Thus, it will not be possible for visitors or guests on the train to use the facilities before it departs or at any other time.

QUESTIONS ON NOTICE

COMMUNITY WELFARE

The Hon. M.B. Cameron, for the **Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: For the financial years 1982-83, 1983-84, 1984-85 and 1985-86, which recommendations from the Community Welfare Grants Committee did the Minister vary and, if any, by what amount did the grants vary compared with the recommendation?

The Hon. J.R. CORNWALL: This question seeks very substantial detail, much of which is statistical. I ask for the indulgence of the Council to have the reply inserted in *Hansard* without my reading it.

Leave granted.

Welfare Grants

Community welfare grants are allocated on a calendar year basis. In November 1981, the Minister of Community Welfare approved all of the recommendations of the CWGAC for the 1982 calendar year. In November 1982, the Minister approved all of the recommendations of the CWGAC for the 1983 calendar year. In November 1983, the Minister did not approve the CWGAC recommendations for the 1984 calendar year, but instead negotiated with Treasury and obtained an additional allocation. Subsequently, the following additions to the CWGAC's recommendations were made in consultation with the committee:

Organisation	CWGAC Recommendation $	Grant Received 1984 $
Aust. Red Cross—Telephone Club	5 500	6 300
Blind Welfare	nil	4 000
Link Newspapers	2 000	3 500
S.A. Arthritis & Rheumatism Assoc.	nil	2 500
Epilepsy Association	3 000	4 000
Parents of Hearing Impaired	2 500	4 000
Catholic Family Welfare Bureau	5 000	7 500
Parents Without Partners	3 000	3 700
Australian Birthright Movement	15 000	16 400
Lifeline—Lower Eyre Peninsula	2 500	8 000
Lifeline—Whyalla	8 000	15 000
Koster Neighbourhood House	500	5 000
Prospect Community House	nil	7 500
North Unley Neighbourhood Centre	nil	5 000
Eastwood Community Centre	nil	7 000
PMBA (5MMM)	8 000	9 000
Thebarton Community Resource Centre	3 000	5 300
Uniting Church in Australia	nil	2 000
Salvation Army	nil	1 500
Churches of Christ	nil	1 500
YMCA Mount Gambier	4 500	5 300
Service to Youth Council	36 500	58 000
Job Seekers, Noarlunga	nil	2 000
SHAUN	20 800	24 800

In January 1985, the Minister did not accept all the recommendations of the CWGAC for the 1985 calendar year, but instead made the following alterations:

- *Project Friend*—an additional $5 400 so that the project is funded for the full year. Discussions will be held during 1985 on the nature and extent of South Australian Government assistance to local government authorities.
- *North Unley Neighbourhood Centre*—an additional $4 500 to enable the project to continue while discussions are held on ways in which the project could be improved.
- *Para Districts Counselling Service*—a 7 per cent inflationary increase of $2 240 so that the project is funded at the same level, in real terms.
- *Self Help for the Adult Unemployed of Norwood*—an additional $800 so that operating costs are not reduced from the 1984 level.

In December 1985 the Minister approved all of the recommendations of the Community Welfare Grants Committee for the 1986 calendar year.

CHILDREN'S SERVICES OFFICE

The Hon. M.B. Cameron, for the **Hon. DIANA LAIDLAW** (on notice) asked the Minister of Local Government: What guidelines have been established by the Children's Services Office to implement the objectives listed in the Children's Services Act 1985 and what measures, if any, have been taken to implement the guidelines?

The Hon. J.R. Cornwall, for the **Hon. BARBARA WIESE:** The honourable member is referred to the 1986 annual report of the Children's Services Office. The report provides detailed information on:

(1) the objectives and responsibilities of the office in accordance with the Children's Services Act; and

(2) the range of policies, programs and services provided and developed by the office to implement those objectives.

Regulations under the Children's Services Act proclaimed since the establishment of the Children's Services Office are: Child Care Centre Regulations 1985; and Children's Services Act (Membership of Committees) Regulations 1986, which provide for the detailed establishment of the children's services consultative structure.

PLANTS

The Hon. M.J. ELLIOTT (on notice) asked the Minister of Tourism:

1. Has the move by the Federal Government to proceed with legislation for plant patenting or plant variety rights been put to the current Australian Agricultural Council?

2. If so, was consensus reached on the issue by council, and did you give it your approval?

3. If not, why not, as it would seem to be an issue involving all State agriculture and relies on the use of external affairs powers?

The Hon. J.R. Cornwall, for the **Hon. BARBARA WIESE:** The replies are as follows:

1. The proposal for agreement of the Commonwealth to proceed with a Plant Variety Rights Scheme based on sole Commonwealth legislation goes back to the 106th meeting of the Australian Agricultural Council in January 1979. For a variety of reasons, the legislation was not proceeded with at that time and, recently, following a Senate inquiry and the Lazenby Report, Plant Variety Rights legislation was introduced and passed the Lower House of Federal Parliament in the week ending 5 December 1986. The Senate passed the Bill on 25 February 1987.

2. In 1979, Western Australia expressed some reservations, particularly with regard to costs and the application to cereals. The South Australian Minister of Agriculture at that time expressed similar concerns.

3. At the meetings of the Australian Agricultural Council held in Adelaide in July 1986 and Queenstown, New Zealand, in February 1987, Ministers were not invited to express an opinion.

SCHOOL CALENDAR

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

1. What was the total amount of State and Commonwealth funds used to pay for the 1987 school calendar inserted into the *Advertiser* on 4 February 1987?

2. What was the value of the *Advertiser's* contribution to the school calendar and accompanying advertisement?

The Hon. J.R. CORNWALL: The replies are as follows:

1. $26 220.

2. The *Advertiser* has advised the value of its contribution was $20 074.80. I am advised that the *Advertiser* was pleased with the result of its promotion of the school calendar and the public response to it. I take this opportunity to acknowledge the public-spirited approach by the newspaper and its generosity in cooperating with Government in providing information to the community.

SELECT COMMITTEE ON SECTION 56 OF THE PLANNING ACT 1982 AND RELATED MATTERS

The PRESIDENT brought up the report of the Select Committee on section 56 of the Planning Act 1982 and related matters, together with the minutes of proceedings and evidence.

Ordered that report be printed.

JOINT PARLIAMENTARY SERVICE COMMITTEE

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

That, pursuant to section 5 of the Parliament (Joint Services) Act 1985, the Hon. G.L. Bruce and the Hon. C.M. Hill be appointed to act with the President as members of the Joint Parliamentary Service Committee and that the Hon. C.A. Pickles be appointed the alternate member of the committee to the Hon. the President, the Hon. M.S. Feleppa alternate member to the Hon. G.L. Bruce and the Hon. M.B. Cameron the alternate member to the Hon. C.M. Hill.

Motion carried.

LIFTS AND CRANES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 March. Page 3360.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill, which seeks to do three things: first, to introduce a certification scheme for dogmen; secondly, to provide for other certification to take place should the need arise, and to transfer responsibility for the inspection of lifts from the inspectorial section of the Department of Labour to the lift manufacturers; and thirdly, it provides for the introduction of codes of practice governing the safe operation of lifts and cranes.

The Opposition is prepared to support the Bill, because it takes cognisance of proposals that the Liberal Government of former Premier Tonkin was considering to ensure that more and more of the inspectorial responsibilities for lifts and cranes on a day-to-day basis should be undertaken in the private sector, consistent with minimum standards which would be set by a Government agency, and reserving the opportunity for Government employed inspectors to make spot or random checks on lifts and cranes in the sense of an audit of the work being undertaken in the private sector.

Quite obviously, there are inadequate numbers of inspectors available in the Government service to undertake the proper and effective inspection of lifts and cranes and, unless there is an increase in the number of those inspectors, the standards of inspections will diminish quite significantly, and the backlog of work will become overwhelming. It is undesirable that that occur. It is much more appropriate that maintenance inspections be up to date; that those who have lifts installed in their premises are assured of regular maintenance; and that lift manufacturers themselves are adequately qualified to undertake that task and will do it efficiently and effectively.

That means, of course, that the inspection of lifts and cranes becomes even more of an expense upon the proprietors of premises in which lifts are placed. I see no reason why that should be resisted. In fact, it seems to me to be perfectly proper that, rather than the community at large bearing the cost of inspecting those lifts and cranes for particular companies or individuals, the individuals or companies should bear the costs of not only inspection but also maintenance of lifts which serve their needs.

The certification scheme for dogmen is appropriate, although there are not many instances of problems arising at present as a result of dogmen at work. I can appreciate that the proper securing of loads on cranes and the proper riding of cranes to a very significant height above ground level are tasks that require specialist skills. If a certification scheme will minimise even further the risks to persons operating as dogmen then that is to be applauded. Not only is that to the advantage of the dogmen, but also to other workers on a building site and to members of the public,

because the last thing that we want to see is any misadventure occurring to ordinary passersby when a load drops or some other problem occurs as the result of the operation of a lift. Of course, we have had at least one lift collapse on the ASER site next door. Fortunately, that does not occur very often, but in my view should not occur at all. Anything that can assist dogmen and operators to maintain a high standard within the operation of their lifts and cranes is to be very much supported.

One area of difficulty with the Bill relates to codes of practice. There is no difficulty with the adoption of a principle of codes of practice being established as a result of which liability for failure to comply with the code of practice might be judged. The question is how the code of practice is established, and what is to be included in such a code of practice. The Bill provides for the Minister to establish a code of practice. That is done, really, by the Minister approving a document or a number of related documents as a code of practice by notice published in the *Gazette*. They are not to be published except on the recommendation of the Chief Inspector and they take effect on the date of publication, or on some later date specified in the notice.

The difficulty with that is that it does not require consultation with those who are likely to be affected by the code of practice, nor does it give the Parliament any opportunity to scrutinise the code of practice. It certainly does not involve the Joint Standing Committee on Subordinate Legislation, which has a very important role in vetting by-laws, regulations and rules which are promulgated in accordance with powers provided in the principal Acts of Parliament.

If one looks at the Bill, the code of practice is to have quite significant impact. Under clause 4, which inserts a new section 12, there is a provision that a proper standard of care is to be exercised in the operation of a crane, hoist, or lift and, if there is not such a proper standard of care exercised, or if a crane, hoist or lift is operated while in an unsafe condition, an offence occurs for which the maximum penalty is a fine of $20 000. Proposed subsection (3) provides:

> Where in proceedings for an offence against this section—
>
> *(a)* it is alleged that a proper standard of care was not exercised in relation to the operation, erection, construction, modification or maintenance of a crane, hoist or lift;
>
> *(b)* non-compliance with a provision of an approved code of practice relevant to the subject matter of the charge is established,
>
> it will be presumed, in the absence of proof to the contrary, that a proper standard of care was not exercised.

Therefore, it is not correct to say, as I think the Minister said in his second reading explanation, that there are no criminal consequences flowing from non-compliance with a code of practice: there are. Not just a civil liability is affected by non-compliance with a code of practice: it is also a basis upon which one assesses on a *prima facie* basis whether or not an offence has been committed under proposed section 12. That gives to the codes of practice a very weighty significance, probably the sort of significance that ought not to be left to the discretion of the Minister even though that is with the approval of the Chief Inspector.

I believe that the codes of practice, if there are to be codes of practice (and, as I said earlier, we are prepared to support the concept of codes of practice), ought to be prescribed by regulation, so that they come before Parliament and so that the Joint Standing Committee on Subordinate Legislation can review them, hear evidence, and make recommendations to the Council or to the House of Assembly, as the case may be. There is an opportunity to move for disallowance if in fact a regulation is onerous and not appropriate to the sort of object that a statute has in mind.

We also believe that any code of practice ought to be promulgated only on the recommendation of the Minister after consultation with the Chief Inspector and a representative from the Lift Manufacturers Association of Australia and the Master Builders Association of South Australia Incorporated. The requirement for consultation in relation to a regulation of this nature is not uncommon. It reflects to some extent the proposals for regulations relating to codes of practice that have been adopted by the Parliament in the new Occupational Health, Safety and Welfare Act. It seems to me that such a provision does ensure that there is a general measure of acceptance of the code of practice before it is brought into law.

An amendment to the Bill which is yet to be placed on file but which is similar to that moved in the other place really does not hamper the promulgation of the regulation embodying the code of practice. It insists on consultation with certain specified persons or bodies and, when that consultation has occurred, the regulation can be promulgated. I think that that is an appropriate course of action and I commend it to members. It gives a greater level of safeguard to the community at large and also ensures that there is proper consideration of standards and not just something that is dreamt up within a Government department and promulgated without taking any cognisance of what goes on in the real world. So, Madam President, the Opposition supports the Bill. I indicate that we will move amendments along the lines to which I have just referred.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Progress reported; Committee to sit again.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 12 March. Page 3366.)

The Hon. DIANA LAIDLAW: On 27 August last year, in response to the Hawke Government's budget, I moved the following motion, which passed this Council on 17 September:

> That recognising that pensioners and other welfare beneficiaries are the neediest groups in our South Australian community and that the economic position of low and single income families with children has deteriorated markedly over recent years, this Council—
>
> 1. Registers its protest that these groups will be substantially worse off as a consequence of measures announced in the Federal budget last week;
>
> 2. Expresses its concern that the continuing decline in the economic position of pensioners, other welfare beneficiaries and low and single income earners with dependents will impose additional obligations on social services provided by the State Government and non-government welfare organisations;
>
> 3. Calls on the State Government to urge the Federal Government to give priority to initiatives to free families from excessive financial stress; and
>
> 4. Requests the President of the Council to convey this resolution to the Prime Minister.

Even the Minister of Community Welfare in speaking to this motion on 17 September noted:

> I state that I agree with its broad and general principles: no reasonable person could argue with them, nor should argue with them.

Today, I regret that all the ominous predictions outlined in the resolution have been realised. Pensioners and other welfare beneficiaries, together with low and single income

families with children, are substantially worse off, and the deteriorating circumstances have imposed additional, and in some cases impossible, obligations on social services provided by the State Government and non-government welfare organisations. It is worthwhile noting the submission made by the Australian Council of Social Services in response to the Federal Government's issue paper on income support for families with children. The ACOSS President, Julian Disney, made the following comments in a press release accompanying that submission:

Child poverty in Australia has reached a crisis point. Over the past decade the number of children living in poverty has more than doubled. It is now over three-quarters of a million—that means one in every five Australian children. Hundreds of thousands of families are struggling desperately to survive on incomes which in many cases have fallen more than $40 per week below the poverty line. We simply cannot afford to continue ignoring this problem.

Mr Disney goes on to say:

At present, we provide less financial assistance to families with children than most other Western countries. This is a thoroughly false economy. By failing to provide adequate assistance to children, we are sowing the seeds of much greater public expenditure in later years on problems such as chronic ill health, family breakdown, long term unemployment, and severe social alienation which are so often caused or aggravated by being brought up in poverty.

It is interesting to note that the submission itself highlighted four major causes of the drastic growth in child poverty, as follows:

- a huge increase in long-term unemployment amongst heads of families with children (much greater than amongst the community as a whole);
- a substantial growth in the number of non-custodial parents who do not contribute fairly to their children's maintenace;
- cuts in each of the major forms of social security assistance for families with children;
- large increases in the cost of private housing and in waiting lists for public housing.

As to the third point, family allowances have lost one third of their value since March 1983. In terms of Mr Disney's reference to it being false economy to provide little financial assistance to families with children, it is important to recognise that this point reinforces the submission 'A fair go for families' made by the Australian Catholic Social Welfare Commission in October last year. That excellent study highlighted the deteriorating economic position of families and, in the context of the economic position of families, the paucity of financial assistance forthcoming to families under the present Federal Government is not the only matter of concern.

The Hawke Government also happens to be the highest taxing Government in peace time history. For instance, single income families are currently facing higher average and marginal tax rates even after the so-called recent tax cuts. Single income families on average weekly earnings will be facing a 20.5 per cent average rate of tax after July 1987 compared with 17.5 per cent in March 1983—a 3 per cent difference.

Such families will need an additional $15 per week tax cut after 1 July this year to return them to the same tax burden as in March 1983. While on this point, I should note also that when one considers increases such as the increased Medicare levy and the Government's trebling of petrol excise from 6c to 21c a litre, family incomes have declined by over $31 a week in the period that the Hawke Government has been in office.

One should also look at the contribution to that deterioration of State Government taxes and charges. When I moved that motion last August, and on numerous occasions since, I have raised the alarm that the last Federal budget will transfer a massive burden on to social services in South Australia at a time when DCW and non-government welfare organisations were unable to meet even the present demand for their services. Also, on all such occasions I questioned whether the State Government has assessed its capacity to maintain welfare programs at their present levels, let alone expanding those programs to meet the anticipated additional demand flowing from the Federal budget and other related Federal measures.

In response to what I believed were legitimate concerns which have been expressed to me and about which I was asking questions of the Minister, the Minister has consistently sought to dismiss my warnings and, indeed, it has been my experience over this period that generally the only positive response that I can generate from the Minister is a tirade of hysterical personal abuse. This form of reply does nothing to improve the quality of service delivery or the wellbeing of people so dependent on these services, but some have argued that the form of reply probably legitimises the basis of my case.

But, worse still, the Minister has made it a habit of consistently fobbing off the same warnings that I know full well have been presented by senior officers within DCW and workers in the non-government sector. It is these people—the people who these days are at the 'coal face' and who have daily contact with people in need of extra support—who are bearing the brunt of the Government's failures to plan and prepare for the aftermath of the last Hawke budget and its effect on families and also on the delivery of welfare related services in South Australia.

I submit it is largely as a consequence of the Government's and the Minister's failure to plan and prepare for the impact of the last Federal budget and the general erosion of family household income since March 1983 that we find work bans today are imposed by Public Service Assocation members in the central metropolitan region. The daily pressures encountered by social workers and support staff working in this region and beyond are immense.

I submit also that the Government and the Minister have aggravated these problems by dismissing for far too long the intense environment in which these social workers toil. The fact that the problems and pressures encountered by DCW workers in the central metropolitan region are not as great as those experienced in some other metropolitan and country areas does not undermine the validity of their concerns.

In passing, it is worth noting that a fortnight ago when the DCW bans were applied in the central metropolitan region, the region had 132 unallocated cases, which represented clients who were waiting for services from the department in the four areas of priority of the 12 that have now been established by the department. By contrast to the figure of 132 cases for the entire central metropolitan region, which stretches from Norwood to Port Adelaide, it is worth noting that the single office at Noarlunga experienced 80 unallocated cases in the same four categories.

There is no doubt from figures such as these that there is demoralisation and sapping of strength and will amongst social workers. They are required today to turn people away who are seeking help, and this is foreign to the instinct and training, I would suggest, of all social workers. Yet, they are turning people away, the very people who, as the Minister acknowledged during Question Time earlier today, are the more disadvantaged, the poorer and the more vulnerable members in our community. There are simply not the resources available within DCW to help and the non-government organisations are in little better position, although they, together with the churches, are trying to pick up the pieces as best they can.

As one social worker highlighted graphically to me last week, the trouble is that each day they are turning away cases deemed to be of lesser priority. For instance, the social worker explained to me that a couple of days earlier he had been required to turn away a mother who had visited the office seeking counselling and support because of the great difficulty she was having with her 15 year old son who was playing truant from school, using abusive language and being thoroughly disorderly. The social worker knew in his heart (and he said that this was the experience of others, also) that possibly six months later it is likely that he will meet that son again, this time after he had committed an offence or had been the victim of a bashing or severe discipline within his family setting. The scenario is disturbing and distressing but, unfortunately, it is not uncommon. As I understand it from several sources, it is occurring on a daily basis.

As most honourable members will recognise, limited resources within the Department for Community Welfare and the non-replacement of staff on long service leave or workers compensation—coupled with an increased demand for services—have forced each DCW office to accept a priority list of 12 cases, as follows:

1. Children at risk of specified harm such as physical or sexual abuse and currently before the courts or the DCW Child Protection Panel.
2. Children recently separated from family or at risk of separation.
3. Adolescents or children in crisis, including runaways at risk or in danger of exploitation, suicide or psychiatrically disturbed.
4. High profile young offenders in custody or detention.
5. Victims of domestic violence.
6. Children at ongoing risk of abuse or neglect.
7. Adolescents at chronic risk, including teenage parents, drug abusers, long-term unemployed.
8. Families in poverty.
9. Low profile children on bond/bail with supervision or under the guardianship of the Minister of Community Welfare.
10. Individuals in poverty, including itinerants and seasonal workers.
11. Individuals and families seeking assistance where no other support services are available.
12. Others seeking help.

DCW social workers, under this list of statutory obligations, are supposed to reach at least all cases between numbers 1 and 7. However, a central office management directive has determined that each office take on only the most urgent of these cases. As a consequence, few officers are able to fulfil their statutory obligations let alone attend to all the cases in the top four listings.

Certainly little or no work has been done on early prevention for some months now. Social workers are simply not practising their trade—generic social work. The top priority is children at risk of physical or sexual abuse. All new staff appointments over the past year have been absorbed into this work. However, this priority does not concede that early prevention work in efforts to address tensions arising from marriage breakdowns, the relief of family financial pressures, and the like—all of those items are low on the list of priorities—can help stem the potential incidence of child abuse.

I suggest it is little wonder that social workers are disillusioned and disgruntled and that they resent the fact that for too long the Government and the Minister have traded on the personal commitment of social workers to their job and to the people whom they seek to help. An indication of the lack of appreciation by the Government, and particularly by the Minister, of the intensity of feeling among social workers, clerical counter staff and DCW officers across the State was the Minister's accusation last week in this place (and repeated in the media yesterday and again in this place today) that social workers in the central metropolitan region were callous and foolish and that their action in imposing work bans was counterproductive.

As the Minister on all such occasions has been well aware, the problems in the central metropolitan region are not nearly as grave as those experienced elsewhere. Therefore, I cannot help but remain surprised that he has seen fit to dismiss the work bans as the actions of a small, isolated group of social workers who are stirring up trouble. While I may remain surprised at the Minister's handling of this matter, I can say without qualification that his handling of it has quite incensed social workers and support staff. It has been put to me that their sense of outrage is strong because they feel that their colleagues have been isolated in action which they strongly support. They have seen central metropolitan social workers acting on their behalf to highlight the general plight of social workers and counter staff across the State. The sense of outrage that I have noted has been relayed to me in numerous telephone calls over the past few days, and it was certainly very evident at the meeting yesterday of 300 DCW staff who not only voted to broaden the bans but in so doing rejected an order of the Industrial Commission to lift those bans.

As the Minister noted earlier today, that action by the 300 staff at the meeting yesterday now puts them in contempt of the Industrial Commission, and that is a grave matter. However, their decision to proceed in that way must certainly highlight to the Government that the feelings of the social workers are not confined to a small group who are merely stirring up trouble. They are very strongly felt indeed. While on the Minister's response to the work bans, I admit that I would be most interested to determine what he implies when he continually states that the dispute is not industrial but political. I wonder whether he is acknowledging that his own statements as Minister on the issue have indeed contributed to the current impasse. He may be also suggesting and conceding that in part the bans were of the Federal Government's making. In either case, the Minister would be accurate, and one would contend that the actions are political. Certainly, the Minister's own actions have inflamed the situation and there is no doubt that DCW staff across the State are labouring under the State Government's failure to plan for the impact of measures in the last Federal Government budget and previously which have undermined the value of families and individuals and their income in this State and which in many cases have forced people to call on outside resources for help.

Before concluding my remarks on the current troubles besetting the DCW, I wish to comment on what I assess to be the hypocrisy of the Minister and the Government in relation to the real needs in the community. Today DCW staff are forced to turn away victims of domestic violence, generally women and their children seeking respite or an opportunity to escape from a violent home environment. Their needs have been determined by the DCW central office as ranking fifth on the list of DCW priorities, and few DCW offices have the capacity today to attend to priorities that are beyond one to four.

At the same time—indeed, for some two years now—the Government would have us believe that domestic violence is an issue which is high on its agenda. I remind honourable members that in August 1985 the Premier announced the establishment of the domestic violence task force with great fanfare and with a budget of $48 000 per annum and an earnest promise that the team would report within a year. Some 18 months and $96 000 later, we are still awaiting the report. In the meantime, the study has involved the valuable time and energy of 80 individuals although, rather surprisingly, representatives of women's shelters, people who are

involved daily with victims of domestic violence, have not been involved in the preparation of this report and its long-awaited recommendations.

While the task force continues to deliberate and taxpayers question where the money will come from to implement the recommendations when we finally see them, and victims continue to be turned away from the DCW because those offices are without the resources to provide immediate help, I can only reflect on how much more constructively that $96 000 assigned for the study and the time of the 80 people engaged in the task force team could have been employed to help actual victims over the past 18 months. As I say, we are still awaiting the report and we still have no indication from the Government when that will be released. Basically, the DCW workers, workers in the non-government welfare sector and those in need of the services which both offer are heartily sick and tired of the Government's rhetoric and the Minister's grand plans. They want the Government and the Minister to cut the rhetoric, the trimmings, the reports, the excuses and the delays, and get back to the basics; get back to the grass root problems that are besetting everyday lives. The Minister may believe, and he may claim (as he regularly does) that everything with which he is associated is the best in the world, but in terms of welfare-related services in this State, those who work in the field know much better.

The Minister has to do something about this matter. He has to recognise that there are deep-seated problems in the DCW regarding accusations of callousness directed towards the staff which social workers within the DCW do little to remedy. There are also grave concerns being expressed among non-government welfare organisations about their ability to withstand proposed funding cuts by the Federal Government in the human services sector within the next financial year.

In concluding my remarks, I want to highlight the possible impact on the DCW and the non-government sector of proposed cutbacks which have been mentioned by both the Prime Minister and the Federal Treasurer in recent weeks. These statements have aroused very deep concern within the community about the impact of any further reductions in Commonwealth Government funding for human services. I am aware that the Minister himself has endeavoured to respond to these concerns, and that on 20 February last he called together representatives of a number of important non-government organisations in South Australia to bolster the case for no Federal cuts. In part—

The Hon. C.J. Sumner interjecting:

The Hon. DIANA LAIDLAW: I am just saying that the Minister of Community Welfare is particularly concerned about the anxieties being expressed by non-government organisations, and that he has led a case or is one of a number of people who have written to the Prime Minister seeking that there be no cuts in the Federal Government budget in relation to human services.

The Hon. C.J. Sumner: You support the cuts.

The Hon. DIANA LAIDLAW: No, I am saying that I recognise that there are concerns, and I was acknowledging the steps that the Minister has taken to bring together these non-government welfare organisations. I have copies of correspondence that this group has sent to the Prime Minister and to the Premier, and before noting part of this correspondence I would like to note and recognise the efforts of the groups who have met on this matter.

They are John Lesses, Secretary of the United Trades and Labor Council of South Australia; Lewis Barrett, Chairman of the Royal Adelaide Hospital Board and Deputy Chairperson of the Red Cross Society of South Australia; Helen Spurling, Executive Officer of the South Australian Council of Social Service; James Nelson, President of Spastic Centres of South Australia; John McDonald, Director of the Catholic Education Office; Graham Forbes, Executive Director of the Adelaide Central Mission Incorporated and Chairman of the South Australian Drug and Alcohol Services Council; Judith Roberts, Chairperson of the Queen Victoria Hospital Board, Chairperson of the Advisory Committee on Home and Community Care, and Vice-President of the Australian Council of Social Service; Michael Radis, Commissioner of the Ethnic Affairs Commission of South Australia and the Deputy Chairperson of the United Ethnic Communities of South Australia; Lois O'Donoghue, Chairman of Aboriginal Hostels Limited and Chairman of the Outback Areas Community Development Trust; and Murray Haines, Executive Director of the South Australian Council on the Ageing.

Following that 20 February meeting called by the Minister of Community Welfare, all the representatives that I have just named signed a letter to the Prime Minister. I will not read it all, but I think it worthwhile highlighting their deep concerns. The letter commences:

> We represent a number of important non-government organisations in South Australia. Some of us have also served Government funded agencies in a voluntary capacity for up to two decades. This letter conveys our deep concern at the consequence of any further reductions in Commonwealth Government funding for human services and non-government organisations in this State. Specific funding cuts by individual departments produce bizarre results, as the proposed special education exercise illustrates so dramatically.
>
> Our agencies are already under enormous strain trying to cope with unemployment, homelessness and other human distress. This fragile network of human services established early in this State in response to real need could not survive a gradual process of funding cuts and withdrawal by your Government. We would look to the State Government to compensate funding withdrawals by the Federal Government, but the State Government also faces severe financial stringency.
>
> In these circumstances, withdrawal of funds by your Government is effectively walking away from the commitment made by the Treasurer (Hon. P.J. Keating) in the 1986-87 budget speech when he noted, 'We will not compromise our deep commitment to assist the genuinely needy.'

The letter continues, and finally calls for a moratorium on funding cuts for human services. Having worked in this field of human services for many years, even before I entered this place (I continue to be involved with many of those organisations), I cannot help but endorse the sentiments that have been expressed in that letter. Whichever Party were in Government federally (it happens to be the Labor Party at present) I would urge strongly that cuts to non-government welfare organisations should not be contemplated or tolerated. On that note, recognising that action must be taken by Federal and State Governments to insist that neither imposes further and unnecessary burdens on families and their ability to cope for themselves in these trying circumstances, I indicate that I support the Bill.

The Hon. PETER DUNN secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 3271.)

The Hon. L.H. DAVIS: The Opposition supports the thrust of the Public Finance and Audit Bill. It seeks to replace the Public Finance Act, which was passed over 50 years ago, and the Audit Act, which was passed 65 years ago. It has brought together those two Acts which have been

amended on many occasions over the years, into one piece of legislation, although it retains, as indeed it should, the basic distinction between the audit functions and the need for proper administration of this State's finances.

The Minister's second reading explanation of the Bill indicates that the Public Finance and Audit Bill has been introduced as a consequence of the review of Government financial management arrangements, which was made public in 1984. In 1983, the State Government established what has come to be styled the Barnes Committee Review of Government Financial Management Arrangements. That was an exhaustive review of public sector financial arrangements, together with an examination of the provisions for the auditing of public bodies and departments in South Australia. Its findings were contained in 12 volumes. I cannot claim to have perused all those volumes, but I did read the first one, which was styled 'Overview and summary of issues' and also the final one, which was a very useful summary report of the committee's findings. It is fair to say that this review committee did for the first time something which had been long overdue: it looked in an objective and comprehensive fashion at the public finances of this State together with the auditing function and, through that mass of information, sought to update and streamline the legislation which governed the financial administration and auditing of the public sector in South Australia.

The members of that review committee included the then Under Treasurer, Mr Ron Barnes, who was chairman. He is now retired, but at the time, he was generally regarded as perhaps the finest Under Treasurer in the land. The review committee also comprised people from outside the public sector, such as the well-regarded Managing Director of Fauldings (Mr Bill Scammell), the Chief Executive of the Australian Industries Development Corporation (Mr Bob Thomas), and Mr Kevin Davis, then Senior Lecturer in the Department of Economics at the University of Adelaide. Other members of the Public Service on the committee were Mr Ian Cox, who was then Director-General of the Department for Community Welfare, and Mr Bruce Guerin, who is Director of the Department of the Premier and Cabinet. The terms of reference were as follows:

To examine and make recommendations on the improvement of financial management arrangements within the Government;

the review should encompass raising of funds, resource allocation and budgeting, management of funds, co-ordination, control and reporting;

priority should be given to an examination of central Government arrangements in this area, with particular attention to the following matters:

- means of integrating consideration of financial and staffing requirements of agencies;
- practical methods of improving the planning co-ordination, and implementation of capital investments;
- methods of identifying alternative sources of finance available to the Government and assessing their most effective deployment;
- the influence of Government budget decisions on the State economy;
- information requirements to assist decision-making on allocation of resources and their subsequent management (including any supporting systems or analytical techniques);

the examination should also include any aspects of financial management within Government departments or instrumentalities which may be significant for the effectiveness of Government operations overall;

recommendations should also be made on any other matters which the review group considers relevant to the improvement of Government financial management arrangements.

I read those terms of reference into *Hansard* because it is important for the Council to understand the depth of the committee's work. It was given a broad brief and it is quite clear from the comprehensive review that it carried out that brief very thoroughly and, in my view, very well. Certainly not all of its findings are encompassed in the legislation that is now before the Council in the Public Finance and Audit Bill and the other Bill which is attached to it. However, the Opposition certainly supports this because one of the major benefits that will flow from the Public Finance and Audit Bill will be that more of the public finances of this State will be on show, as it were, and available for perusal by members of Parliament and the community. That is most important and, if I may say, long overdue. We are talking about the people's money and it is important that members of Parliament, who are representatives of the people, are given an opportunity to chase through particular moneys that have been raised and the expenditure of those funds.

The State public sector provides public goods and services through Government departments and statutory authorities. This range of goods and services that are provided to the public include the provision of justice and law and order, roads, education and health. Services such as electricity and water supply are provided through public utilities, which operate on a quasi commercial basis.

Other instrumentalities, such as the State Bank, SGIC and the Department of Woods and Forests, largely have their own funds and operate commercially in many respects. That very broad range of goods and services is provided by the State public sector. The funds that are raised come from several sources: some are raised by taxation, some from payments by users of goods and services, some from loan raisings by the State and statutory bodies, and, of course, some from the Federal Government by way of income tax sharing arrangements.

However, the raising of moneys and the expenditure of funds are treated differently. For instance, departments have funds allocated within the State budget. We are talking about both recurrent and capital funding; that all comes under the umbrella of the State budget. That is not always the case with the statutory authorities, so we have an important distinction, which is often overlooked, that when we are talking about the public sector we are talking about budget funding and also non-budget financial arrangements.

If we are to look at the public sector in a global sense, we really need to take into account both the budget and non-budget items. It has become increasingly frustrating for people who try to follow through these very complex financial arrangements and who run into brick walls because of a lack of sufficient detail, particularly in relation to non-budget items. The Electricity Trust of South Australia, for instance, over recent years has borrowed heavily to fund the Northern Power Station. Such cases were not always included in the total borrowing picture provided by the State Government, so there was a distortion of the overall financial picture.

When we recognise that we are dealing with approximately 30 departments, which are subject to ministerial control, and more than 270 statutory authorities, we appreciate that we are dealing with a very significant sector of the South Australian economy. Indeed, it would be true to say that State Government and semi-government authority expenditure in South Australia would comfortably exceed 20 per cent of total State expenditure. It is not easy to get an accurate figure, because we do not have that data available. Whereas at the Federal level it can be said that Federal Government expenditure accounts for a certain percentage of gross national product, we have to make a stab in the dark, using Australian Bureau of Statistics figures, to come to the figure, which I think is reasonably accurate, that perhaps between 20 and 25 per cent of total spending in South Australia is public sector expenditure. Certainly, if

one takes a line through employment one can see that that figure will be reasonably close to the mark, because in recent years State public sector employees have generally represented 17 to 18 per cent of the South Australian labour force.

A further problem that confronted the Barnes committee was the fact that there were varying degrees of independence and control between these various statutory authorities, remembering that there were 270 of them. For example, some of them had their own source of funds, but were subject to ministerial direction: the Electricity Trust, SGIC, and the State Transport Authority are examples of these.

Some statutory authorities certainly had a degree of autonomy, but in reality that autonomy was very cramped: one could instance the Road Traffic Board, the Coast Protection Board or the Art Gallery, which are very close to the respective departments and that autonomy is more apparent than real. Then, again, there were those that could be said to have a high degree of independence. For example, the State Bank has a very large influence on the economy of South Australia, having grown rapidly since the merger of the State Bank and the Savings Bank of South Australia, generating, as it does, its own funds.

Then there are statutory authorities, which are quite clearly independent in terms of their quasi judicial regulatory and advisory functions; for example, the Auditor-General, the Corporate Affairs Commissioner and the Electoral Commissioner. So we have this extraordinarily complex web which makes it very difficult for financial reporting. As I have said before, if it is not difficult enough to draw a line through the varying degrees of independence and financial autonomy that various statutory authorities have, overlying this is the problem that there are very many transactions between these Government departments and the statutory authorities. So one has transactions between departments with budget items moving out into the non-budget area where there is no accountability within the State budget as we currently know it.

On page 10 of its first volume, the Barnes committee refers specifically to that difficulty. It notes that although the main expenditure and revenue items of the South Australian Government passed through the consolidated account not all financial transactions in fact passed through that account. Many statutory authorities are outside the purview of consolidated account and the Government has established, under Acts of Parliament or provisions of the Public Finance Act as it was, numerous deposit and trust accounts. There are trust accounts held in Treasury on behalf of semi-government and non-government bodies and there are numerous deposit accounts established and operated by departments.

That provides a brief background to the Bill now before us. It is certainly true to say that this Bill will not grab the public imagination, but it is important and should be considered thoroughly.

As was indicated in another place, the Opposition welcomes the Bill, believing that it is a positive step in the administration of this State's finances together with the necessary auditing functions which go with it. Some matters need to be addressed in Committee, and I indicate that the Opposition seeks to place some amendments on file. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

STATUTES AMENDMENT (FINANCE AND AUDIT) BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 3271.)

The Hon. L.H. DAVIS: The Opposition supports this measure. It is consequent on the Public Finance and Audit Bill of 1986. It seeks to do two things: first, it removes the necessity for warrants for payment of public money. Since the Public Finance and Audit Bill of 1986 provides that money that has already been appropriated may be spent for purposes for which it was appropriated, the need for the warrant from the Government simply does not exist any more. This Bill seeks to overcome the fact that the Constitution Act still provides for the need for warrants. This Bill will amend the Constitution Act to recognise the present position.

Secondly, the Bill amends 10 other Acts containing provisions relating to the transmission of an audit report to the relevant Minister and the tabling of the report in Parliament by the Minister. Those provisions are deleted, because now, pursuant to the Public Finance and Audit Bill of 1986, the Auditor-General is required to include financial statements of the 10 relevant public authorities in his annual report. Of course, the Opposition welcomes this. It will mean disclosure of these financial provisions in the Auditor-General's Report. The Opposition supports the second reading.

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

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 March. Page 3325.)

The Hon. PETER DUNN: The Opposition supports this Bill and the Sewerage Act Amendment Bill. The effect of these Bills is the same. I agree that what the Government is trying to do has some merit. The motive for setting up a framework for recovering the cost of putting in E&WS headworks or reticulation works, for whatever reason, in city and country areas is okay. The projects in country areas tend to be larger but there are fewer of them.

As I understand it, there is a problem with this Bill in that there are in this State other examples of facilities being provided yet being paid for by the Government. There are examples of activities under this State Government's care, and in support of my argument I cite the example of facilities provided where costs are not recovered. In other words, in these instances the Government does not adopt the principle of the user pays.

South Australia and most State Governments have never embraced this principle to its fullest. In South Australia I cite the example of the State Transport Authority, especially its bus services and in particular the O-Bahn, which is one of the newer services. Such services are not cost effective in that they do not recover their costs from the work that they do. In fact, members can see from last year's financial statements that this State Government lost more than $100 million through the STA. That loss has never been picked up by adding to the cost charged to the user. The user, in the case of the STA, costs the Government a considerable sum—about $2 or $3—each time he or she gets on a bus.

If we apply that system to the railways operated by the STA, the cost to the Government is even greater. True, that facility is required and, if we look at the position across the world, we see that nearly all transport authorities run at a loss. Particularly under the American system, they all run at enormous losses. The principle involved is that across the world, if cities have a transport authority, the transport system applying to that big city is allowed to run at a loss.

Particularly in Australia, which is the driest continent in the world, water is the most crucial of all the elements that we need (especially in this State), and we need to have it reticulated. South Australia in particular has more reticulated systems than any other State per head of population and possibly per mile of pipe. An honourable member suggested that we should leave it to the experts. Who are the experts? I intend to demonstrate that I do not believe that the E&WS Department has the sole right to claim to be the expert. I will demonstrate that with a cost factor illustration a little later. At this stage I would like to continue giving examples highlighting where we provide facilities without recovering the cost. Later I will demonstrate that it will not be necessary to recover this cost entirely, although I agree with the intention of the Bill that there ought to be a closer relationship between what is provided and its cost to the public and what the user is paying.

I refer to the case applying to road funding. I believe strongly that there is a case supporting an increase in road funding in this State. There is the perfect example of what I believe is an inordinate amount of money being spent in this city, that is, the Hilton Bridge, which started out at a cost of about $11 million and which finished costing about $16 million. That was an enormous cost blow-out.

True, the bridge is very nice and is an engineering feat of which we can be proud. It looks good and facilitates the movement of traffic, but is the Government going to recover that cost? I doubt it very much. The Hilton Bridge is in the city and receives recognition. However, if a person in Ceduna, Penong or Nundroo says they would like water so that they can provide for stock or something which will earn an export dollar and which might increase the person's standard of living, the view is, 'No, that is not required at all.' The Government tends to look upon such projects as being not cost effective and being expensive. Because they are so far away, they are not worth bothering about, according to the Government. I believe that the Government thinks that there are not many votes in such projects. So why worry about it? Certainly, there are many votes in putting up a pretty bridge that crosses the railway lines near the Hilton Hotel. We have a dichotomy that needs to be sorted out. The solutions to problems need to be applied across the board, and in this regard I have a problem with the E&WS Department, in that everything moves one way. The one way is that the E&WS Department has the right to recover those costs—whatever—via regulation. That does not seem correct to me. Ms President, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

OPTICIANS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 12 March. Page 3359.)

The Hon. M.B. CAMERON (Leader of the Opposition): This deregulation Bill allows ophthalmological prescriptions to be dispensed without supervision. This matter has been discussed for some time and the lobbying I have had indicates that there is no direct supervision; in most cases the supervision requirement is satisfied if the supervisor is on the premises. Various sections of the profession are concerned about this. At this stage I will not make a judgment on the matter one way or the other. The Minister has decided—I think quite properly—to refer the Bill to a select committee.

I will not speak at great length on this matter because I think it is proper that it be investigated by a select committee. I think it is also proper that the other Bill amending the principal Act (No. 129) be referred to a select committee, and I indicate that the Opposition will move that that occur. The select committees will be able to consider both Bills separately, and they will be able to bring back reports in relation to both Bills at some stage. There is nothing to stop a select committee from bringing down interim reports. In fact, we can ensure that the Bills are considered separately and that separate reports are brought in.

The Hon. G.L. BRUCE: Ms President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. M.B. CAMERON: The Bills will be the subject of lengthy debate during the sittings of the select committee. I have no doubt that the separate sides of the issues involved will be put by all sections of the profession. In the long run it is important that we have the most cost-effective method of dispensing glasses. There was a time in my life when I was not aware of the problems of people who need to wear glasses. However, my glasses have now become an essential part of my hardware. In fact, as soon as I finish shaving each morning I am forced to look around for my glasses, which are a vital part of my everyday life.

The PRESIDENT: Order! I trust that these remarks are relevant to the debate.

The Hon. M.B. CAMERON: Very relevant, Madam President. In fact, you are at the same stage of life as I am. It is important that we have the cheapest method of dispensing glasses while at the same time ensuring that it is done by experts and that no mistakes are made and that professionals with the proper training carry out the area of dispensing that they are most suited to. I am sure the select committee will look at all issues very closely. I support the second reading of the Bill.

The Hon. R.J. RITSON: I support the second reading of the Bill, which simply removes from the principal Act the definition of 'optometry' which includes the prohibition on the use of drugs. That paves the way for the subsequent Bill (No. 129) to insert a less restrictive definition of 'optometry'. I will make my other remarks during the debate on the next Bill. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contributions. I have always intended that this Bill should go to a select committee.

Bill read a second time and referred to a select committee consisting of the Hons G.L. Bruce, J.C. Burdett, M.B. Cameron, J.R. Cornwall, M.J. Elliott, and T.G. Roberts; that the quorum of members necessary to be present at all meetings of the committee be fixed at four members; that Standing Order 389 be so far suspended as to enable the Chairman of the committee to have a deliberative vote only; that the committee be permitted to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council; that the committee have power to send for persons, papers and records, and to adjourn from place to place; and that the committee report on Tuesday 7 April 1987.

OPTICIANS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 March. Page 3359.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill is designed to allow optometrists to use a limited

range of diagnostic drugs in the course of their practice. These agents are varied: local anaesthetics, mydriatics, miotics, vasoconstrictor agents, lubricating and irrigating agents and staining agents, and I am sure that the Hon. Dr Ritson understands that better than I do. I understand that there is some concern in the ranks of ophthalmologists that there should be some careful consideration about how far some of these diagnostic drugs can be used, in particular those used in the dilation of the pupil, and because of these concerns I, as a layman, very strongly believe that it is a matter on which there is a need for both sides to be heard.

Even if that were the only reason, that would be sufficient to convince me that this matter should be referred to the previously formed select committee, because it is very important that, if members of any profession are using these sorts of diagnostic drugs, we must be absolutely sure that they are capable of doing it. It is not only the use of the diagnostic drugs themselves that is causing concern, but the problems they may pick up. It has been pointed out to me that ophthalmologists spend at least 10 years gaining their specialty and then spend further time in the profession in order to become completely familiar with the problems associated with eyes, whereas optometrists certainly do not spend that same amount of time and do not have the same concentrated education within that area.

I would certainly like to hear both sides of the story. I want to hear whether some limitations should be placed on optometrists in certain areas, and I would like to know exactly what they are entitled to use in other States and what the effects have been. I have no doubt that evidence will be brought forward if the Council agrees to this matter going to a select committee.

The second point is the prohibition of the sale of optical appliances to the public except on the prescription of a medical practitioner or optician. I am fully aware that ready-made glasses are available for sale to the public. As I understand it, there are considerable sales, and reasons have been given by the Minister for the need to control or stop these sales because of various reasons, such as the early detection of general diseases. Again, this is a matter on which there will be some debate in the community, because there are other factors involved, such as cost, and reasons could be brought forward for the continuation of the sales, provided that the person seeking the ready-made glasses brings forward a certificate indicating that he or she has been examined by a properly trained person. That might not be suitable or sufficient. It could well be that those glasses cause other problems—I am not an expert. I do not know the end result of the sale of ready-made glasses. I understand that they are on sale in other areas of the world and of Australia, and I would want to hear evidence as to why they should be banned from sale and to make certain that there is no other way of making certain that people go through a regular eye examination.

It may be that in the long run the select committee decides that what the Minister is putting forward is the proper course of action. It is not a matter that should be the subject of political debate. It is a matter on which all sides should sit down and consider the pros and cons of the issue and come to a conclusion. I will be seeking to have this Bill also referred to the select committee previously set up by the Minister on the other Bill. I support the second reading.

The Hon. R.J. RITSON: I support the second reading and would urge the Minister to consider the Hon. Mr Cameron's remarks about referring the Bill to a select committee. I want to take the opportunity of commenting on two or three matters in the Bill. I will not be sitting on the select committee, but there are two or three things I would like to place on record in the hope that they will be considered by the committee.

The Hon. J.R. Cornwall: You should have been on it.

The Hon. R.J. RITSON: I requested not to sit on the committee because of other obligations and other committee work.

The Hon. J.R. Cornwall interjecting:

The ACTING PRESIDENT (Hon. C.M. Hill): Order! The Hon. Dr Ritson has the floor.

The Hon. R.J. RITSON: There is a spirit of goodwill emanating across the Chamber. I have a few comments about the question of drugs. First, the new definition of 'optometry' admits the use of drugs for the purpose of detecting abnormalities of the eye or in connection with the fitting of optical appliances. That is still a restrictive condition because it excludes the use of drugs to treat conditions of the eye. Preliminary opinion which I have sampled indicates that ophthalmologists are, in many cases, not all that concerned about the use of topical local anaesthetic in the eye for the purpose of tonometry or about the use of fluorescein staining of the cornea, because these have been in use in the Eastern States for some time without too much trouble. However, a good deal of concern exists about mydriatics, drugs which dilate the pupil, and that is something that the select committee should take extensive evidence on and sample expert opinion widely.

I turn now to clause 10, which repeals sections 27 to 31. One of the effects of that will be to remove the statutory provision which currently prevents optometrists from using a title which indicates that may be they are medical practitioners. In particular, it currently prevents them from assuming the title 'doctor'. Speaking as a person who is a practising medical practitioner, I must confess to attaching some affection to the title 'doctor', although I realise that it is not technically a title to which I am entitled in terms of academic hierarchy. The term originally referred to people who were teachers at the head of their field of knowledge and, in the world of the university, people with PhDs are more correctly entitled to the title 'doctor' than I am. A tradition exists that the title also means not just teacher or academic but medical practitioner and, more latterly, veterinary practitioner, as the Hon. Dr Cornwall understands. I would be a little perturbed if the optometry profession were to assume such a title. I suppose that if we are plain about pecking orders and things in the first place—

The Hon. J.R. Cornwall: You are misreading the Bill. I'll tell you about it later.

The Hon. R.J. RITSON: The Minister tells me that I have misread the Bill, so I will await his explanation. He has offered to explain it to me in the Committee stage, so I will leave it until then.

The provision that a person shall not sell optical appliances to the public is of some concern to me. The present practice of off-the-hook spectacles is, as far as I can determine from speaking with ophthalmologists, not a dangerous practice. It is certainly true that, in many cases, such spectacles will be of some help but not as good as prescribed spectacles and, in the end as the years pass, a person would automatically notice further deterioration and seek expert help. The advice I have is that these spectacles do not cause harm. They may simply not correct the vision as well as they should and may possibly give a person a few headaches. To the extent that I have had that advice, at present I do not object to the sale by chemist shops of off the shelf, simple magnifiers.

Concern has been expressed to me by an optometrist that this provision may have an unintended effect, and I would

like the Minister to listen to this point and express his view when he replies. The draft provision in the Bill is that a person shall not sell optical appliances to the public or offer optical appliances for sale except on the prescription of a medical practitioner or certified optician. That raises the question whether, provided a prescription exists, 'a person' may provide the spectacles, and whether that person can be an optical dispenser as distinct from an optometrist. At the moment, when a prescription is written (I am talking about prescription spectacles, not off-the-hook spectacles), it is taken to the optometrist who subcontracts the manufacture of those lenses to an optical technician or optical dispenser. The spectacles are returned to the optometrist who retails those spectacles to the client and provides significant after-sales service in terms of advice about the use of the spectacles, any complaints that the patient has, and assistance with minor adjustments.

Some years ago a vigorous lobby was undertaken by optical dispensers to enable them to retail, wholesale or market spectacles from a doctor's prescription for glasses direct to the patient. Under the present system, the prescription must be taken to an optician for dispensing. The Government of the day did not accede to that lobby and the present position is that prescriptions for glasses must be dispensed through an optician. The spectacle maker simply carries out the technical work and returns the spectacles to the optician. That should continue. I would like the Minister to make sure that this provision is not having a corollary effect. If it is passed in this form, I want to make sure that 'a person' should be an optician, not a spectacle manufacturer, and that it is not a case of, by excluding one side of the coin, expressing the other side. Does the Minister follow that request?

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: The Bill provides that a person shall not sell optical appliances except on the prescription of a medical practitioner. Given that a prescription for glasses is written, who may sell the glasses? Is it only an optician, or will this Bill enable an optical dispenser to market directly to the public? That is an important and crucial matter.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: The Minister has said, 'Yes, that is exactly what it does', so this is a major issue. In many ways, it is similar to the sort of debate about the question of dental technicians and the marketing of dentures directly to the public rather than through dentists. I want that on the record, because I think—

The Hon. J.R. Cornwall: It is not. They don't lay hands on at all. They don't touch the patient, unlike dental technicians.

The Hon. R.J. RITSON: It is not exactly the same but there is a common principle of technicians wanting to get into the retail business of selling the device to the patient rather than performing a technical task for the optician or dentist.

To that extent, there is some similarity. I do not wish to argue that case to exhaustion, but I make the point and put on the record that that is part of the agenda and that it is a quite separate, distinct and different issue from the more obvious effect of the clause, namely, of preventing the off-the-hook sale of magnifiers in chemist shops—something that does not bother me very much at all. However, direct marketing by the optical technicians would bother me. I hope that that matter is properly addressed by the select committee. I do not know whether the Minister will resist the idea of a select committee on this matter, but I hope that he does not.

The Hon. J.R. Cornwall: Fairly vigorously, but not to the death.

The Hon. R.J. RITSON: What we have here is a major conflict between two sets of vested interests who really deserve to present that argument properly, because we have a clause that superficially appears to have been designed to stop Birks Chemists selling simple magnifiers. We now know that it represents the success of the lobby by the optical dispensers to dispense directly to the public, a lobby that failed several years ago. I am not making a final judgment on the worth of that lobby, except to say that that part of section 10 is more than it seems to be on a casual reading of the Bill, and it deserves airing before a select committee. In the hope and expectation that such a committee will be instituted, I support the second reading.

The Hon. M.J. ELLIOTT: I have been lobbied by people from both sides about several of the issues that have been brought forward in this Bill, and I do not pretend to be an expert on any of them. I was left with several options, one of which would have been to take a stab in the dark and decide who looked the most honest character. The second would have been to delay the Bill for some time to give me a chance to analyse it as best I could. The third and most appropriate course is that these matters should go to a select committee which would have a capacity to probe them very well. I was pleased about the way in which a select committee that I was recently on worked. I think having a select committee with representatives from all parties on it guarantees that an issue is looked into in much greater depth than unfortunately this Council does without the assistance of a committee. I indicate that I will support the move for the referral of the Bill to select a committee.

The Hon. J.R. CORNWALL (Minister of Health): I wish to make three points. First, I can count and it is obvious that both the Liberals and the Democrats are supporting the foreshadowed motion that this second Bill be referred to a select committee. In the event, I do not believe that I should waste the time of this Council by calling for a division. Secondly, I want to make it clear that, with regard to diagnostic drugs, this Bill merely proposes to make it possible for that to happen under the Controlled Substances Act.

This Bill is not the vehicle whereby opticians would be able to use diagnostic drugs. It would remove an impediment so that the Controlled Substances Advisory Council would then be able to consider how appropriate or otherwise it was for various classes of diagnostic drugs to be made available for opticians in their practices. There are a number, as the Hon. Dr Ritson has said, including local anaesthetic, which are currently used by opticians. Everybody knows this, and it is blind eye politics and the height of hypocrisy to continue as it is currently, where opticians are technically, at least, breaking the law every time that they use local anaesthetic to test intraocular pressure, which of course they do quite routinely.

The Hon. R.J. Ritson: The ophthalmologists are not very fussed about that, though.

The Hon. J.R. CORNWALL: I will in my third point come to how fussed or otherwise certain ophthalmologists might be. The other matter to which Dr Ritson referred was the use of fluorescing agents. Again, I am not expert in this area and would not express an opinion on it, but it would not be beyond the wit and will of the Controlled Substances Advisory Council, which is after all a technical committee of experts, to be able to hear evidence from the various competing professionals in this area and make a sensible recommendation.

The third area is the slightly more vexed one (or some would say a very much more vexed one) of mydriatics and miotics. Again, I should have expected that the Controlled Substances Advisory Council, which, as I say, is a technical council of experts, would be able to advise adequately on this. However, be that as it may, the Bill is now quite clearly on its way also to a select committee, because, as I have said, the Liberals and the Democrats have indicated their support for it.

The other point that I want to correct was raised by Dr Ritson, and it was raised unfortunately and foolishly in the lead letter to the Editor in this morning's *Advertiser* from and ophthalmologist. I do not know from where the ophthalmologist gets his legal advice, but one presumes that it is not from a lawyer. The Bill does indeed repeal section 25, but that in no way allows or proposes to allow that optometrists should be able to use the courtesy title of 'doctor'. If anyone has any doubt about that, I refer them to section 30 (1) of the Medical Practitioners Act of 1983, which provides quite clearly:

No person shall hold himself out or permit another person to hold him out as a general practitioner or a specialist unless he is registered on the appropriate register or registers.

Penalty: Five thousand dollars or imprisonment for six months.

The only way that we could overcome that legally would be to specifically include an exemption, as is done and has been done now for a long time, as Dr Ritson observed, for dentists and veterinarians. But there is no proposal in this Bill to allow optometrists to call themselves 'doctor'. It seems sad in the event that one ophthalmologist at least—a member of the college—wrote an ill-informed letter to the *Advertiser*, and I think really that he should do something about publicly correcting that, otherwise we may not have the spirit of goodwill and concordiality which I will be seeking to ensure prevails in the committee when the various vested interests (and let us face it: we are talking about vested interests) appear before it with their competing claims. We will certainly be looking for the sort of co-operation which one usually gets in a select committee of the Upper House. It is also, of course, an opportunity for the Hon. Martin Cameron and the Chairman, among others, to be involved in a mannerly but inquisitorial style of adducing evidence from the various people who come before the committee.

These matters have been around now for a decade. I can remember over the period that I was Opposition spokesman on health and during the period of almost four and a half years that I have been Minister of Health that everybody has realised that at some point eventually we would have to seek resolution of a number of relatively vexed issues. I must say that it is with a sense of some relief that I think now that we have a chance of resolving these three or four major issues, at least to the satisfaction of this Parliament, and, one would hope, to a significant extent (and I say this as the born optimist that I am), to the significant satisfaction of the various professional interests.

Bill read a second time and referred to the select committee on the Opticians Act Amendment Bill (No. 2).

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3419.)

The Hon. PETER DUNN: Prior to my seeking leave to continue my remarks, I cited several examples of what occurs when Governments assume the role of being the sole provider of a service: for example, the STA seems to lose about $100 million; everyone else seems to pick it up and that there is not much of a yell about it. Water provides wealth to our nation. It is the lifeblood of the State. We do not have much of it and what we do have we need to distribute evenly around the State. Therefore, we have to provide reticulation, and to provide that we need considerable sums of money.

If we do not have reticulated water, then the drier parts of the State which have over the years provided enormous wealth to the State will no longer be productive. Much of South Australia does not have underground water and we cannot obtain water by that method or by run-off because, in some cases, the soils are not suitable. However, this Bill provides for the recovery of costs of providing reticulation, and it appears that the E&WS Department will have the sole right to do that.

I am not sure why this Bill has been introduced. If we look at the past 50 years the E&WS Department has provided that service for some 45 years. Since the present Government and the previous Labor Governments have been in power this service seems to have got worse and worse. It seems as though, when the Labor Party took over, the cost of water went up—for what reason I do not know. I suspect that those Governments have not, as has occurred in many instances federally, been able to control their budgets.

The Hon. J.R. Cornwall: You mean in the bush?

The Hon. PETER DUNN: Everywhere, across the board in South Australia, they have been unable to control their budgets. Therefore, the cost of providing water and transport (if one wants to refer to one of the other examples that I have given) has gone up and up. We have got to the stage where the Government is saying that it is prudent to implement a cost recovery system so that the user pays. I do not disagree with that, but one has to look carefully at what one is doing when providing that sort of mechanism to a Government to take back moneys, especially as such systems apply much more heavily to country areas than to city areas.

As I have explained, if one restricts that distribution of water in more outlying areas, one is restricting the ability of this State to provide income to support its standard of living, especially if one wants the standard to rise. I believe that this Government has been good at keeping our standard of living very static—I do not think our standard of living has increased at all in the past 15 years. If the Government wants the standard to remain static, by all means charge people so that they cannot pay for the distribution of that water.

Further, I refer to cases of inefficiencies in the E&WS Department, and I refer to the example that was used in another place. A couple in St Marys in 1984 wished to subdivide the back part of their block. This required 30 metres of water and 30 metres of sewerage to be taken from the connection. The E&WS Department's quote for 30 metres of water and 30 metres of sewerage pipe (I assume it was probably 18 or 20 mm for the water pipe and 100 mm for the sewerage pipe) was $10 000. These people believed the quote was excessive and sought a private contractor to quote, and his quote was less than half.

The Hon. T.G. Roberts: It was probably two inch pipe.

The Hon. PETER DUNN: No, the specifications and dimensions of the pipe were the same, but the quote was less than half that of the department. That is one example of the cost efficiencies that can be provided from another source.

I have tabled amendments that will allow people to ask for alternative pricing methods, to seek alternative suppliers

and alternative methods of obtaining water and sewerage services. I can also refer to several other examples. One case applies in an area called Mangalo, which is on the higher part of Eyre Peninsula in the hill country. I can recall that for 20 years residents have been asking for a water distribution system. The excuses have included, 'You are in hilly country and can get run-off and harvest water.' That was the first excuse that the E&WS Department came out with.

When we were having a very dry period the department in its wisdom said it would supply water to Kimba from down the Port Lincoln line by train, and it did so for some time: it carted water by train. That proved to be an extremely expensive method of water supply to the area. In its wisdom, the department then piped water from the Polda Basin on western Eyre Peninsula; it had been requested for many years.

However, when the Mangalo people at the same time said, 'We are also short of water; while doing that project, can you supply us with water?' they were told, 'No, that will only prevent getting the water from Polda to Kimba. It will cause a problem because it will add to the cost.' So, the Mangalo people again waited. When I talk about the Mangalo people, I am talking about approximately 12 properties and 14 farmers. So, they did not get the water. They again applied some 10 years later, in the late 1970s, early 1980s. They were then told that the area was too high and it was too hard to pump the water that far.

So, we can see that a Government department can be very restrictive and very hard to get on with if it wants to and can find a lot of excuses why it would not provide people with facilities which people in the rest of the State enjoy. However, the people concerned banded together and said that it was not good enough, and they supplied their own system. The specifications they used may not have come quite up to the E&WS Department's but the purchase of approximately 45 kilometres of PVC pipe cost $120 000. Remember that this is for 12 farms and 14 farmers.

The cost of laying the pipe, which was done by those people whose properties were to have the connection, was $8 per hour, amounting to some $3 000 per property. Those people who wished not to work on it or to be so involved paid their contribution in straight-out dollars, and they were able to use subcontractors to lay the pipe. Cartage and insurance were paid in connection with the pipes, and an approach to the E&WS Department, led to obtaining a flow from a meter 45 kilometres away of 1 000 gallons per hour, or 24 000 gallons per day. Tanks were purchased and filled, and it was then possible to reticulate the water to the properties in question. The total cost was less than $175 000. When the E&WS Department was asked for a quote (and said it would not do it) the quote was something in excess of $2 million. The figures just do not add up.

Let me quote a more recent example. Farmers in the Kimba area have traditionally harvested water by run off into dams and these dams were pumped into larger tanks nearby. I am not sure of the exact number of people involved, but approximately 12 farms required a reticulated system, and the same principle was adopted. I have the costs in some detail for that system. A smaller line—50 millimetres—was used. Whereas the Mangalo line started at 100 millimetres and reduced to 25 millimetres, this line was 50 millimetres most of the way. It required pumping stations along the way and a more sophisticated system to supply the water. The total cost of supplying water was $65 100 for the piping and $1 329 for the fittings, and the total cost of capital equipment including the hire of machinery to put the piping together, pumping equipment, pump houses and sheds, etc., amounted to $74 682. On top of that can be added a sum for laying the pipe which, even had it amounted to $50 000, would give a grand total of about $120 000. The E&WS Department, which again was asked how much it would cost to provide that service, said that it did not feel obliged to comment because the sums did not add up, but thought it would cost between $2 million and $3 million.

It appears that there are some problems here. Even if you double the cost incurred by the people providing the service and take it up to $250 000, it is still a long way short of the $2 million to $3 million for a supply by the E&WS Department. They are three examples of cost saving. I am not necessarily saying that that is always the way to go, but it does demonstrate that sometimes an alternative system can be more cost-effective and can be better. My amendment, if it is accepted, will provide for the E&WS to oversee it and make sure that the specifications are adhered to; and it also provides for payment for supervision in the laying of pipes. I see nothing wrong with that.

There are cases where it is too far for an E&WS gang to travel, in which cases a local person or persons could provide this service. I believe that that would be a sensible thing to do. In particular, I refer to the Murray-Mallee area, the top end of the Mid-North and the top end of Eyre Peninsula. It may be that a very good case can be put forward to allow for someone else to do the work instead of the E&WS in those areas. Who knows, it might take longer to do the work or it may be done sooner. I will not go into that, but I am sure that generally it will be done sooner. The advantages to both the city and the country are quite clear. The amendments, if they are carried, will allow a choice. I would have thought that the Government would be pleased to offer people that choice. It is fine to have the sole right to provide this service—

The Hon. J.R. Cornwall: It can be done administratively.

The Hon. PETER DUNN: I agree, but why not put it into the legislation in those terms?

The Hon. J.R. Cornwall: You are placing a straitjacket on the E&WS.

The Hon. PETER DUNN: The opposite will be the case. You are placing a straitjacket on the people who require this service if you tell them that you will recover the cost of the service from them. However, if you allow private enterprise or some other utility to provide this service (if it can do so to the satisfaction of the E&WS Department and those receiving the service), I believe that is an advantage. For those reasons, I support the Bill and recommend the amendments to members.

The Hon. G. WEATHERILL secured the adjournment of the debate.

[Sitting suspended from 5.55 to 7.45 p.m.]

JOINT PARLIAMENTARY SERVICE COMMITTEE

The House of Assembly intimated that, pursuant to section 5 of the Parliament (Joint Services) Act 1985, it had appointed two members to act with Mr Speaker as members of the Joint Parliamentary Service Committee, the said two members being Mr Hamilton and Mr Lewis; and that it had also appointed Mr Ferguson as the alternate member of the committee to Mr Speaker, Mr De Laine alternate member to Mr Hamilton, and the Hon. Mr B.C. Eastick alternate member to Mr Lewis.

TRADE MEASUREMENTS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ENFIELD GENERAL CEMETERY ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

IN VITRO FERTILISATION (RESTRICTION) BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 3121.)

The Hon. M.B. CAMERON (Leader of the Opposition): If it was not for the fact that we had a select committee of this Council looking into this whole issue, I would have a lot more to say and a lot more doubts about the passage of this Bill, as its impact is such that I would be inclined to debate the possible extension of it into other areas. However, the Minister has brought forward the Bill because of concerns he has expressed about the possible starting of other units to conduct *in vitro* fertilisation in this State before the select committee has laid down guidelines or set up the necessary committees to lay down guidelines on how it should be operated.

There are probably people, even in this Chamber, who would not necessarily agree with the personal views I hold on this matter, and I note that in recent times there have been some pronouncements from people ecclesiastical, who have indicated that certain directions should be followed. Frankly, I have difficulty with that. I have a belief in families and in ensuring that people, if possible, can have families. In this day and age, when it is becoming almost impossible for couples who wish to have children to adopt them, it is necessary to do whatever we can, within certain boundaries, to assist them to have families.

When we have a situation where there are 700 people, to use the Minister's own numbers, waiting at the Queen Elizabeth Hospital to get on the IVF program, then we have a situation where there are 700 couples, I presume, who want to have a family but who at the moment are restricted because of the lack of accessibility of the program through lack of facilities. That is not being at all critical of the Queen Elizabeth Hospital. I am quite certain that they are doing an excellent job, in spite of some difficulties which have arisen.

However, while we have that situation I would suggest that we have to look carefully at whether the public system can provide the necessary facilities, and if other people are prepared to provide them, provided they work within the guidelines, we certainly have to consider not placing restrictions in their way in the form of legislative restrictions of total prohibition. However, that is an area which will, no doubt, be discussed after the select committee reports, when we observe its recommendations.

I have, I guess, a pretty simple attitude: if a couple wishes to have a family, I certainly would not be a party to any legislation that would restrict the possibility of that, although I do not support unnecessary experimentation. That is an area on which I have no doubt the select committee has received considerable evidence, and on which it will be laying down certain guidelines.

I also believe that, because of its restrictive nature, this Bill should have a sunset clause so that after the select committee reports—and I think the Minister indicated fairly early in the piece that this legislation would be of a temporary nature—we retain some control over the matter and that eventually we will see either amendments to this legislation or new legislation which no doubt will contain the recommendations of the select committee.

The Hon. J.R. Cornwall: What date?

The Hon. M.B. CAMERON: I thought 1 November or 30 November: I am easy about that. That is not a matter of great moment. I can assure the Minister that I am quite relaxed about that.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: There is not a problem with that, but I believe we should retain some control. I am a little concerned that there are within the medical profession genuine people who have made moves towards establishing clinics for the purpose of providing IVF, and who may feel disadvantaged by this legislation, and I can well understand their being a little anxious about where we are going. But I would also find it difficult to start amending the legislation and laying down guidelines ahead of the select committee, because I have not been sitting on the select committee and would certainly want to know what was in the minds of members of that committee before I went too far into that area.

For that reason, I think the debate at this stage should remain somewhat constrained until such time as we have that report. As I understand it, that is not very far away. The select committee is close to the stage of reporting. I certainly do not want a really difficult situation to arise, with people going in all sorts of different directions for all sorts of reasons and getting themselves in a real bind. I understand that units in Victoria are virtually unable to operate, because many of the issues were not sorted out beforehand. We are entering an unknown area in medicine. Certain areas of this sort of experimentation in medicine must be very carefully thought out before we launch forth. Once the guidelines were laid down, I would find it very difficult to support a move to restrict IVF to the public sector. I trust that the committee has taken that potential problem into account and has adopted a visionary attitude because in the long run we cannot, and we will not, when there is a demand for couples to have a family, impose restrictions on the public sector if we are unable to handle the numbers of people who require the benefits of this program.

I will support the second reading and I do not propose major amendments at this stage, but I will seek to insert a sunset clause, the date of which I am prepared to discuss with the Minister. That date can be amended if the Minister considers it to be a little too soon. I also urge that, when the select committee reports, all possible stops be pulled out to ensure that legislation is put in place so that the programs can get under way with people achieving their desired status in life, that is, having a family.

The Hon. R.J. RITSON: I suspect that this Bill is fated to pass in its present form but with a sunset clause. I take this opportunity to express in detail my concern about the principles involved in legislating in this form instead of in another form which, I believe, would have been available to the Minister. The Bill is about control and I believe that everyone who has considered the complicated issues involved in this new technology will agree that some control is necessary. The question that I want to discuss on the record is whether the Bill in this form is the best or most appropriate

form of control at this time and whether any basic principles of good and bad legislation should be discussed in relation to it.

It is rather difficult as you, Madam President, would appreciate (because you sit on the select committee) to discuss the issues and the reasons behind this legislation without impinging on the deliberations of the select committee, but it would not be right for me to do that. I want to allude for a moment to some of the various community attitudes and concerns which are common knowledge and which are not, therefore, an essential product of the deliberations of the committee. A number of people believe that none of this new technology should be permitted, that even within a marriage, using genetic material entirely from the parents of that marriage, it is wrong to interfere with nature. That is the position stated recently by His Holiness the Pope. Of course, citizens are free to take that attitude and churches are free to preach it, and I have some sympathy for that point of view. However, it is not my personal, intellectual assessment of the worth of this technology, although I have some sympathy and understanding as to how that view was arrived at.

I do not believe that, in a modern, liberal democracy, it is the role of the Parliament to put such spiritual views into legislation. The churches have always prospered in societies in which the Parliament or Government does not legislate for any particular religion and encourages maximum freedom for the preaching of all religions. As a legislator, I do not see it as my responsibility to attempt to embody that particular view in legislation.

A number of people feel that, whilst there is no particular ethical problem with the very basic intra-nuptial practice of IVF, nevertheless, its benefits to the recipients are of arguable cost effectiveness compared with other areas in which the health dollar may be spent. So some people argue that Governments should not fund this because there are more important things to spend money on. The people who argue that are usually not able to give examples of more meritorious projects when it comes down to questions such as whether society should provide analgesics such as aspirin and Panadol free of charge to disadvantaged people rather than expect them to buy them for $2 from chemists. A much stronger argument can be put forward for supplying a relatively small amount of public money, compared with free analgesics, to those people suffering the consequences of infertility. The values involved are very woolly and a lot of people speak with a gut feeling and, in the technical sense of the word, a prejudicial attitude.

It is my personal belief that there is a role for public funding in the treatment of infertility, that there is a place for the IVF technique and that it is unarguable that, certainly within marriage, using the genetic material of that marriage, there is a place for public funding. I do not expect people to agree with me on that point in every case and I do not expect agreement or disagreement on that point fundamentally to be a matter of Party doctrine.

The universally agreed concern that there should be control over some of the consequences of the discovery of this technology is that it is possible for it to be extended into areas which would create social, ethical and moral nightmares. The question of commercial surrogacy—rent-a-womb—has been discussed widely in society. One imagines that it is not too far away that there will be sex selection clinics at which hypothetical couples who are not infertile but who have had four sons or four daughters determine that they will pay quite a deal of money to have a child of a preferred sex. To my knowledge, at present nobody in this State is extending the technology into the various controversial areas. I have no doubt that some people would, with the passage of time, want to look at the possibility of such an extension, so I agree with the Minister that, until something better can be put in place, it is reasonable to have some control.

Here is where I part company with the Minister. There is an enormous difference in principle between prescribing what may be done and prescribing who should do it. I understand that the Minister is being very pragmatic here and is taking the view that the university people are largely reasonably ethical people, that they have their own university regulations which are providing some sort of control, and that, in the case of Repromed, by and large the people running it are the same people as those running a university unit. Therefore, he has decided that the most simple and pragmatic way of controlling the quality of what is done is to confine the area of activity to the people who are already doing it.

I do not doubt his sincerity and goodwill in taking that approach. Nevertheless, if one looks at the Bill, regardless of the Minister's stated intentions—and good legislation should stand of itself and should not depend entirely on promises, because the Minister might expire and a different person come along—one sees that it is actually a legislated monopoly for one company. It is silent as to standards, so that the controls depend not on any statutory powers of the Government or the Health Commission to control what is done, but on the pious expectation that the people to whom the practice is confined by this Bill will behave ethically.

The other effect of this Bill, apart from that indirect control of quality, is that it will cause delay and underservicing of those people who are presently waiting for infertility treatment within the current guidelines, that is, within their marriage. So, the Minister, by introducing this Bill, is not only controlling the quality—and doing it indirectly—but is also limiting the availability of the procedure to a number of people who are on a waiting list.

For those people who believe that it should not be done at all under any circumstances, I guess the Bill would be seen to be a good thing by virtue of its limiting access to treatment by those people on the waiting list. However, for those people who are interested only in controlling the quality of what happens and in preventing the sorts of potential abuses that are the subject of public controversy, would, I believe, be concerned about the delays and underservicing that will result. They would wish that the Minister had brought in a Bill which had allowed the small number of other practitioners wishing to enter the field to enter it, but only to the extent that their protocol of practice did not go beyond the existing guidelines such as the NHMRC guidelines and the ethical standards of the Institutional Ethic Committee.

People with sympathy and empathy for the infertile couples on the waiting list would rather have seen a Bill which said what may be done than a Bill which said, 'Only these people may do it.' The Hon. Martin Cameron mentioned the philosophy of private versus public medicine. I will not accuse the Minister of being anti-private, I merely say that I hope that in the end, when all is said and done, it does not turn out that the decision to do it this way was because of a dislike of private medical practice.

The Hon. C.M. Hill: You can put that interpretation upon it, surely!

The Hon. R.J. RITSON: By way of interjection, the Hon. Mr Hill has helpfully said that one can put that interpretation on it: perhaps one can, but at this stage I would rather not provoke the emotions of the Minister, lest the good order of the Council be disturbed. I have examined

the question of some amendments, and I would have been prepared to offer the Minister something that he does not now have; namely, the statutory power, through the Health Commission, to control quite precisely the range of procedures which should and should not be permitted.

The amendments that I envisaged gave the Health Commission the responsibility of overseeing the practices of whosoever should choose to practice reproductive medicine. My proposal gave inspectorial powers to the Health Commission and powers for the Health Commission to prohibit, by decree as it were, the continuance of any practices which in its opinion were unreasonable.

My advice was that the terms in which the discretionary powers were drafted would have been tested, in the case of a dispute, by reasonableness in a court. In determining reasonableness a court would have had regard to standards such as the NHMRC guidelines. I was prepared to offer the Minister that which he complains he does not have; that is, the power to oversee the private sector and by decree to ban practices which, in his reasonable exercise of discretion, were considered unethical or undesirable and which were reported to him by the proposed inspector.

I do not now intend to move those amendments because to do so will further widen the debate on this whole issue in a way that would tend, horror of horrors, to recycle most of the arguments which the select committee is considering. With the imminent bringing down of the select committee report, I think that it is just too difficult to debate the question of whether you control who can practise or what is practised. If that sounds too theoretical a reason why I am not moving the amendments, then I say that I, like the Minister, can count, and my message about the numbers around the Chamber is that the most likely thing that we will be able to achieve is merely a sunset clause on the present Bill.

Having said that, I look forward to the Committee stage and to our achieving that sunset clause, but I did want to place on record the fact that I am very concerned about principles of good legislation; namely, first, that a Bill should stand on its own and not depend on a lot of promises made about how the Bill will be used. On its own this Bill is merely a legislated monopoly for one company, and it is silent as to standards. Secondly, whilst we all agree about the need for control, is this Bill the best form of control? It is a form of control which I say again is silent as to standards, but it restricts the availability of the existing practice of the use of the technique within the confines of a marriage. Thirdly, in my view the principle is that it is always better to say what may be done than to say who may do things and piously hope that one can pick the right people. I look forward with interest to the Committee stage of this Bill.

The Hon. J.C. BURDETT: I support the second reading of the Bill. As will become apparent, I am not very far away from the Hon. Martin Cameron on this matter. It is appropriate that there should be a restriction on the practice of *in vitro* fertilisation and that it should not be allowed to proceed without any controls at all. This is the case particularly when a select committee of this Council has been deliberating on this subject for some time, and according to the Notice Paper it is due to report on Tuesday 14 April. It seems appropriate to impose the restrictions contemplated by the Bill at least until the committee has reported and there has been an opportunity for its report to be assessed.

The Bill limits the practice of *in vitro* fertilisation, as defined, to the programs conducted by the University of Adelaide at the Queen Elizabeth Hospital, by the Flinders University of South Australia at the Flinders Medical Centre, and by Repromed Pty Ltd at the Wakefield Memorial Hospital. I notice that the definition of '*in vitro* fertilisation' is very wide, and includes a number of practices which in themselves do not amount to *in vitro* fertilisation, as the term is generally understood. According to clause 3 of the Bill '*in vitro* fertilisation procedure' includes any of the following:

(a) the removal of a human ovum for the purpose of fertilisation within or outside the body;

(b) the storage of any such ovum prior to fertilisation;

(c) the fertilisation by artificial means of any such ovum within or outside the body;

(d) the culture or storage of a fertilised ovum outside the body;

(e) the transference of a fertilised or unfertilised ovum into the body.

The *Advertiser* of Wednesday 11 March carried an article headed '*In vitro* condemned as Vatican calls for ban on embryo banks'. I think the Hon. Robert Ritson alluded to this matter when he referred to certain pronouncements which had been made. Often the secular press does not report accurately on ecclesiastical matters, but in this instance, having read the Vatican document concerned, I cannot fault the *Advertiser* reporting of it. The document has been promulgated by the Congregation for the Doctrine of the Faith and is entitled 'Instruction on respect for human life in its origin and on the dignity of procreation. Replies to certain questions of the day'.

I have no argument with most of the instruction. For example, it approves prenatal diagnosis and therapeutic procedures on the embryo on certain conditions. It condemns the production of human embryos destined to be exploited as disposable biological material and plans for animal human hybrids or the gestation of human embryos in artificial or animal uteruses. I am in full agreement with all these things. However, the instruction does oppose *in vitro* fertilisation even in marriage where the genetic material of the spouses is used. At pages 30 and 31 the instruction states:

> These reasons enable us to understand why the act of conjugal love is considered in the teaching of the church as the only setting worthy of human procreation. For the same reasons the so-called 'simple case', that is, a homologous IVF and ET procedure that is free of any compromise with the abortive practice of destroying embryos and with masturbation, remains a technique which is morally illicit because it deprives human procreation of the dignity which is proper and connatural to it.
>
> Certainly, homologous IVF and ET fertilisation is not marked by all that ethical negativity found in extra conjugal procreation, the family and marriage continue to constitute the setting for the birth and upbringing of the children. Nevertheless, in conformity with the traditional doctrine relating to the goods of marriage and the dignity of the person, the church remain opposed from the moral point of view to homologous '*in vitro*' fertilisation. Such fertilisation is in itself illicit and in opposition to the dignity of procreation and of the conjugal union, even when everything is done to avoid the death of the human embryo.

Many Catholic theologians had held the opinion that IVF was morally permissible within marriage, and that was the position I had personally accepted. There will be considerable discussion among theologians about the instruction: many will argue for it and many will be opposed to it. The importance of both the instruction and this Bill becomes apparent in the light of the fact (as reported to me from several sources) that about one-quarter of married couples are infertile. Then one must consider that the adoption waiting list is inordinately long and that it has now been closed. I am told that about one-third of couples waiting for or engaged in *in vitro* fertilisation programs are Catholics.

The instruction must be read against the background that the church has operated under the Roman law and not the common law or English law system. The English law sets up prohibitions and, if one breaks them, one is in breach of the law. The Roman law lays down guidelines or philosophies to which there are exceptions. Catholics contemplating *in vitro* fertilisation should certainly take the instruction as laying down guidelines and setting out the general position of the church. They are really put in the position of justifying any departures in their own consciences.

Finally, the matter does have to be resolved in the court of their own conscience. There are exceptions allowed from most general prohibitions. The Ten Commandments say, 'Thou shalt do no murder', or 'Thou shalt not kill', depending on which translation one uses. Yet there are few among us who would deny the exception of self-defence, and most would allow the exception of fighting in defence of one's own country. Therefore, there may be exceptions from the guidelines or philosophies laid down by the instruction, and I am suggesting that that really is all that they are; if people, after taking into account the general position of the church as set out, still have a clear conscience about the matter, they have nothing to fear.

In recent times in the media there have been suggestions that some sort of ecclesiastical penalty might be exacted against children born through the *in vitro* fertilisation program (and when I say 'recent times' I mean in the past few days). Fortunately, this suggestion is explicitly laid to rest in the instruction itself. Page 31 states:

> Although the manner in which human conception is achieved with IVF and ET cannot be approved, every child which comes into the world must in any case be accepted as a living gift of the devine Goodness and must be brought up with love.

This Bill represents a restriction on the practice of *in vitro* fertilisation, and it is for different reasons from those set out in the instruction and has different parameters. Nevertheless, it is a restriction and I shall support it. I will also support the amendment foreshadowed by the Hon. Martin Cameron. On the face of it, the amendment may be seen as a watering down of the restriction. In practice, I do not think that it is. Some restriction will be necessary. If the proposed amendment is carried, the matter will be brought back to Parliament. I believe that that is appropriate. By that time the select committee will have reported and the instruction to which I have referred will have been discussed. That would be an appropriate time for Parliament to consider the matter again. For these reasons I support the second reading.

The Hon. C.M. HILL: My views vary somewhat from those that have been expressed. I review the question purely and simply from the position of a layman. Also, to a large extent I believe that the whole question is one of conscience, and I respect fully the views of my colleagues when those views are different from my own views. However, the issue about which I am concerned in this question, more than any other issue, is the situation of young married women who find within their marriage that they cannot conceive and who desperately try to obtain a child through the IVF method within that marriage.

I have some instances in mind where the situation of these people has been brought to my notice. In one case, the young woman endeavoured to be treated successfully by IVF at Flinders University Medical School, and ultimately she was told that the difficulties in her situation were such that the university unit thought that it would be inadvisable for her to proceed because the waiting lists were long and, on those waiting lists, were women who had a better chance of obtaining a birth than she had.

This was a young woman faced with deep human feeling that I do not think anyone but a woman in that situation can fully appreciate. There was tremendous sadness and trauma. Therefore, I want to see optimum opportunity for young married women in her situation to have the chance of obtaining a birth through the IVF system. I see in this Bill a restriction on the number of units that the Minister will permit—units to which young married women of this kind can approach. Admittedly, the Bill does allow for one further unit, other than the two existing ones, that is, the unit known as Repromed Proprietary Limited at Wakefield Memorial Hospital. In effect, that unit is run by specialists from Adelaide University. So, at least, that does widen the opportunity for young people in the situation that I have just outlined. But, for the life of me, I cannot see why specialists in private practice—and I understand that one such group has indicated that it wants to establish itself in this area—

The Hon. J.R. Cornwall: There were four at the last count.

The Hon. C.M. HILL: I cannot see any reason why such groups cannot establish themselves for this particular medical activity. Naturally, I would support all measures to ensure proper standards and guidelines with regard to this medical work. If the guidelines that exist at the present time are not sufficient or are not adequate, I would support legislation to see that standards are laid down and are indeed upheld. However, there is nothing on the question of standards in this Bill. All the Minister is doing is saying, 'Specialists in private practice want to go out and establish these clinics, and I will not allow them. I will allow only one further clinic, and that is the one by the Adelaide University.'

The Hon. J.R. Cornwall: Pending the report of the select committee.

The Hon. C.M. HILL: Well, I would like to—

The Hon. J.R. Cornwall: Don't get out of gear.

The Hon. C.M. HILL: What does the Minister mean?

The Hon. J.R. Cornwall: Being elastic with the truth, the facts.

The Hon. C.M. HILL: What grounds does the Minister have to make stupid accusations like that? To what does the Minister refer?

The Hon. J.R. Cornwall: You said that I am trying to stop any further expansion of IVF, and that is quite wrong: you know it is.

The Hon. C.M. HILL: You are not trying to?

The Hon. J.R. Cornwall: No. Just stay with the facts.

The Hon. C.M. HILL: Well, has not the Minister stopped these four clinics from starting through this legislation? Is not that factual? Is that playing with the truth?

The Hon. J.R. Cornwall: Yes.

The Hon. C.M. HILL: In what respect is it?

The Hon. J.R. Cornwall interjecting:

The Hon. C.M. HILL: I cannot understand the Minister's attitude and his comments. I can only assume that he has dined well tonight.

The Hon. J.R. Cornwall: No, not at all.

The Hon. C.M. HILL: If he has not, I am very disappointed in his response. When we get down to this question of the select committee, frankly I do not think that any select committee, any group, any committee of any kind at this point in time in the history of this vast question can suddenly come down with a finding that is absolute and settles all questions for all time. Of course it cannot. I will look forward with very great interest to the select committee's findings. I would suspect that its findings will not solve

very many questions at all, and I do not say that out of disrespect for the committee. Obviously, the committee is having some problems, and the Minister might remind me for how long it has been sitting. I think it has been sitting for two to three years.

The Hon. J.R. Cornwall: They are a disparate lot. They are pretty hard to get together.

The Hon. C.M. HILL: I do not want to criticise the select committee, and I certainly hope that it does come down with a finding that is very useful for the deliberations of this Parliament. However, I still stand by my point that these young women who are going out of their minds to have a family, who cannot adopt children easily—and I think the waiting list for Australian babies is something between eight and 10 years—

The Hon. J.R. Cornwall: Fourteen years and closed.

The Hon. C.M. HILL: And now the Minister has not helped them at all to adopt overseas babies. The expense, restrictions and the guidelines for the adoption of overseas babies is such that it is getting well nigh impossible for these women to adopt children from overseas.

The Hon. J.R. CORNWALL: I must take a point of order, Mr Acting President. I can find nothing in this Bill that even remotely refers to intercountry adoption. I think we are fairly tolerant in this place, but really the Hon. Mr Hill is not only wandering at large but straying well beyond the boundaries.

The ACTING PRESIDENT (Hon. M.S. Feleppa): I ask the Hon. Mr Hill to address the Bill.

The Hon. C.M. HILL: Certainly, Mr Acting President.

The Hon. J.R. Cornwall: Your chance to debate adoption will come in the budget session.

The Hon. C.M. HILL: The Minister is in a peculiar humour tonight. I return to my point: I speak for thousands of young Australian married women who want the optimum opportunity to have children. They are the people for whom I speak. I appreciate that the Government is permitting this third clinic at Wakefield Street hospital to open; it is a move in the right direction. However, I cannot support the Minister's stopping other specialists from opening their clinics in private practice, because that would give the women to whom I have referred a better opportunity still to pursue these programs. Apparently those women who have difficulty in having children through the program in their early endeavours can be successful in some cases if they try over a longer period of time. At the moment women in that category are being turned away.

The Hon. J.R. Cornwall interjecting:

The Hon. C.M. HILL: It is true. As I have said, while I believe that one more clinic will give these women an opportunity to remain as patients for a little longer wherever they first apply, I still think that, subject to proper standards and guidelines, these young South Australian women should have an opportunity to pursue these programs and not be thwarted by the difficulties that I have mentioned and the long waiting lists that exist at the present time. To my mind, in regard to this Bill and as far as my conscience is concerned, I do not want to restrict their opportunities.

I think that this Bill is the first of measures which will restrict their opportunities. Therefore, I oppose the Bill. However, it is obvious that the Bill will pass so I will support the Hon. Mr Cameron's amendment, because it will give the Council another opportunity to look at the question when the select committee brings down its report. I hope that the report is all that most members in this place hope that it will be, and that, when Parliament looks at this legislation at the end of the sunset clause, further consideration will be given to the category of married women to whom I have referred.

The Hon. J.R. CORNWALL (Minister of Health): As Chairman of the select committee, it is obviously not appropriate for me to canvass my views in any detail. It certainly would not be proper for me at this stage, when the select committee is deliberating and considering the Chairman's draft report, to canvass details of that report, even in this Chamber. It certainly would not be desirable for me to enter into debate at the sorts of levels that have been put forward by people like the Hon. Mr Hill during this debate.

All that the Government is trying to do in this very short and simple Bill is to establish a moratorium for what in practice will be a period of about eight months. The Hon. Mr Cameron has indicated that he will move in the Committee stages to have the Bill expire on 1 November. On balance I think I would have preferred 30 November. However, if we are able as a select committee to report, as I hope we can, by 9 April, any legislation and any major administrative arrangements arising from the select committee's report should be well advanced by 1 November. I am prepared at this stage, subject to my being able to get my select committee to sit a little more frequently to finalise the report, to indicate that I will accept 1 November. We are simply looking for breathing space.

We in this State have been very tolerant of the new technologies involved in *in vitro* fertilisation. We in this State have been at the cutting edge of research and innovation in *in vitro* fertilisation and embryo transfer programs by world standards. That is quite clearly acknowledged. Adelaide and Melbourne, along with two or three other centres in the world, have been the leaders. That has caused me from time to time a considerable degree of anxiety, because the technologies have quite clearly advanced at a rate beyond the ability of the law, in particular, and other areas to cope.

I will turn to some of those areas. There are ethical issues. Prior to the select committee reporting, some of those are still unresolved. There are social and moral issues. A great diversity exists in the community, ranging from those who understandably respond to the enormous societal pressures to reproduce. In our society, being a child free couple has never been considered a viable option. There are those who believe that that is quite a pity. There are those who, I think cogently and correctly, argue that it is wrong to have this irresistable pressure on a couple to either reproduce or to be regarded by society as having at least in some degree failed.

I think—and this is a personal view that I am prepared to express—that that is quite wrong. As a civilised and caring society we will certainly have to look at the option of accepting that a child free couple (and I use that term deliberately as distinct from a childless couple) can in most respects be just as fulfilled in their role in life as a couple who are able to bear children. We also need the breathing space because, if we had a proliferation of private infertility clinics at the moment, there are a number of things we could not guarantee.

I point out that we are talking about infertility clinics, because no-one sets up an IVF clinic as the primary or sole role in this endeavour. Quite obviously, any clinic which is established has to pay regard to the range of services which must be provided in infertility treatment. *In vitro fertilisation* is one of those services. What we must have in place before we can see a growth in private infertility clinics (which include IVF and ET programs) are quality assurance programs and clinical standards which ensure that the con-

ception rate and rate of successful pregnancies and live births are comparable with the sorts of results we are currently attaining at the Queen Elizabeth Hospital and Flinders Medical Centre.

So, we need that breathing space. We need to have the select committee make its recommendations on a whole range of things—the keeping of records; the publication of attainment; the need to ensure that conception rates, pregnancy rates and live births are comparable with the situation in the teaching hospitals; and the legal, moral, social and ethical issues. They must all be reasonably addressed legislatively and administratively. Once that has happened and we are able to enshrine in legislation an ethical system—or an ethics committee or series of ethics committees—that ensures the good conduct of these programs, I for one will be happy to support them to the extent that is reasonable and appropriate in contemporary society. That does not mean, of course, that we ought to have a disproportionate allocation of resources to those areas.

That brings me to the last two points I want to make. First, I do not believe that we ought to be dazzled by the 'gee whiz' technology that is all around us. The IVF technology, while in some ways fairly simple, by the same token means the creation of life in glass. '*In vitro*' literally means 'in glass', so we are seeing the fertilisation of an ovum by sperm outside the body. It is literally occurring in glass and that, of course, is something that means we are creating life or at least the potential for life—depending on where we stand in the spectrum of belief—outside the human body. I submit that that is a little different from an appendicectomy or from laser surgery or brain scans, magnetic resonance imagery or all of the other plethora of procedures currently available. For that reason, we have to give it very special attention and have to be sure that we get it right. The other point is that we must have some regard to the allocation of resources. Currently, in this country we spend about 7.5 per cent of our gross domestic product on the full spectrum of health care. Some of that comes through Medicare, some through general taxation, and a significant amount of it, of course, comes through the private health insurance arrangements and private hospital system. We probably have a good balance in South Australia between the public and private sectors involved, at least in the delivery of care of the ill. I am not at this stage convinced that we have a good balance between the amount of money we spend on treating sickness and the amount we spend on keeping people well, and that is a matter which will be addressed by the Government's social health policy as it evolves quite actively during the course of 1987 and beyond. The primacy of prevention will be a very significant thrust.

Let me in conclusion put one thing on the record and put it to rest, I hope, for all time: that somehow or other we go on spending more and more money on health care in this country. In fact, we sit at the lower end of the spectrum. The United Kingdom currently spends about 6.8 per cent of its GDP on the total spectrum of health care, and the United States of America and Sweden spend about 10 per cent. Among the Western democracies, we sit somewhere on the lower side of the middle in spending about 7.5 per cent. It is part of the folk lore perhaps but a myth nonetheless to suggest that there are burgeoning health costs in this country. It is simply not true. For the 7.5 per cent of the GDP that we spend, I believe that we have one of the finest sickness care systems in the world: I hope that within a decade we can say that we also have one of the finest health care systems in the world—I am working on it.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

New clause 6—'Expiry of Act.'

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

Page 2, after line 6—Insert new clause as follows:

6. This Act will expire on the first day of November 1987.

If the Minister feels that 1 November is a little too soon, I am quite happy to seek leave to amend the date to 30 November. It is not a matter of great moment. I am certainly not averse to doing that. Perhaps the Minister could indicate his views. There is an obvious reason for my moving this amendment, and that is to provide the Minister with the breathing space that he said he requires. I appreciate his comments on this Bill. I must say that, as a layman, I believe that if we spent as much money on the creation of life through this program as we spend now on the destruction of life, we would perhaps have a reason to be slightly concerned. I will not canvass that matter today, but I believe that we in the society are becoming a little too hung up about this whole issue and we should be cautious that we do not get to the point where we are depriving people of the opportunity to have families. Whether there are child free families or childless families is a matter for people to decide, not for Parliament to decide or for us to debate. It is an issue for individuals.

The Hon. J.R. Cornwall: It is a matter of not putting unreasonable pressure on people.

The Hon. M.B. CAMERON: I do not deny that. It is entirely up to people to make the decision but, if they have made the decision, they really should have the opportunity to take advantage of the technologies that are available, within reason. I will not go through that whole debate again. This is a simple amendment and I ask the Minister to respond. If he wishes me to amend it, I will do so.

The Hon. J.R. CORNWALL: I would feel a trifle more comfortable with 30 November on the basis that that would give us three more sitting weeks, in practice, if that is the way we go about it. We will work very diligently to ensure that any legislation arising from the report of the select committee is before the Parliament as soon as possible after Parliament resumes in early August.

I would hope that even 1 November would be a relatively generous date, but I have given that undertaking. I have also made it clear that it was always my intention that that legislation when introduced would repeal this legislation, anyway, so that if we were to get it through the place and proclaimed by October so much the better; it would repeal the Bill that we are debating at the moment. In the event that time is just a little tight, I would prefer 30 November, and I would be pleased if the Hon. Mr Cameron would be gracious enough to extend the time to 30 November. That little extra leeway might make my life a trifle more bearable, and I ask that the honourable member to do that.

The Hon. M.B. CAMERON: I am not in the business of making the Minister's life more bearable. I trust that I can make it more unbearable; but that is a matter for another day. However, I seek leave to amend the new clause by striking out 'first' and inserting '30th'. That indicates the very cooperative attitude that we have towards the Minister in his portfolio at all times.

Leave granted; new clause as amended inserted.

Title passed.

Bill read a third time and passed.

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from Page 3423.)

The Hon. G. WEATHERILL: It was very interesting to hear the comments of the Hon. Peter Dunn from the Far North—

The Hon. Peter Dunn: Come on, Far West!

The Hon. G. WEATHERILL: Far West, was it? I did not know where he was coming from. It was very interesting to hear the honourable member's comments about over quotes by the Engineering and Water Supply Department and about not being able to get work done by that department. The honourable member, with his foreshadowed amendments, is trying to get private contractors to do Government work.They have been trying to do that for quite some time, and I should have thought that the honourable member would have learnt at the last election that that would not work any more.

In 1975 the Whitlam Government introduced a national sewer scheme into the Engineering and Water Supply Department. That work was caught up in about 1978.

Members interjecting:

The Hon. G. WEATHERILL: I was working. In 1978 discussions took place between the State Labor Government and the trade union movement along the lines that there was to be a reduction in construction work in the Engineering and Water Supply Department. It would have had excess workers in the future, so it was agreed by the trade union movement that there would be natural attrition of staff in the E&WS Department. These are what some people call the 'irresponsible unions' that do not do the right thing. In that case they did do the right thing and agreed to that natural attrition of staff.

What happened thereafter? In 1979 a Liberal Government came to power in this State. The first thing it did in South Australia (and which it had wanted to do for some time) was send its razor gangs into State Government departments. The E&WS Department was heavily attacked by the Liberal Government, even though its representatives had a meeting with the Minister of the day (Hon. Dean Brown), who agreed to keep the unions informed if he were to make further reductions in the E&WS. Of course, he did not do that. He introduced an early retirement scheme, and with the razor gang running around in State Government departments a lot of people grabbed the scheme because they thought that they would be put out of work by that Government, anyway.

There were a number of reductions in the E&WS Department at that time, and 1870 blue collar workers being lost between 1978 and 1980 through natural attrition. The Government thought at the time that that would give it an opportunity that it had been trying to get for some time to get private enterprise to take over all E&WS work. Our experience at the time (and this is fair dinkum) with contractors was that we had to go back on several occasions to the jobs that they took on. It was the taxpayers of South Australia who paid for the shoddy work done by those contractors, who did not have the manpower or the materials to do jobs properly. They would apply for the whole contract with the E&WS and then go back to the E&WS to try to borrow equipment to do the job.

A lot of that work was subcontract work. Subcontractors are hard to catch up with, because when they complete their jobs they shoot off interstate, or whatever. The subcontractors and contractors were getting contracts and then going back to the E&WS and asking it to lay the water service for them, because there is not a big dollar in laying water services. The main money is made when one goes in with a few men and lays a few miles of water mains in a subdivision. We found that we were going to areas after the contractors to connect the mains, because the contractors were not allowed to work on live mains, and when we did those connections we found burst mains and connections that had not been done properly; that just went on.

Problems were encountered when trenches were not packed properly and caveins occurred. We had to go back regularly and repair those trenches. Taxpayers were paying about double for our people to work on new mains which were supposed to have been done properly in the first place. We encountered incorrect depths in the mains; fire services were located incorrectly and, when we attempted to connect them, we found there were problems and it would therefore cost the department a lot more money to make those connections.

In relation to the fire plugs on the roadway, if the mains were deep, they did not have risers on them. Cast iron chambers would be located on top of a fire plug or stop valve and they would have no concrete bases. In that event, when somebody drove along the street, the cast iron chamber would go straight through the water main and we would have to go back to repair that. I could go on and on about these complaints relating to shoddy workmanship by contractors within the E&WS Department and there have always been contractors working in the E&WS Department and there has always been E&WS professionals having to go back and remedy the work of the contractor. If the amendments proposed by the Hon. Peter Dunn are introduced, what happens in an area (and this has occurred) where there are no contractors to do that work? By passing these amendments we will restrict the E&WS Department, so I ask all members to vote against them.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

New clause 8—'Certain work may be carried out by owner.'

The Hon. PETER DUNN: I move:

Page 2, after clause 7—insert new clause as follows:

8. The following section is inserted in Part VIII of the principal Act after section 109:

109a. (1) Where a person, who has applied to the Minister for the extension of a main pipe, the connection of land to a main pipe or any other work for which the amount payable under this Act is the cost estimated by the Minister, is dissatisfied with the Minister's estimate, that person may, subject to this section, arrange for the work to be carried out by a competent person of his or her choice.

(2) The work must be carried out under the supervision, and to the satisfaction of the Minister.

(3) The Minister will, at the request of the applicant, provide the applicant with plans and specifications of the proposed work.

(4) The applicant will pay the Minister the prescribed fee for the supervision and inspection of the work but is not liable for any other charge or fee under this Act in respect of the work.

As I explained in the second reading debate, this amendment is fairly clear and concise. It offers people a choice in relation to work to be undertaken in relation to, in this case, the supply of water, and in the case of the other Bill, sewerage facilities. If a subdivider considers that a quotation provided by the E&WS Department is too high, the subdivider may then wish to have a plumber or some other organisation come in and provide a quotation. Provided that it meets E&WS Department specifications and is carried out under E&WS supervision, I see no reason why that work should not be allowed. I noted the Hon. Mr Weatherill's comments regarding the problems that arise, and I do not deny that on odd occasions such problems do occur. But, for heaven's sake, we will never know whether the E&WS Department is honest and straightforward if we have nothing to compare it with.

I made very clear in my second reading speech that there were a number of occasions (and I went through them

chapter and verse) where there were vast differences between quotations given by the E&WS Department and the price paid by people who did their own work, put in the system themselves and paid themselves a fair and reasonable wage for the job at hand. Furthermore, I suggested that sometimes distance precludes the E&WS Department from putting in a system. It might involve a relatively small job, for which it might be very much cheaper to get a private plumber or someone with a backhoe or whatever equipment is necessary to put in the system. Once again I demonstrated that farmers with the equipment, machinery, etc., and the know-how, are able to do their own jobs. This is really an honesty provision; it is just keeping people in the E&WS Department on their toes, and why not?

The Hon. G. Weatherill: Why not leave it to their discretion? Why put it in at all?

The Hon. PETER DUNN: The honourable member says, 'Why not leave it to the discretion of the E&WS Department?' That is fine but, if it is not in the legislation, there is no way that it will be left to the discretion of the E&WS Department. I believe that if this provision is enshrined in legislation we will know that if people wish to use the provision they may do that.

The Hon. J.R. CORNWALL: The Government opposes this amendment. This is done on two major grounds: first—and this is quite clear and it is admitted by the Hon. Mr Dunn and everyone else who has had anything to do with this area—administrative procedures already exist to allow contract construction of mains for land division and in certain cases extension of mains to existing allotments. In fact, if one looks at the situation with regard to land subdivisions (and I exclude from these figures Housing Trust subdivisions, to which I will refer in a moment), currently the situation is that contract constructions for waterworks are done by private contractors in 58 per cent of cases, while in 42 per cent of cases they are done by the E&WS Department. Thus, a large majority of those constructions are already done by contract; that is an administrative arrangement. With regard to the sewerage construction in these subdivisions, at the moment the figure (and I stress again that this is done because of sensible administrative arrangements) is 69 per cent: almost 70 per cent of all sewerage construction is currently done by private contractors.

What it is that the Hon. Dunn and his colleagues both here and in another place are about I really cannot quite work out. That is the first point, and that I might say is the recommendation that was made by a department which, of course, is in the business of administering a very big, complex and efficient service on a day-to-day basis, as well as charting the course for water and sewerage services in this State decade by decade.

The second reason—and this I believe is just as cogent and sensible as the first—is that work associated with live water mains and sewer mains has serious safety and health risks. Again, I think that that is to state the obvious: it is not an area for the enthusiastic amateur. In addition, inexperienced contractors (and this is the advice that I have received from the Director-General and Engineer-in-Chief of the E&WS Department) working with live systems may cause major disruptions to the department's systems. So, there are two very sound practical reasons why our advice—and I stress 'our advice'—is that we ought to oppose the amendment.

The Hon. C.M. Hill: What is your opinion?

The Hon. J.R. CORNWALL: My honest opinion is that it is a whole lot of malarky. You are grandstanding. You are carrying on about a situation where already, as I have said in the matter of water construction in land subdivisions, 58 per cent of the work is done by private contractors, and 42 per cent—

The Hon. Peter Dunn: That destroys the second part of your argument.

The Hon. J.R. CORNWALL: No, this is not done as a mandatory requirement. It is not done by some form of over-regulation. Here we have this Opposition that consistently talks about deregulation, and the moment it gets a Bill like this, where already in practice administrative arrangements are working perfectly well, what does it do? It wants to regulate the whole show beyond comprehension.

The amendments, put simply, propose that where a person is provided with a quotation for certain works based on estimated costs—let us look at the practical effect of these amendments—the option of having the work carried out by contract should be allowed under the department's supervision and to the department's standards. Administrative procedures—I repeat—already exist to allow contract construction of mains for land division and in certain cases extension of mains to existing allotments. Therefore, it seems to me (and I think to any average, reasonable person who thinks about it and sets aside their political grandstanding) that the amendments deal with administrative and policy issues which do not require enabling legislation. I do not think that I can put it any more succinctly than that, and I do not intend to debate the matter at any greater length than that because it is quite unnecessary.

I repeat that, on the advice I have from the Director-General and Engineer-in-Chief of the E&WS Department, administrative procedures already exist, and quite clearly 69 per cent of sewerage construction is done by competent private contractors; therefore, it is unnecessary. On the other hand, work associated with live water mains and sewer mains does have acknowledged serious safety and health risks. Therefore it is quite foolish to push the department into a situation where it has to let contracts willy-nilly to incompetent fly-by-night contractors, and that would be the net effect of these amendments at the end of the day. We oppose them, and oppose them strenuously.

The Hon. C.M. HILL: What the Minister has to fully understand is that when the Hon. Mr Dunn moves an amendment of this kind, and when members on this side of the Council support it, we look at those questions from the point of view of the individual who wants some work done in the area of supplying of water or sewerage. We say that that individual is more important to us than the State; he is more important to us than the bureaucrats, and he should have the choice.

The Hon. J.R. Cornwall: He has the choice.

The Hon. C.M. HILL: No, he has not. He should have the choice of saying that the department can do the job or, by choice, he should be able to get the job done himself to the plans and specifications and under the supervision of the department. That latter rider takes into account all the problems of safety, because he would be working with his contractor under the strict supervision of departmental officers, and so forth. He ought to have the choice to see whether or not he can go to a contractor.

The Hon. J.R. Cornwall: Double the cost as a matter of principle.

The Hon. C.M. HILL: Double the cost! Half the time he is going to a contractor to try to reduce the quotation given by the department. If it is possible for him to get the job done to the department's specification at a cost less than that to be charged by the department why cannot the individual do that?

The Hon. J.R. Cornwall: The department already uses contractors for two-thirds—

The Hon. C.M. HILL: If the department already uses contractors and the Minister is happy with that procedure, why does he not support the amendment?

The Hon. J.R. Cornwall: I believe in deregulation. Certainly, I don't want to see it all locked up.

Members interjecting:

The Hon. C.M. HILL: We want to get away from regulations. We simply want the South Australian individual to have the opportunity to approach a private contractor and obtain a quotation. We are saying that that individual must work under the specifications and control of the department, but he should have that choice. He should have that right, and the Minister wants to stop that because he believes in this bureaucratic control of the department having the right. When the Minister says that the department is happy with the input of private contractors, if that is the case why is the Minister opposing this measure? It is not logical to me.

The Hon. J.R. Cornwall: We are not here to interfere to any extent beyond what is necessary and desirable.

The Hon. C.M. HILL: You are not interfering at all if you are allowing the individual to do the work. How is that interference? If you let the individual do the work you are freeing up the whole show from the very problem about which you are talking, which is apparently interference. I support the amendment strongly and commend the Hon. Mr Dunn for moving it.

The Hon. J.R. CORNWALL: There is a point of clarification that ought to be made at this stage. I think the Hon. Mr Hill knows not what he is talking about. Currently, contractors lay the mains and the department makes the live connections. While it is perfectly true that the water connections are made by the department, 58 per cent of the work is done by contractors. The work is done safely because the department makes the live connections. That is the safety angle that the honourable member wants to take away. He seeks to take it away by the dead hand of unnecessary legislation.

Members interjecting:

The Hon. J.R. CORNWALL: I never thought I would see the day. I have been in this place almost 12 years and I have heard the Hon. Mr Hill and his colleagues carry on at great length about deregulation, about the dead hand of the socialists and everything else. Here we have a situation involving amending legislation that the department has sought for many years. It has sought these amendments from successive Governments for many years in order to simplify the current situation.

It has due regard to the principles of equity and ensures that the burden is shared equally by all the participants. It is about the freeing up of the system. It does nothing to derogate or take away from the existing situation where 58 per cent of the waterworks are constructed by reputable private contractors in these divisions, and 69 per cent of sewerage work is done by reputable private contractors.

The important thing is that it is done administratively, it is done as a matter of policy, and everybody who has been in this place for more than five minutes knows that you do not write this sort of policy or attempt to write this sort of policy into prescriptive legislation. This is the sort of amendment that I would expect to see before the Supreme Soviet. It is an extraordinarily heavy hand. It is an Eastern Bloc initiative if ever I saw one, and I just never thought I would see the day when somebody like Mr Hill, a professed champion of the little people—one of the few things I share in common with him—

The Hon. C.J. Sumner: A Whig from way back.

The Hon. J.R. CORNWALL: Yes, a Whig with a small 'l', if ever I saw one! Here he is on his feet clambering about in an area that he does not fully understand because he has addressed it only very superficially. Here he is not only wanting to put prescriptive legislation, the heavy hand of legislation, upon a department which is seeking more and more flexibility to operate in the mixed economy, but he wants to support legislation which quite frankly may place the department and the system in a position where the safety and integrity of the water and sewerage services could be put at risk.

I think that Mr Hill knows not what he does. I am not so sure about Mr Dunn or his colleague in another place, who, of course, was the Minister in that unhappy little interregnum between 1979 and 1982, but I would appeal to the commonsense at least of the Democrats in this matter to let well alone. We have a reforming piece of legislation. Why in the name of all that is about equity, that is about spreading the burden equally and equitably, and why in the name of all that is good and holy does this very strange Opposition wish to put the dead hand of prescriptive legislation upon it all and, not only that, endanger the integrity of the water and sewerage systems in the process?

The Hon. M.J. ELLIOTT: Mr Acting Chairman, what a farce we have here. Fair dinkum! We have here a Government that through Caucus quashes a private member's Bill which was to have been a conscience vote, and then we have something like this and they carry on as if it was the end of the earth. Amazing stuff! I am not a person who goes for gung ho privatisation. In fact, I support regulation and I have made that plain on a number of issues that have come before this Chamber. However, I am not against freeing up ludicrous things.

It is all very well for the Minister to say that we have administrative arrangements. That is the ultimate regulation. The Government decides exactly what it will do and the Parliament has no say whatsoever. There is regulation to the ultimate degree, and quite clearly the amendments which have come forward here talk about supervision and about charges for inspection as well as supervision. I do not see that the E&WS will be out of pocket because of this, or that any cost burden will be thrown onto anybody else. It may indeed be true that 60-odd per cent of works is done by the private sector. Well done, but that is purely at the whim of the Government. Tomorrow it could change that policy. As long as there is regulation with regard to the supervision and with regard to the planning and the inspection, and as long as the E&WS is competent to carry out those tasks, I fail to see the problem. If the Minister can explain it, then I would certainly like to hear it.

The Hon. J.R. CORNWALL: I would make two points, one of which is directly relevant to the Bill and the other of which is probably largely irrelevant. First, Mr Elliott says that here we come from Caucus, having just quashed the Pickles Bill. It is a private member's Bill. No vote was taken in Caucus—and members can sit and cackle as much as they like. It was a genuine conscience issue, and the whips never cracked at any stage.

Members interjecting:

The Hon. J.R. CORNWALL: That is quite unlike what happened in the Liberal Party room. I know that this is irrelevant, but it should be on the record that it was a genuine conscience vote.

Members interjecting:

The ACTING CHAIRPERSON (Hon. M.S. Feleppa): Order!

The Hon. J.R. CORNWALL: It was sponsored by Ms Pickles, showing a great deal of political courage, but it was never an issue on which any vote was taken in the Caucus room, and it is obscene for the Hon. Mr Elliott to suggest that that was the case. Mr Elliott makes the point that he wants to give some sort of freedom to the developers, that he wants to see it freed up. The situation at the moment is that a developer nominates either a private contractor or the department—he is free to choose.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: I do not know who else you would have operating in the development. The figures that we have been quoting during the course of the debate for something like 30 minutes refer to development and subdivisions. So quite obviously it is a development—

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: The developer does, and that has been the case for years. The developer decides whether to use the department for the water and sewerage work or whether to use an approved competent private contractor. As I said, the department ultimately makes the live connections, but almost two thirds of both the water and sewerage connections currently in those situations are done by private developers, and that will continue to be the situation.

I have no wish to cast my logic on the wind any more with people who have not the wit nor the will to understand. However, I repeat briefly, for the third time, that as a matter of policy the department regardless of the Government of the day has purused the present administrative situation for a very long time, remembering in this particular matter that a large service organisation like the E&WS department must have some discretion. So, what is proposed is unnecessary. In fact, at best I think it is a trifle foolish and at worst simply political game playing.

The Committee divided on the new clause:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, Peter Dunn (teller), M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (8)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

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

Majority of 3 for the Ayes.

New clause thus inserted.

Title passed.

Bill read a third time and passed.

SEWERAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 March. Page 3327.)

The Hon. PETER DUNN: This Bill is fundamentally the same as the Waterworks Act Amendment Bill, but I would like to read into *Hansard* part of the second reading explanation, in particular the reasons for the Bill being put forward. It may clear the Minister's mind as to what we are on about. Under the heading, 'Historical Background', it states:

In the past the Engineering and Water Supply Department has funded most water supply and sewerage works from loan funds. Rate revenue was the only significant source of cost recovery apart from fees which met some of the cost of constructing water services and sewer connections.

That prescribes very exactly the limited way in which it could recover costs. It goes on to say:

The most serious problems arise because of inconsistency between policies for new land division and policies for provision of services to existing unserviced allotments. Developers, and hence purchasers of new serviced allotments, bear the full cost of reticulated services in addition to incurring normal rates which pay for the use of existing headworks and distribution works, in common with other ratepayers, and any additional operating and maintenance costs incurred in meeting the additional system demand. However, most allotment owners served by mains laid at Government expense incur only normal rates so that reticulation costs are generally not recovered in country areas and are only over a long period of time in the Adelaide metropolitan area through higher rates to all ratepayers. Not only does this have an adverse impact on Government finances but a significant inequity exists been ratepayers.

As I mentioned in my second reading speech on the Waterworks Act Amendment Bill, therein lies the rub, because it is admitting that the Government wishes to gain closer to the actual costs by imposing further costs on what appears to be the country area. That saddens me, because the city area itself produces very little, and most of the water used in country areas would in fact go for the increase in animal production which, I would have thought, would be a very sensible way of producing some export income for the State.

However, I make those points in addition to those I made on the Waterworks Act Amendment Bill, and the same arrangements will apply as far as amendments are concerned. I telegraph those amendments to the Minister. They are fundamentally the same and will have the same effect on this Bill as on the previous Bill. I support the Bill.

The Hon. M.J. ELLIOTT: I will take this opportunity to ask a few questions of the Minister. I noticed that when the Hon. Peter Arnold was speaking in the Lower House on the second reading of this Bill he said that, as far as he could see, there were no ulterior motives to the Bill, and I expect that is the case, but I ask the Minister whether this Bill would have any impact on areas such as Kirton Point in Port Lincoln, Old Noarlunga, which has been struggling to get a sewerage system, or perhaps even parts of Adelaide which have a very antiquated system, for which the Government is about to face a major bill very soon.

The Hon. J.R. CORNWALL (Minister of Health): He is really a very strange fellow, this Hon. Mr Elliott. He wants me to respond, presumably, to his second reading contribution. I am prepared to do it as a second reading reply. Since the Hon. Mr Dunn partially recycled the second reading explanation as his contribution, and the Hon. Mr Elliott has asked a couple of questions in the best traditions of the Committee stages during his second reading contribution, I suppose I can be a trifle unconventional and say that the question the Hon. Mr Elliott asks is clearly a matter of policy. It is a matter as to where Government priorities are able to be allocated in these difficult economic times in which we live. It has nothing to do with the legislation.

It seems very strange to me that, on the one hand, he interferes in policy issues and wants to enshrine his views in legislation when things have been handled very well administratively for a very long time, yet in this matter he wants to use the debate over this legislation to pursue policy issues. I would repeat that, quite obviously, it is the policy of the Government and the policy of the E&WS Department (I would hope under successive Governments) to ensure that, with the resources that are available, it provides the optimum service to the maximum number of clients. Of course, we will continue to pursue that as a preferred situation. We cannot, in the relatively difficult economic times

of 1987, give undertakings all over the State or within a specific short-term timeframe as to what obligations we may or may not be able to meet in the financial year 1987-88.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Repeal of ss. 46, 47 and 48.'

The Hon. PETER DUNN: I move:

Page 2, line 5—After 'repealed' insert 'and the following section is substituted:

46. (1) Where a person, who has applied to the Minister for the extension of a sewer, the connection of land to a sewer or any other work for which the amount payable under this Act is the cost estimated by the Minister, is dissatisfied with the Minister's estimate, that person may, subject to this section, arrange for the work to be carried out by a competent person of his or her choice.

(2) The work must be carried out under the supervision and to the satisfaction of the Minister.

(3) The Minister will, at the request of the applicant, provide the applicant with plans and specifications of the proposed work.

(4) The applicant will pay the Minister the prescribed fee for the supervision and inspection of the work but is not liable for any other charge or fee under this Act in respect of the work.

This amendment is fundamentally the same as that which I moved to the Waterworks Act Amendment Bill. There is no point in my going over old ground. For the reasons that I outlined in relation to the Waterworks Act Amendment Bill, I propose this amendment.

The Hon. J.R. CORNWALL: For the same logical, sane, sound and cogent reasons for which we opposed the foolish amendment to the Waterworks Act Amendment Bill, we oppose this amendment.

Amendment carried; clause as amended passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

OCCUPATIONAL THERAPISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 March. Page 3357.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill amends the Occupational Therapists Act and ensures that the majority of members of the seven member board will be occupational therapists. It changes the title of Chairman to Presiding Officer, and I am sure that that would have your support, Madam President. The Bill gives the board powers to delegate its functions to a member of the board or the Registrar. It enables the board to register people who might not have fulfilled totally the requirements of registration as an occupational therapist, such as graduating students, to enable them to gain the experience and skills required for full registration. It applies to people from other States or from overseas who are visiting this country and assisting in this State.

The Bill also allows for provisional registration so that students, immediately they finish their course, can seek work in that field, and that is certainly a sensible provision. It also makes some changes to section 14 of the Act where there is a complaint of unprofessional conduct. It increases fines throughout for misdemeanours and allows the board to impose conditions restricting a person's right to practise in certain areas.

The Bill also allows a medical practitioner to provide to the board information about an occuaptional therapist if, in the opinion of the medical practitioner, the occupational therapist has an illness that has resulted in serious impairment of or is likely to seriously impair that patient's ability to practise occupational therapy. The medical practitioner will submit a written report to the Registrar, and the Bill allows for appeals to the Supreme Court in those sort of matters. The Bill certainly has the support of the Opposition.

When I finally found the occupational therapists association (they seem to be very busy people and difficult to contact), the only problem that they brought up was that there should be a provision that occupational therapists on the board, who will now be in the majority, should be practising occupational therapists. I indicated that I would raise that matter in the debate in order to get some indication from the Minister of his views in relation to it. Apart from that, the Opposition supports the sensible amendments to this legislation.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Cameron for his contribution. Although this would not be viewed as the most significant piece of legislation to come before the Parliament during the four-year term of this particular Bannon Government, it gives me considerable satisfaction. I can well recall being approached by occupational therapists when I was shadow Minister of Health. Their outrage at the time (it would be fairly reasonable to describe it as that) had perhaps been inadvertently brought about by the fact that the most recent appointment to the board as the nominee of the Director-General of Medical Services under the old legislation had been a physiotherapist.

The occupational therapists argued very soundly, I think, that they had matured and come of age in South Australia, and it seemed to them to be quite inappropriate that a physiotherapist should be on the board as a nominee of the DGMS. I gave an undertaking that, in the event that we came to office and I were Minister of Health, I would ensure that we amended the Act so that that would not happen again.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I gave that undertaking in 1981, so it has taken a little while for this legislation to get to the top of the pile. However, it is fair to say that we have been very busy going through all of the 11 registration Acts that are committed to me as Minister of Health and, in turn, we have got around to this. So I am very pleased to be able to do this for occupational therapists.

With regard to their submission to the Hon. Mr Cameron that the occupational therapists on the board ought to be practising occupational therapists, in practical terms that is a reasonable proposition. However, we must remember that we are dealing with a young profession. We are amending an Act that will last us for another 15 or 20 years, and during that time, some of these relatively young occupational therapists will get to or about retiring age. They will have a wealth and depth of experience that can only come, in some respects, from being in a profession for a long time.

There may be retired or semi-retired occupational therapists somewhere in the course of that next 15 or 20 years who would not only be an adornment for the Occupational Therapists Board but would also bring to it a great wealth of experience. For that reason, on balance I am inclined to leave it as it is, but I give an undertaking that in any ministerial appointments that I might make to the board (to which I am entitled) I will ensure while I am Minister of Health that we give due consideration to the fact that, on balance, at this stage of their evolution, at least, I think that the proposition of having practising occupational therapists is a sound one.

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

MOTOR VEHICLES ACT AMENDMENT BILL (1987)

Adjourned debate on second reading.
(Continued from 12 March. Page 3369.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill has two effects, the first of which I am sure will have the support of all vehicle owners in Coober Pedy and Roxby Downs, because it gives them a 50 per cent concession on their registration fees. I am sure that if we attempted in any way to amend or oppose this Bill we would never want to go to Coober Pedy or Roxby Downs again.

The PRESIDENT: Does the honourable member want to go to Coober Pedy?

The Hon. M.B. CAMERON: Yes, I like Coober Pedy. I have a lot of friends up there. A holiday there is a holiday indeed. It is a very nice place, and there are very nice people up there, so that certainly has the support of the Opposition. The second part of this Bill is to facilitate the hearing of disciplinary matters coming before the Tow Truck Tribunal. It ensures that there will always be, within reason, a member of the Judiciary available to be a presiding member of the Tow Truck Tribunal on an *ad hoc* basis. That is important, because disciplinary matters do and can have serious effects upon the livelihood of tow truck operators and if there is any delay in proceedings it certainly can have a very dramatic effect on the person involved.

I understand that there have been problems with the person specifically indicated as Chairman of the tribunal being available because of other commitments, so it is now proposed that any member of the judiciary can, in fact, perform this particular task. Because the second proposition will assist in the workings of the tribunal and it will ensure that there are no hold-ups, the Opposition supports it and we indicate support for this measure.

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

STATE EMERGENCY SERVICE BILL

In Committee.
(Continued from 10 March. Page 3265.)

Clause 2 passed.

Clause 3—'Interpretation.'

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

Page 1, after line 20—Insert new definition as follows:
'Deputy Director' means the person for the time being holding, or acting in, the position of Deputy Director of the State Emergency Service:.

Clause 3 contains definitions which relate to subsequent clauses of the Bill. I have an amendment which relates to the definition of 'emergency' which in the Bill means:

. . . any occurrence (including, without limiting the generality of this definition, fire, flood, storm, tempest, earthquake, eruption, epidemic of human, animal or plant disease and accident) that causes, or threatens to cause, loss of life or injury to persons or animals or damage to property, but does not include—

(a) an occurrence in respect of which a declaraton under the State Disaster Act 1980 is in force;

(b) a civil riot or disturbance;
or

(c) an industrial dispute;

A concern that I have about the definition is that it is extraordinarily wide. Without the part that is in brackets it would mean any occurrence which causes or threatens to cause loss of life or injury to persons or animals or damage to property, with certain exceptions. The amplification of those occurrences covers just about all emergencies. In relation to the definition of 'emergency', I think it would be preferable to delete the words 'without limiting the generality of this definition', so that the description of 'emergency' is not so wide as to cover almost every conceivable occurrence, which would then bring into play the emergency order powers that are conferred on the State Emergency Service.

The balance that one has to achieve in this Bill is between enabling an emergency service to properly deal with emergency situations, while ensuring that there is no potential for abuse of power. The powers which an emergency officer can exercise are set out in clause 12. They include: requiring the owner of any real or personal property to place it under the control or at the disposition of a person nominated by the emergency officer; directing evacuation; entering premises, and breaking into them if necessary; taking possession of or assuming control over any land, body of water, building, structure or vehicle; removing, demolishing or destroying any building; shutting off fuel, gas, electricity or water, or any drainage facility; directing or prohibiting the movement of persons and animals; or directing any person to assist the emergency officer. A whole range of powers can be exercised by an emergency officer. They are very extreme powers which in normal circumstances we would expect to be exercised with some sensitivity.

However, we are legislating for the future—maybe 10 or 15 years down the track. We are not talking about the same Government, the same Minister, the same public servants or, particularly, the person who holds the office of Director. So, we must try to find a balance. It seems to me that if we remove the words 'without limiting the generality of this definition' in the definition of 'emergency' we will tend to limit the provision somewhat. It would not be as limited as I would like but, nevertheless, it would be more limited, and I think that is a proper safeguard. I shall move the relevant amendment in a moment.

I now refer to the amendment concerning the insertion of a definition of 'Deputy Director'. This is relevant to the delegation clause in the Bill. I want to limit the power of delegation to make an emergency order under the Bill, which then triggers the wide powers of confiscation, forfeiture, direction, prohibition, and all the rest of it. It seems to me that it is appropriate to allow the Director to delegate to the Deputy Director, but in the absence of either the Director or the Deputy Director the declaration of the emergency order should be made only by the Minister. That takes it out of the hands of public servants down the line and limits it to high ranking public servants or the Minister, the three of whom can be accountable to the public. I apologise for having pre-empted the discussion on the definition of an emergency service but I think that, having made the points on those two amendments, we can now proceed to deal with them in the appropriate order.

The Hon. C.J. SUMNER: The Government opposes the amendment principally because we do not want this definition to be interpreted as being confined to those matters that are listed in it. The honourable member would be aware that when one lists certain things as being included in a definition then the thing that is being defined is generally limited by the category of things that are in the list. What we wanted to achieve here was, certainly, to list those things so that they were there indicative of circumstances in which

the State Emergency Service would operate in an emergency, but there is some concern within the service itself that this definition could be limiting and thereby not provide the State Emergency Service with sufficient authority to act in circumstances in which it ought to have that power. The officers have indicated such things as search and rescue operations, cliff rescue, and road accidents (which are a significant part of the State Emergency Service's operations in country areas at least, although I think that is probably covered anyhow by the definition of 'road accident').

I doubt whether all the actions that the State Emergency Service would engage in or potentially could engage in are covered. It has been argued that search and rescue—cliff rescue and that sort of thing—are not included in the present definitions. Principally, we would not want an argument to be mounted that 'emergency' just meant that category of things which are at present listed in the definition (this is a reasonably common rule of statutory construction), and that is why in this particular Bill, reasonably uniquely I would have thought, the words 'without limiting the generality of this definition' are included.

The Hon. M.J. ELLIOTT: I hope that we are not going to go to the barricades over what I really feel is a tautology. I will support the Government simply because I do not see the difference, whether it is in or out. It seems that if it had said 'any of the following' it would be limiting. I think it may be unnecessary to include 'without limiting the generality'; I do not see that its inclusion widens it at all. I think it is tautologous, but if the Government insists I will support it.

Amendment carried.

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

Page 1, lines 23 and 24—Leave out ', without limiting the generality of this definition,'.

Amendment negatived; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Director may delegate.'

The Hon. K.T. GRIFFIN: Before I deal with the amendments on file, can the Attorney explain the line of authority? Clause 6 provides that there is a Director and clause 7 provides that the Commissioner is responsible to the Minister for the administration of the Act and in carrying out that function is subject to the control and direction of the Minister. I raised earlier the question of the line of authority and, in the second reading reply, the Minister indicated that the Director is responsible to the Commissioner of Police administratively and that the Director is employed within the Police Department.

I can understand that as far as it goes, but what this Bill seeks to do is to place a legal obligation upon the Commissioner to be responsible for the administration of the Act and to make the Commissioner subject to the control and direction of the Minister, but to put out on a limb the Director, who appears to be the person who exercises all the relevant powers under the Bill: the power to make the declaration of an emergency and to appoint emergency officers and generally to be responsible for the administration of the Act.

We seem to have a rather curious division of authority between the Commissioner, who is going to be responsible for the administration of the Act but who does not have legal responsibility over the Director in respect of the administration of the Act, and the Commissioner, who under the Government Employment and Management Act has an administrative responsibility for the Director who happens to be within the department, yet the Director can act unilaterally without being accountable to the Commissioner.

What I cannot understand is how those two different lines of authority—one administrative and one legal—are going to be blended together so that the Commissioner, who appears to be accountable for the administration of the Act, ultimately is also accountable for the actions of the Director. At present the two just do not match up.

The Hon. C.J. SUMNER: I think the distinction is that the Director has the day-to-day powers under the Act to exercise the authorities given to him under the Act, but the Commissioner and the Minister are ultimately responsible for the general administration of the legislation. If the honourable member has some concerns with that, perhaps we ought to explore it, but that is the structure which the Minister, the Commissioner and the Director have agreed upon.

The Hon. K.T. GRIFFIN: I really wanted to put it on the record, because it seemed to me to be a rather curious concept. If they are all happy with it, then I suppose I can do no more than to say that I do not think it all adds up legally. It is on the record and if the Government wants to do something about it, it can. If not, so be it. I just reiterate the point that the Commissioner is responsible to the Minister for the administration of the Act and is subject to the control and direction of the Minister. That is the legal line of accountability. There is, on the other hand, a Director who can incorporate SES units, who appoints emergency officers, who declares an emergency, and legally does not have to account to the Commissioner for that but, nevertheless, the Director is administratively, under the Government Employment and Management Act, part of the department of the Commissioner. I just raise it as a concern and I really can do no more than that. I do not propose any amendments. It is there on the record.

If the Attorney does not want to say any more on it, I will just deal with the amendments. I move:

Page 2—

Line 21—

After 'powers under this Act' insert ', except the powers under section 11 (1) and (3) to assume command of operations and to extend an order assuming command'.

After line 21—

Insert new subsection as follows:

(2a) The Director may, with the approval of the Minister, delegate the powers under section 11 (1) and (3) to the Deputy Director.

This amendment seeks to limit the power of delegation in respect of the emergency order to the Director delegating to the Deputy Director the responsibility for making such an order or, in the absence of both of them, ultimately that will be a decision of the Minister. I do not believe that that power ought to be delegated to more junior members of the department.

The CHAIRPERSON: These two amendments can be moved together.

The Hon. C.J. SUMNER: They are not opposed.

Amendments carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—'SES units.'

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

Page 3, after line 23—Insert new subclause as follows:

(4a) The constitutions and membership lists of all SES units must be available for inspection by any interested member of the public, on payment of the prescribed fee, at the service's headquarters.

The amendment provides for public access, upon payment of a prescribed fee, to the constitutions and membership lists of all SES units. During the second reading debate I pointed out that clause 9 enables the Director to register an organisation as an SES unit and upon registration and notice being published in the *Gazette* the unit becomes a body

corporate. By virtue of that registration any other incorporation is dissolved.

In the Attorney's second reading reply he indicated that no SES units were incorporated under the Associations Incorporation Act. If there had been, notwithstanding that there are similar provisions in the Country Fires Act, I would have preferred to see some formal notification of the dissolution to the Corporate Affairs Commission. However, there being no separately incorporated SES units under the Associations Incorporation Act, it seems to me now that all we need do is provide some opportunity for search (as there is of other incorporated bodies). This amendment really reflects that and picks up the Attorney's indication in his second reading reply of an intention for that to occur administratively, anyway. I am just putting it into the legislation as a matter of statutory requirement, and I hope that it will be supported.

The Hon. C.J. SUMNER: The amendment is acceptable.

Amendment carried; clause as amended passed.

Clause 10 passed.

Clause 11—'Director may assume command in certain emergencies.'

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

Page 4, after line 12—Insert new subclause as follows:

(3a) The Director must, as soon as reasonably practicable after making an order under subsection (1) or (3), publish the order in the prescribed manner or, in the absence of regulations prescribing the manner in which the order is to be published, in such manner as the Director thinks appropriate in the circumstances.

This clause deals with the declaration of an emergency. I wanted to ensure that there was some specific requirement for public notice to be given. I know that there is a regulation making power relating to the form of notice, but I think that because of the consequences which flow from the declaration of an emergency and the powers which an emergency officer may thereafter exercise, there ought to be a specific provision requiring publication of the order.

New subclause (3a) provides that the Director must publish an order in accordance with the regulations or, if there are no regulations, in such manner as the Director thinks appropriate in the circumstances. That establishes the principle. My second amendment, to insert new subclause (7), is a different concept and I think it should be left until we have dealt with new subclause (3a).

The Hon. C.J. SUMNER: It is acceptable.

Amendment carried.

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

Page 4, after line 23—Insert new subclause as follows:

(7) Where both the Director and the Deputy Director are absent or are for some other reason unable to exercise a power under subsections (1) or (3), the Minister may exercise that power, and a reference in this Act to an order of the Director will be taken to include a reference to an order of the Minister under this section.

That ties up with the definition of 'Deputy Director' that we inserted in clause 3 and explains fully how the Minister comes into it if the Director and Deputy Director are not available.

The Hon. C.J. SUMNER: It is acceptable.

Amendment carried; clause as amended passed.

Clause 12—'Powers of emergency officers where Director assumes command.'

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

Page 5, line 5—After 'direct' insert '(but only so far as is reasonably necessary in all the circumstances)'.

This clause provides for the powers of emergency officers. One of those powers is in subclause (2) *(i)*:

direct any person to assist the emergency officer in the excercise of the powers vested in the emergency officer by this section.

One of the concerns I had was that the direction may be unreasonable and puts the person to whom the direction is given at risk. It is probably implied that the direction should be reasonable, but it ought to be specified in the statute so that the emergency officer is sensitive to that criterion. My amendment is to insert the words 'but only so far as is reasonably necessary in all the circumstances' to qualify the direction. That will then accommodate the concern I have expressed about the way in which those powers may be exercised unreasonably.

The Hon. C.J. SUMNER: It is accepted.

Amendment carried; clause as amended passed.

New clause 12a—'Compensation where emergency officers cause damage through exercise of powers.'

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

Page 5, after clause 12—Insert new clause as follows:

12a. (1) A person is entitled to be compensated for any injury, loss or damage—

(a) that arises in consequence of the exercise of powers under section 12 (apart from subsection (2) *(h)*);

and

(b) that would not have arisen in any event in consequence of the emergency.

(2) In assessing compensation under subsection (1), a court will take into account—

(a) any amount recovered, or recoverable, by the person suffering the injury, loss or damage under a policy of insurance;

and

(b) the extent (if at all) to which the conduct of the person suffering the injury, loss or damage contributed to that injury, loss or damage.

This provision has a direct equivalent in the State Disaster Act and provides an entitlement for compensation for persons who suffer injury or damage as a result of the exercise of powers under clause 12 (other than the power to remove obstructive persons). This new clause therefore covers damage to persons whose property is commandeered or to persons who are directed to assist an emergency officer. Subclause (2) requires compensation to be reduced by any relevant insurance and also by any contributory conduct on the part of a sufferer.

The Hon. DIANA LAIDLAW: I move:

That the new clause be amended by leaving out from subclause (2) 'a court will take' and inserting 'the following must be taken'.

The amendment in part honours an undertaking by the Minister in another place some time ago in response to concerns raised by the member for Light. I indicate that only in part does it honour these concerns because the member for Light at the time and we in this Chamber have highlighted our concern that there is not provision for people who have had their property confiscated, where that property is later damaged or lost for the community benefit, to receive immediate access to compensation. We believe that it is very important that immediate access to compensation be available and that that be clear in the Bill. Although the Government's new clause is almost identical to the State Disaster Act provision, in subclause (2) it provides:

In assessing compensation under subsection (1), a court will take into account—

It lists a number of matters. We believe that reference to a court suggests that there could well be delays in proceedings and those delays may be a great penalty to a person who had property lost or damage when confiscated for the community good during an emergency.

My amendment would make it very clear that a person could resort initially to an administrative process for having immediate access to compensation but, if that process did not determine to the satisfaction of all parties the amount of compensation, one could resort to the court. I therefore

move the amendment standing in my name, to amend the new clause that the Attorney has moved to insert.

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

Amendment carried.

The Hon. K.T. GRIFFIN: I raised this matter during the second reading debate. I know the clause which the Attorney is seeking to insert is almost identical with that in the State Disaster Act, but I raised the question whether in subclause (1) *(a)* that would be adequate to allow compensation where an emergency officer purported to exercise a power under clause 12 (2) but in fact the exercise of that was beyond power; that is, there was a purported exercise of powers under section 12.

All that the clause does at the moment is provide an entitlement to compensation for any injury, loss or damage that arises in consequence of the exercise of powers and not the purported exercise of powers. Would the Attorney address that question and inform the Committee whether the sort of situation that I am postulating might be adequately covered?

The Hon. C.J. SUMNER: My advice is that there would hardly be any circumstances in which the person was not acting in the exercise of the powers under section 12, provided that the worker was acting in good faith. The exercise of powers would apply, provided the person who was exercising those powers was acting in good faith. A person who was injured or suffered loss or damage would be entitled to compensation. There may be a problem in relation to 'or purported exercise'.

The Hon. K.T. GRIFFIN: I do not want to hold up the proceedings. As the Bill will go back to the other place because we have made amendments here, will the Attorney further consider that point and, if there is even a remote chance that someone may not be covered, will the Attorney consider inserting the words 'or purported exercise' in the clause so that every possibility is covered? Under clause 12 (2) *(c)* the emergency officer has power to enter and, if necessary, break into any land, building, structure, or vehicle. I suppose that there could be a debate as to what is 'necessary'. It may be remote, and it may never happen, but some consideration should be given to even those remote possibilities and to covering them if there is any doubt.

The Hon. C.J. SUMNER: I understand the point the honourable member is making, that is, that someone who has acted beyond power may not be deemed to be in the exercise of his powers under this clause and, therefore, an aggrieved person may not be entitled to compensation. I undertake to ascertain whether there is a difficulty and I will address the matter subsequently.

New clause as amended inserted.

Clauses 13 and 14 passed.

Clause 15—'Offences.'

The Hon. M.J. ELLIOTT: As I am not a person with legal training, I would like a legal interpretation from the Attorney of what is considered to be a lawful excuse under clause 15 (1). This matter came to my attention only when I was considering what the Hon. Mr Griffin said about clause 12 (2) *(i)* when he sought to put constraints on the emergency officer, making clear that a person will assist the emergency officer in the exercise of powers as long as the request is reasonably necessary in all circumstances. Will that be the defence in relation to a lawful excuse? On my first reading and given my non-legal background, I wondered what sort of defence a person could put up if they had been instructed by an emergency officer to do something where they would be putting their life at risk. Is that a lawful excuse in itself, or will there be an indirect defence under clause 12 (2) *(i)*?

The Hon. C.J. SUMNER: I suppose that would have to be determined in each individual case. I suppose that, if they are asked to shoot someone or to commit a criminal offence or something of that kind, presumably the person to whom the direction was given could refuse to carry it out, and that would provide a lawful excuse for not doing what had been directed by an emergency officer.

I dare say that the limitation that is now included in 12 (2) *(i)* would also constitute a lawful excuse if the individual to whom the direction was given felt that those directions did not come within clause 12 (2) and thereby refused to carry them out. That would be a lawful excuse for not carrying them out.

The Hon. K.T. Griffin: Maybe it ought to be 'reasonable excuse' instead of 'lawful excuse'.

The Hon. M.J. ELLIOTT: Can the Attorney-General give further consideration to this particular clause? Under clause 12 (2) *(i)* we are really saying what the emergency officer can or cannot do, and I presume that the emergency officer could be prosecuted for overstepping powers; I am not sure. It does not seem that there is a direct defence that persons could put up when they felt that they were being unreasonably asked to do something that might endanger themselves. I suppose this is hypothetical, but there could be a live electricity wire in contact with something where a person was instructed to go. That person may feel, 'Well, I am not going to do that because I am putting myself at risk.' There could be a burning car, and the fire might cause a tank to explode. A person might feel reasonably endangered and, although they might have sufficient knowledge to know that they were being put into danger, that may or may not be a lawful excuse.

The Hon. K.T. GRIFFIN: That ought to be seriously considered. My interjection was that perhaps the words 'lawful excuse' ought to be replaced by 'reasonable excuse'. It is part of the problem to which I referred in clause 12 (2) *(i)*, and the honourable member has raised a legitimate matter. 'Lawful excuse' is fairly strictly defined in the cases, as I recollect. On one occasion we had this argument over trespass (being unlawfully on the premises) and in the context of other aspects of trespass, and my recollection is that, on those occasions, the Attorney-General did make fairly clear that reference to 'without lawful excuse' is fairly precisely and narrowly defined. In the context in which it appears in clause 15, the defence is very much limited. I urge the Attorney-General to give some consideration, before the Bill goes through, to changing the wording to 'without reasonable excuse' rather than 'without lawful excuse'.

The Hon. C.J. SUMNER: I will have the matter examined.

The CHAIRPERSON: Order! I point out that clause 15 has already been passed by another place, so it would not be able to make any amendment.

The Hon. M.J. ELLIOTT: Would it be possible for me to move such an amendment now so that the other place can consider it?

The CHAIRPERSON: Certainly; that is possible.

The Hon. M.J. ELLIOTT: Then I move:

Page 5, line 30—Leave out 'lawful' and insert 'reasonable'.

The Hon. K.T. GRIFFIN: I support the amendment, which keeps the matter alive. If there are further aspects of the matter that need to be considered, the Attorney and the Government will have that opportunity and can determine in the other place what they are going to do with this amendment.

The Hon. C.J. SUMNER: That is the end of the matter for the moment, I guess. The only problem with it is that the words 'without reasonable excuse' broaden the circum-

stances in which people can refuse to carry out the directions of an emergency officer. That may derogate from the intention of the legislation, which is to provide powers for an emergency officer to direct people unless they have a lawful excuse for not doing something. I am sure that there would be imported into the words 'lawful excuse' some notion of reasonableness. If you say 'without reasonable excuse' then that makes it less precise and less well defined and may give people a greater capacity to refuse to carry out orders. That is the issue.

'Lawful excuse' is more narrowly defined. The excuse that would fall within that formulation would be a narrower excuse, a narrower set of circumstances in which a person could be excused from carrying out the order than would apply if the word 'reasonable' were used. The numbers are against me, so I will have the matter examined and, if it is felt that it needs to be brought back, no doubt it can be.

The Hon. DIANA LAIDLAW: I have a few general comments on this clause regarding penalties. I feel more strongly about earlier statements I made during the second reading debate in the light of the Attorney's remarks a few moments ago that the use of the word 'reasonable' rather than 'lawful' would in fact broaden the circumstances where people may not comply with the direction of the emergency officer. I make these points because I note that in subsections (1) and (2) the fines mentioned are $5 000. It seems to me that subclause (2) relates to an offence that is far more serious than the one mentioned in subclause (1). I was interested that when the Attorney summed up the debate he conceded that point.

I did not intend to move an amendment at this time, recognising that these fines correspond with the situation in the State Disasters Act, but if it is agreed that we delete the word 'lawful' and insert the word 'reasonable' then I think the distinction between the two is even greater now, and that subclause (1) certainly relates to a far lesser offence than that in subclause (2) and that the fine should be looked at in that context.

The Hon. M.J. ELLIOTT: I will clarify the way in which I am thinking about this matter. In clause 15 (2) we are talking about people who obstruct or interfere with an emergency officer. I hope that that might also include people who are perhaps standing around and generally being nuisances. I do not know whether that would be an obstruction or not. I can imagine a time when an emergency officer would want to clear an area. The question is whether that falls under clause 15 (2) or clause 15 (1). We have to differentiate between people who are asked by an officer to do something in a positive sense to help and who, for one reason or another, might have a reasonable excuse not to become involved, as distinct from people who are just hanging around in the road, or being obstructive in some way, and the officer wants to remove them.

I do not have any qualms about a person being told to leave, to go away, to get out of the road and not to stand there, but it is quite another thing if, as is the case at the moment, a person may be instructed to do something in a positive sense which in fact they feel they should not do because they feel that it will endanger them. That is the distinction that I wanted to make and I do not think that within clause 15 (1) and (2) that is done at the moment.

Amendment carried; clause as amended passed.

Clauses 16 to 20 passed.

New clause 20a—'Money required for the purposes of this Act.'

The Hon. DIANA LIADLAW: During the second reading debate both the Hon. Trevor Griffin and I highlighted our concern that the Bill contained no provision for appropriation of money to meet the objectives of compensation, those objectives having been inserted in the Bill by an amendment from the Attorney-General. There is such an appropriation provision in the State Disasters Act under section 23, and the amendment that is in my name is exactly the same in relation to wording as that contained in section 23 of the State Disasters Act. I trust that the Government will support my amendment and that it will acknowledge the Attorney-General's comment in the second reading debate when he stated:

> It is correct that such a provision is contained in section 23 of the State Disasters Act and with respect to this Bill we can consider it in conjunction with the inclusion of the new clause 12a.

I hope that the Government will be prepared to accept this amendment and I move:

> Page 7, after clause 20—Insert new clause as follows:
> 20a. The money required for the purposes of this Act will be paid out of money provided by Parliament for the purpose.

The Hon. C.J. SUMNER: The new clause is not opposed.

New clause inserted.

Clause 21 and title passed.

Bill reported with amendments.

Bill recommitted.

New clause 12a—'Compensation where emergency officers cause damage through exercise of powers.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin raised a point with respect to this new clause, in particular what would be the consequences in compensation if an officer, exercising the powers under the Act, were in fact to be exceeding the powers under the Act. I now move:

> To amend new clause 12a (1) *(a)* by leaving out 'the' and inserting 'anything done in the exercise or purported'.

This covers the situation to which I referred and provides that a person is entitled to be compensated for any injury, loss or damage that arises in consequence of anything done in the exercise or purported exercise of powers under section 12, apart from subsection (2) *(h)*.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.2 p.m. the Council adjourned until Wednesday 18 March at 2.15 p.m.