LEGISLATIVE COUNCIL

Tuesday 6 October 1987

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

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

ASSENT TO BILLS

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

Egg Industry Stabilisation Act Amendment,

Fisheries (Southern Zone Rock Lobster Fishery Rationalisation),

Justices Act Amendment,

Supply (No. 2).

DEATH OF HON. S.C. BEVAN

The PRESIDENT: Members will have noted, since we last met, the death of the Hon. S.C. Bevan, a former member of the Legislative Council and a former Cabinet Minister. I call on the Attorney-General.

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

That the Legislative Council express its deep regret at the death of the Hon. S.C. Bevan, former Minister of the Crown and former member of the Legislative Council, and place on record its appreciation of his meritorious public services and that, as a mark of respect to his memory, the sitting of the Council be suspended until the ringing of the bells.

Stanley Charles Bevan, a former member of this Council, was born on 14 October 1901 and died on 19 September 1987. He represented the Australian Labor Party and the people of South Australia as a member of this Council for 19 years from October 1951 to May 1970. Stan Bevan retained a particular link with the people in Adelaide's western suburbs throughout his life.

He was educated in Thebarton and worked as a timber machinist in Hindmarsh. He was married in the Queen of Angels Church in Thebarton, raised three children in the family home in Mile End and, when he celebrated his golden wedding anniversary in 1984, his address had not changed. Indeed, after a very full and active life of service to our State and to the community, his requiem mass was celebrated in the Queen of Angels Church on South Road, Thebarton, and his address in his 86th year was still 49 Cowra Street, Mile End.

Stan Bevan was a quiet achiever who devoted his public life to those people whom he understood personally and who he knew had to battle to make ends meet. He emerged as a public figure in 1942 when he was elected State Secretary of the Miscellaneous Workers Union. In 1947 he became Federal Secretary of that union. In 1950, Stan Bevan represented Australia as a delegate to the International Labor Organisation in Geneva. On two separate occasions in the 1950s he was elected President of the Trades and Labor Council in South Australia, in 1951-52 and in 1955-56, having been a delegate to the Trades and Labor Council since 1940.

His involvement in the Union Movement was matched by a similar participation in the organisation of the Australian Labor Party. From 1940, he was a delegate to the ALP Central Council: for 25 years from 1943 to 1968 he was a member of the State Executive of the Labor Party; and in 1952-53 he served the Party as State President. His election to the Legislative Council in 1951 occurred following a by-election in the District of Central No. 1. Within three weeks Mr Bevan was elected to the Joint Committee on Subordinate Legislation and he served on that committee for some 4½ years. From 1956 to 1961 he was a member of the Land Settlement Committee and from 1961 to 1965 he was on the Public Works Committee.

Having over 13 years in Opposition, in 1965 following the defeat of the Playford Government, Stan Bevan became a member of the first Labor Government in South Australia since 1933. He was 63 years old when he was sworn in as Minister of Local Government, Minister of Roads and Minister of Mines. During his three year term as a Minister of the Crown, the South Eastern Freeway was built, the new Jervois Bridge was built and the Kingston Bridge over the Murray was completed. In addition, the south-western suburbs drainage scheme was begun and, of course, as Mines Minister, he oversaw the development of the State's natural gas reserves.

Following the defeat of the Labor Government in 1968, Stan Bevan continued his active parliamentary service, this time as a member of the Industries Development Committee. He did not seek endorsement to the Legislative Council at the 1970 election and retired after a Parliamentary career spanning almost 20 years, 17 of which were spent in Opposition.

In the 17 years following his retirement Stan Bevan was able to devote more time to his life-long interest in harness racing, in Australian rules football (where, of course, he was a staunch West Torrens supporter) and in tending to his quieter hobby, his budgerigars, canaries and finches. He was able to savour those 17 years of retirement with the satisfaction of observing that all but three of them have seen Labor at the helm. I am sure that Labor's success in recent years would have been seen by Stan Bevan as a balancing up of the lean years which he experienced in the 1950s and 1960s. He is survived by his widow, Ida, and his children, Frank, Carmel and Marie, and, on behalf of this Parliament, I extend to them our sympathy and condolences and commend the motion to the Council.

The Hon. M.B. CAMERON (Leader of the Opposition): I second this motion on behalf of the Opposition, which supports the resolution. I regret that the Hon. Murray Hill is not here—he will be here shortly—because I know that he intended to say a few words. He is the only member of this Council who was a member at the time that the Hon. Mr Bevan was a member. However, the Hon. Mr Hill wrote a few notes for me.

I entered this Chamber in 1971, a few months after the Hon. Mr Bevan left the Council. However, I know him well, because when I stood for the seat of Millicent I had considerable dealings with Labor members of the Upper House. I know that he was a very courteous man and was always very helpful in any approach that I made to him during the period of the transport problems that were being experienced in the South-East.

That is a long time ago, but it was certainly a period when he and the Hon. Mr Kneebone were very active in our area. I have no doubt that he campaigned very strongly against me in the seat of Millicent, but he was always a very friendly and courteous person. The Hon. Mr Hill wrote out a few notes in case he was not back in time, and on his behalf I should indicate his thoughts on the Hon. Mr Bevan. He states:

The Hon. Stan Bevan served in this Chamber with distinction, particularly when he held ministerial office. He was a reserved and quiet man. He made a very worthwhile contribution to the workings of the House. Although when he was a Minister the numbers in this place were 16 Liberal and four Labor members,

the late Stan Bevan held the respect of all 20 members. He always went out of his way to satisfy any questions or queries that Liberal Opposition members put to him and he was always most cooperative in his endeavours to assist these members and their constituents.

With those few words I wish to indicate to the Hon. Mr Bevan's family that we extend to them our deep sympathy and trust that the bereavement is not too big a burden on them.

Motion carried by members standing in their places in silence.

[*Sitting suspended from 2.27 to 2.40 p.m.*]

QUESTIONS ON NOTICE

DRUGS

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: In respect of the provisions of the Controlled Substances Act allowing confiscation of assets of certain drug offenders:

1. In how many cases was confiscation of assets applied for by the Crown?
2. How many applications were successful?
3. In each successful application, what were the offences involved and what was the amount of property ordered to be confiscated in each instance?

The Hon. C.J. SUMNER: The replies are as follows:

1. Two cases.
2. One.
3. Offences of producing cannabis and possessing cannabis for sale. The property confiscated was Crown lease perpetual No. 618 registered in Crown Lease Register Book volume 678 folio 48. This property was leasehold property.

CONFISCATION OF PROFITS

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: Under the Crimes (Confiscation of Profits) Act:

1. In how many cases was confiscation of assets applied for by the Crown?
2. How many applications were successful?
3. In each successful application, what were the offences involved and what was the amount of property ordered to be confiscated in each instance?

The Hon. C.J. SUMNER: The replies are as follows:

1. One.
2. The above matter has not yet been listed for hearing in the District Court.
3. Not applicable.

TOBACCO PRODUCTS

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: How many on-the-spot fines under the Tobacco Products (Licensing) Act have been issued, how many have been withdrawn, and how many have been paid?

The Hon. C.J. SUMNER: The reply is as follows:

Number of expiation notices issued as at 25 August 1987	1 191
Number of expiation notices withdrawn	19
Number of expiation fees paid	35

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: What have been the costs so far under the Tobacco Products (Licensing) Act in policing that legislation where persons trading in tobacco products have not been licensed?

The Hon. C.J. SUMNER: The Commissioner for State Taxation has estimated that between the commencement of the Tobacco Products (Licensing) Act and 30 June 1987, the cost of policing the Act has amounted to $93 835. This estimate is based on the number of hours spent by inspectors and other staff on matters associated with this legislation. It should be made clear that this is not an extra cost to the Government—no extra staff have been employed. Rather it is a reallocation of resources away from other tasks.

COURT TRIALS

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: Since an accused person has had the right to elect for a trial by judge alone instead of a trial by judge and jury:

1. How many persons have elected to be tried by judge alone?
2. What were the charges in each case?
3. What was the verdict in each case?
4. What was the occupation of the accused in each case?

The Hon. C.J. SUMNER: The replies are as follows:

Supreme Court

1. There have been five persons who have elected to be tried by judge alone in the Supreme Court, namely:
   (a) G.B. Marshall
   (b) A.G. Billeley
   (c) F. (name suppressed)
   (d) G. (name suppressed)
   (e) W.G. Prettejohn
2. The charges in each case were as follows:
   (a) Murder (White J.)
   (b) Murder (Johnston J.)
   (c) Manslaughter (Bollen J.)
   (d) Rape (Johnston J.)
   (e) Possess amphetamine for sale (Bollen J.)
3. The verdict in each case was:
   (a) Guilty
   (b) Not guilty to murder, but guilty to manslaughter
   (c) Not guilty
   (d) Not guilty
   (e) Guilty
4. The occupation of the accused in each case was:
   (a) Unemployed
   (b) Unemployed
   (c) Medical practitioner
   (d) Groundsman
   (e) Storeman

During this period approximately 392 cases were before the court.

Central District Criminal Court

1. There have been three persons who have elected to be tried by judge alone, namely:
   (a) Michael Nicolitsi
   (b) Malcolm McDonald Barrett
   (c) John James Browning
2. The charges in each case were as follows:
   (a) Cultivate Indian hemp
   (b) Attempted false pretences
   (c) Larceny as a bailee
3. The verdict in each case was:
   (a) No case to answer, then verdict of not guilty
   (b) Not guilty
   (c) Pleaded guilty the day before trial
4. The occupation of the accused in each case was:
   (a) Opal dealer

(b) Unemployed
(c) Unemployed

During this period approximately 906 cases were before the court.

DRUGS

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: In each of the months of May, June, July 1987:

1. How many offences for smoking or using cannabis or cannabis resin in a public place came to the notice of the police?
2. How many summonses have been or will be issued in respect of those offences?
3. So far, how many persons so summonsed have pleaded guilty, how many have pleaded not guilty, and how many have not attended court and been sentenced in their absence?

The Hon. C.J. SUMNER: Statistics for the individual months sought by the honourable member are not readily available. These statistics are entered on and extracted from the Police Department's Crime Reporting System on a quarterly basis. To obtain the information sought would require a computer extraction of data followed by a manual compilation of statistics from microfilm copies of original source documents. The information sought will be provided in a report to be issued in November which is being compiled by the Office of Crime Statistics as part of a study monitoring the introduction of the cannabis expiation notice system. In these circumstances the time and effort involved in providing these statistics at this time is not considered to be justified.

CREDIT CARD PAYMENTS

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General:

1. How many departments allow payment of taxes, charges and fees by credit card?
2. What are those departments and the taxes, charges and fees allowed to be paid by credit card?
3. For the year ended 30 June 1987 what credit charges have been paid by each Government department which allows taxes, charges or fees to be paid by credit card?
4. For the year ended 30 June 1987 what amount has been paid to each department by credit card?

The Hon. C.J. SUMNER: At the present time no departments allow payment of taxes, charges or fees by credit card. Guidelines on the acceptance of credit cards by Government departments are contained in Treasurer's Instruction 108, a copy of which follows. Departments wishing to participate in a credit card scheme must submit a case, which demonstrates an economic (or other) advantage to the Government, for the Treasurer's approval.

Credit Cards 108.01-108.04

108. Acceptance of Credit Cards by Government Departments

108.01 If any department considers that an economic (or other) advantage will be available to the Government by that department participating in a credit card scheme, then the department should submit a case for the approval of the Treasurer.

108.02 Where the Treasurer has approved the acceptance of a credit card by a department, the Chief Executive Officer shall cause to be established and maintained adequate controls, accounts and procedures to ensure all credit card transactions are accounted for.

108.03 Receipts shall be issued for all credit card acceptances in accordance with these Instructions and there shall be indicated on each receipt so issued that the transaction was by credit card.

108.04 The internal checking officer shall reconcile all credit card statements with the department's records and sign a statement indicating that the reconciliation has been performed.

DRUGS

The Hon. K.T. GRIFFIN (on notice) asked the Minister of Health: With respect to cannabis expiation notices issued in the months of May, June and July:

1. How many have been paid?
2. What amount of moneys has been paid?
3. How many summonses have been issued where the notices have not been expiated?
4. Where summonses have been issued, how many have been disposed of and with what result?
5. Where notices have not been expiated, in how many cases will summonses not be issued and for what reasons?

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

1. Since the expiation period has yet to expire for some of the cannabis expiation notices issued in the period May to July, it is premature to say how many fines imposed during this period have been paid. As of 10 August 1987, 320 notices had been expiated. The next available analysis will be in the report of the Office of Crime Statistics scheduled for 30 November, by which time the period for expiation will have expired, and final figures for this period should be available.
2. Figures will be provided in the 30 November report.
3. Decisions to prosecute for failure to expiate stood at 151 on 10 August 1987 and at 267 on 10 September 1987. These figures relate to offences committed in May and June but are not final, since further decisions may be made with respect to some notices issued toward the end of June. Figures for the months requested will not be available until the 30 November report.
4. As of 10 September, one summons had been finalised. The defendant was fined $70 with $42 costs, including $20 victims' levy. It is anticipated that provisional data on court outcomes will be presented in the 30 November report.
5. As of 10 August, in one case a decision had been made not to issue a summons for the reasons given in the report tabled in Parliament on 20 August. If further such cases occur, appropriate data will be presented in the 30 November report.

REGISTER OF MEMBERS' INTERESTS

The PRESIDENT laid on the table the Registrar's statement of members' interests of June 1987.

Ordered that statement be printed.

JOINT PARLIAMENTARY SERVICES COMMITTEE REPORT

The PRESIDENT laid on the table the annual report for 1986-87 of the Joint Parliamentary Services Committee.

PUBLIC WORKS COMMITTEE REPORTS

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

Finger Point Sewage Treatment Works (Revised Proposal) (Final Report).

Outback Interpretive Centre (Port Augusta).

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Reports, 1986-1987—
- Electoral Department.
- Government Management Board.
- Long Service Leave (Building Industry) Board.
- Lotteries Commission of South Australia.
- Parliamentary Superannuation Fund.
- Parole Board of South Australia.
- Department of the Premier and Cabinet.
- The Commissioner for Public Employment and the Department of Personnel and Industrial Relations.
- Small Business Corporation of S.A.
- Department of State Development and Technology.
- South Australian Council on Technological Change.
- The Treasury, South Australia.

Evidence Act 1929—Report of the Attorney-General Relating to Suppression Orders, 1986-87.

Industrial Court and Commission of South Australia—Report of the President, 1986-87.

Acts Republication Act 1967—Criminal Injuries Compensation Act 1978—Reprint—Schedule of Alterations.

Supreme Court Act 1935—
- Rules of Court—Supreme Court—Costs.
- Local and District Criminal Courts Act 1926—District Criminal Courts—Rules of Court—Exhibits and Fees.

Firearms Act, 1977—Regulations—Fees.

Workers Rehabilitation and Compensation Act, 1986—Regulations—
- General Regulations, 1987.
- Revenue and Appeals.

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

Pursuant to Statute—

Hairdressers' Registration Board of South Australia—Report, 1985-86.

Regulations under the following Acts—
- Builders Licensing Act 1986—Roof Tiling Exemptions.
- Fair Trading Act 1987—Door to Door Contracts and Forms.
- Liquor Licensing Act 1985—Prohibition of Minors.
- Trade Standards Act 1979—Flotation Toys and Swimming Aids.

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

Pursuant to Statute—

Corporate Affairs Commission—Report, 1986-87.

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

Pursuant to Statute—

Reports, 1986-87—
- Controlled Substances Advisory Council.
- Geographical Names Board.
- Highways Department.
- Department of Lands.
- Medical Board of South Australia.
- Racecourses Development Board.
- Department of Services and Supply.
- South Australian Totalizator Agency Board.
- South Australian Housing Trust.

Advances to Settlers Act 1930—Revenue Statement, Balance Sheet and Auditor's Report, 1986-87.

The Commissioners of Charitable Funds—Report and Statement of Accounts, 1985-86.

Crown Lands Act 1929—Return of Cancellation of Closer Settlement Lands, 1986-87.

Pastoral Act 1936—Pastoral Improvements, 1986-87.

Planning Act 1982—Crown Development Report—Mobile Radio Network Expansion on Eyre Peninsula by Electricity Trust of South Australia.

Regulations under the following Acts—

National Parks and Wildlife Act 1972—
- Attendants in Parks and Belair, Para Wirra and Seal Bay Parks Entrance Fees.
- Camping and Hiring Fees.
- Cleland Conservation Park—Entrance Fees (Amendments).
- Hunting Permit Fees.
- Wildlife Permit Fees.

Public Works Standing Committee Act 1927—Travelling Expenses.

Seeds Act 1979—Seed Testing Fees.

State Supply Act 1985—Exemptions.

State Transport Authority Act 1974—Ticketing System.

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

Pursuant to Statute—

Reports, 1986-87—
- Department for the Arts;
- Adelaide Festival Centre Trust;
- Carrick Hill Trust;
- Director-General of Education;
- South Australian Film Corporation;
- State Theatre Company of South Australia;
- Office of Tertiary Education.

Teachers Registration Board of South Australia—Report, 1984.

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

Pursuant to Statute—

Local Government Superannuation Board—Report, 1985-86.

Local Government Act 1934—Regulations—Eastern Metropolitan Regional Health Authority.

City of Burnside—By-law No. 10—Lodging Houses.

City of Woodville—By-law No. 57—Poultry.

District Council of Saddleworth and Auburn—By-law No. 21—Keeping of Dogs.

MINISTERIAL STATEMENT: HAROLD LAWSON

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

Leave granted.

The Hon. J.R. CORNWALL: The State Ombudsman, Mr Eugene Biganovsky, investigated the administrative circumstances surrounding the treatment and discharge of Harold Lawson from the Adelaide Children's Hospital earlier this year, following allegations by the boy's mother that he had been released too soon. The 11 year old boy was retarded and an epileptic, regularly suffering from vomiting convulsions. He underwent surgery to reduce his vomiting on 24 March, was discharged from hospital on 30 March, and died 31 hours later. After the publication of the Ombudsman's report late last week, Mrs Valmai Lawson repeated her allegation that her son would be alive today, if he had not been 'kicked out' so early after the operation.

Let me quote from Mr Biganovsky's report on this matter following his independent investigation:

> On the whole of the evidence, I have no hesitation in finding that at no relevant time has there been any maladministration on the part of the Adelaide Children's Hospital or its staff in its administrative dealings pertaining to the care and treatment of the child, Harold Lawson.

Mr Biganovsky went on to say that the basis of the discharge was essentially a matter of clinical judgment, but that in his opinion as Ombudsman, the relevant notes were reasonable. The boy's mother, Mrs Lawson, had made a range

of allegations about her son's treatment at the Adelaide Children's Hospital. Mr Biganovsky reported, and again I quote:

I am satisfied that at all relevant times there has been an adequate and effective system within the Adelaide Children's Hospital for any complaints to be made to any member of senior nursing staff and/or the executive staff of the hospital. The evidence plainly demonstrates that Mrs Lawson at all times would have had a full and adequate opportunity to make any complaint or express any concern that she may have had to the executive of the hospital.

The Ombudsman went on to note that he found a large number of people in the community had nothing but praise for the high standards of care and treatment in the Adelaide Children's Hospital. He reported that there had been an absence of cogent evidence to show there had been any lowering of those standards, or any real failing on the part of the staff that would adversely reflect on the processes of administration of the hospital.

MINISTERIAL STATEMENT: COURT SUPPRESSION ORDERS

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: Members will note that earlier today I tabled the report on suppression orders for the 1986-87 year. I would like to make a few points in relation to that and the suppression order issue generally that I believe would be of interest to members of the Council.

At present there is a healthy community debate over suppression orders handed down by the courts in this State. That debate revolves around two equally important questions of principle: namely, on the one hand, the need to ensure that every person receives a fair and unprejudiced trial, and on the other hand, the need to ensure our courts remain open to public scrutiny.

On previous occasions I have indicated to the Council that in my view there is perhaps an excessive use of suppression orders in some cases. I have also written to the heads of the courts—the Chief Justice of the Supreme Court, the Senior Judge of the District Criminal Court, and the Chief Magistrate—to seek to ensure that judges and magistrates, in the orders they give, comply with existing legislation to properly specify the reasons for the suppression orders.

The report I tabled today details suppression orders granted in the financial year 1986-87. It is the third such report since new legislation covering this area was passed in 1983. That legislation, amongst other things, specifically provided for rights of appeal to interested parties, including the media, against suppression orders issued by the courts. Among figures contained in the report I have tabled are the following:

1. A continued decline in total suppression orders from 241 in 1984-85; 215 in 1985-86; to 193 in 1986-87.

2. That 104 defendants had their names suppressed, which is about the same figure as the previous year.

It is also important to note that of the 193 orders issued some 52 were made to suppress the names of victims, witnesses, and plaintiffs. This point should be emphasised to ensure a fair and full public debate on this issue—that over a quarter of orders were made to protect the interests of victims of crime, witnesses, and plaintiffs.

As Attorney-General, I have instructed the Crown to join with the ABC in a Supreme Court appeal against a blanket suppression order imposed in a case which has received widespread media coverage. The ABC has also appealed against a suppression order granted in a current prosecution against a police officer. The Crown will intervene in this matter.

These two cases present the Full Supreme Court with an opportunity to consider the issues of public policy raised by the question of suppression orders, and to reconsider the guidelines to the courts that should apply in this area. I believe that it is appropriate to await the outcome of those two cases before determining whether any further action is required or, in particular, whether any amendment to legislation is indicated.

QUESTIONS

TELEPHONE CHARGES

The Hon. M.B. CAMERON: I seek leave to make an explanation before asking the Attorney-General a question about the massive increases in telephone charges for an Aboriginal community.

Leave granted.

The Hon. M.B. CAMERON: I am informed that from last Thursday the Iwantja Aboriginal community at Indulkana (in the north-west of South Australia) faced a dramatic rise in the cost of using telephones because of a decision by Telecom to review charges to neighbouring centres. That decision has resulted in the community, which is situated 300 kilometres north of Coober Pedy, being charged $1.26 for three minutes for every call made to places ranging from 165 kilometres to 745 kilometres away. The exception will be Coober Pedy, for which the community will still be charged a 20c call fee.

The change will result in a rise in the community's phone bill from $13 400 in the last financial year to an estimated $80 000 this financial year. The Indulkana community does the majority of its business with Alice Springs and has to regularly ring that centre. Its health set-up and shopping centre are in Alice Springs; and all its goods and services come from Alice Springs. Therefore, Telecom's move is deliberately penalising them from that choice.

I am told that Telecom disputes the $1.26 charge, and says that the community will only pay about 42c for each call to Alice Springs, but that is not what Telecom said in a letter to the community dated 8 August 1987. I seek leave to table a copy of that letter.

Leave granted.

The Hon. M.B. CAMERON: That letter, signed on behalf of Telecom's chief manager of the Adelaide marketing office, clearly sets out the rates that the community would be charged from 1 October. The rise in phone charges, which will impose another financial constraint on the Aboriginal community, seems harsh when it is learnt that subscribers at Mimili, only 70 kilometres west of Indulkana, have been transferred from an 086 STD area code to 089, which means all of their calls to Alice Springs, their natural centre, will be at the 20c rate.

I believe that Telecom also claims that a survey of subscribers in the general region found that most telephone users were happy with the move to include the Everard extended zone in the Coober Pedy service district. It appears that this survey neglected to obtain any comment from the Indulkana community, which will be harshly affected as a result of a 500 per cent increase in individual telephone call costs. The letter of 8 August states:

By way of background, the 'service town' concept was an important part of our 'Community Access 80' program and was intended to provide a low cost link between a country telephone customer and a town providing essential services.

Anybody who has been to Indulkana would know that it is just not associated with Coober Pedy; in fact, it has very natural links with Alice Springs, and the whole of the Aboriginal community there has that same link. It is impossible to separate one community and to say, 'You are now going to deal with Coober Pedy.' My questions are: will the Attorney-General, as Leader of the Government, approach the Federal Minister for Communications to seek a reversal of the decision which is having a deleterious effect on this community and which is patently unfair, given the rates that Mimili subscribers are being charged? This decision will adversely affect the Indulkana community, which I must say already lives under extremely harsh conditions and does not have an excess of funds available.

The Hon. C.J. SUMNER: I will consider the matters raised by the honourable member and see whether I can obtain some response from the Federal Minister responsible for the matters to which the honourable member has drawn the Council's attention.

Mr A. GRASSBY

The Hon. K.T. GRIFFIN: When the Attorney-General, then shadow Attorney-General, asked questions in the Legislative Council in December 1980 and June 1981, focusing on public allegations about a Mafia-type organisation (with links with Griffith) operating in Adelaide, and referred to criticism of the Woodward Royal Commission's findings about the murder of Donald Mackay, was the Attorney-General influenced to ask those questions by the representations made to him by Mr Al Grassby at the end of July 1980, or at any other time?

The Hon. C.J. SUMNER: I have addressed that matter in the Council on previous occasions and I have nothing further to add to what I said. As the honourable member knows, certain legal proceedings are in train in another State relating to Mr Grassby, and I do not intend to respond beyond what I said on the previous occasion.

PORT ADELAIDE VISIT

The Hon. L.H. DAVIS: I seek leave to make a short explanation before asking the Minister of Tourism, representing the Minister of Marine, a question about a VIP visit to Port Adelaide.

Leave granted.

The Hon. L.H. DAVIS: Last Wednesday officers of the Premier's Department were busy making preparations for the visit of a high powered contingent of visitors, including the Swedish Government's Minister for Labour and two of her advisers, together with the Swedish Ambassador to Australia, a Kockums executive and an officer from the Department of the Prime Minister of Australia. These dignatories were to be shown the proposed site for the submarine project last Friday. The Government had decided to take them up the Port River to the site on the Government vessel m.v. *Des Corcoran*. I understand that the m.v. *Des Corcoran* is an extremely comfortable vessel, which the Government purchased for several purposes, one of which was the transportation of VIPs.

However, when officers of the Premier's Department realised that the m.v. *Des Corcoran* would not be available, the penny suddenly dropped. In fact, the crew of the m.v. *Des Corcoran* was on strike. In the end the dignatories saw the site on a private motor cruiser. I understand that State Government officials were less than amused by the grim irony of the saga of the submarine site inspection. After all, South Australia's superior industrial relations had been a major factor in winning this State a share of the submarine action. My question to the Minister is: does the Minister accept that future incidents similar to the one that I have outlined involving VIPs would seriously undermine South Australia's credibility as a relatively strike-free State, a reputation that has been built up over several decades?

The Hon. BARBARA WIESE: I do not think that it is particularly beneficial for the honourable member to try to score cheap political points in this place about matters of such great importance, but I shall be happy to refer those questions to my colleague in another place.

LEGIONNAIRE'S DISEASE

The Hon. CAROLYN PICKLES: I seek leave to make a short explanation before asking the Minister of Health a question about domestic air-conditioning appliances and legionnaire's disease.

Leave granted.

The Hon. CAROLYN PICKLES: A very alarmist and misleading article appeared in the *News* of 5 October regarding legionella bacteria in domestic air-conditioning units. The Refrigeration and Air-Conditioning Contractors Association of Australia claimed that according to experts legionella bacteria is in most air-conditioning units. The spokesman, Mr Maurie Sykes, said:

> The subject is a time bomb.

He further stated:

> ... massive insurance claims could follow further outbreaks this summer if health experts do not force a massive clean-up of 'sick systems'.

He further stated that some children's and elderly people's hot-water systems are kept at a high temperature (between 25 and 35 degrees centigrade) and that at this temperature dangerous bacteria could breed. He finally stated:

> We won't be safe until everyone cleans their systems. Because you can be infected from the spray of your neighbour's air-conditioner.

I imagine that this article would have caused some disquiet in the community, especially for those elderly people who have air-conditioning units. Can the Minister give details of any recorded cases of legionnaire's disease being caused by domestic reverse cycle air-conditioning units?

The Hon. J.R. CORNWALL: The article that appeared on page 3 of the *News* yesterday (5 October 1987) is misleading and alarmist. The views expressed are out of step with current scientific knowledge and were made without consultation with the Communicable Disease Control Unit, a foremost authority on the prevention and control of legionnaire's disease in Australia. It must be understood that the organism that causes legionnaire's disease is ubiquitous and found in virtually any aquatic environment. Despite this, legionnaire's disease is an uncommon cause of pneumonia (accounting for less than 4 per cent of pneumonias in the community) because the circumstances for people to become infected occur only rarely. The organism must proliferate to large numbers; the contaminated water must be inhaled in droplet form; and the person inhaling must inhale a sufficient quantity of these contaminated droplets and must be susceptible. Certain groups appear to be susceptible in these situations, particularly elderly male smokers and people with defective immune systems.

Only certain forms of large-scale air-conditioning systems have been involved in outbreaks of legionnaire's disease. These large-scale systems have had poorly maintained cooling towers where the organism could proliferate and be

dispersed in the minute water droplets formed by the operation of the cooling towers. Even though the organism has been found occasionally in the water in domestic and commercial evaporative air cooling units, the Communicable Disease Control Unit has not been able to find any reports from anywhere in the world of domestic and commercial evaporative air cooling units being implicated in cases of legionnaire's disease.

Furthermore, reverse cycle air-conditioners, either domestic or large scale, have never been implicated in cases of legionnaire's disease. Domestic units cannot create sprays of infected water that could possibly infect neighbours and this is one of several misconceptions and foolish statements in the article.

The article also states that 'lethal legionnaire's disease bacteria is in most air-conditioning units'. That is incorrect—legionnaire-type bacteria have only been found in some units where water has been involved and only very rarely in numbers where they may present a potential hazard. The article emphasises that the 'danger time' (as it calls it) is when temperatures are 'between 25°C and 35°C'. This does not refer to air temperatures but to water temperatures and such temperatures may be reached in some cooling towers as well as hot water services (in fact the legionnella organism will grow in temperatures between 20°C and 50°C if other conditions, e.g. the presence of sediment and organic matter, are present).

Surprisingly, these temperatures are rarely reached in the water of even exposed air cooling units on hot days and certainly not while the units are in operation. For hot water services with water storage below 50°C special preventive measures are required to prevent the proliferation of bacteria. The article refers to STA buses running without air-conditioning this summer. However, this is being done purely as a precaution and pending a decision to incorporate certain treatment processes for the air-conditioning units.

The Communicable Disease Control Unit and the Environmental Health Branch of the South Australian Health Commission are recognised throughout Australia as sources of expertise on the prevention of legionnaire's disease. Dr Scott Cameron, head of the Communicable Disease Control Unit, is chairman of the National Health and Medical Research Council Committee reviewing guidelines on the prevention of legionnaire's disease. The unit has provided an important submission and expert information to the Standards Association of Australia to enable a standard to be established for the appropriate maintenance of air-conditioning units and water distribution systems. The South Australian Health Commission has provided funding to the IMVS to enable further investigation into legionnaire's disease. Furthermore, the South Australian Health Commission has sponsored a series of metropolitan and regional seminars to provide up-to-date technical information on air-conditioning and water distribution systems to health surveyors in local councils, building owners and operating and maintenance staff.

The South Australian Health Commission, in conjunction with the manufacturer's and installers' associations (AREMA and AMCA), has produced an information brochure entitled 'Operation and Maintenance of Evaporative Air Cooling Units' which is currently being published and will be available to the public shortly. The brochure recommends that units be drained and kept dry thoughout the non-operating period and, prior to recommissioning, be checked for cleanliness and correct operating. During the summer months checks should be made to ensure that the unit (including cooling pads) remains free of sediment and slime. The South Australian Health Commission has two information bulletins detailing the safe maintenance of complex air-conditioning plant and water distribution systems.

Information is also available to the public via the Environmental Health Branch, and the telephone number for anybody, even journalists who want to get the facts right, is 218 3637. I would be pleased if someone could pass that on. As there has been considerable misinformation about legionnaire's disease and air-conditioning it is hoped that these various avenues of technical advice will enable a rational approach to the topic.

PROSTITUTION

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about prostitution.

Leave granted.

The Hon. DIANA LAIDLAW: Last week the Premier of Western Australia, Mr Burke, announced his intention to introduce, within 12 months, legislation to legalise prostitution in that State. The Attorney-General will recall that when the Hon. Ms Pickles decided earlier this year to withdraw her private member's Bill to decriminalise prostitution she indicated that she had not given up hope of reforming South Australia's prostitution laws and believed the Bill could be revived. Does the Government intend to follow the example of the Western Australian Government and introduce legislation to legalise prostitution or, alternatively, can the Attorney-General indicate whether the Government will support one of its members introducing legislation to legalise or decriminalise prostitution in this State?

The Hon. C.J. SUMNER: The honourable member seems to be blurring the lines somewhat in her question. It needs to be said once again that the Bill was introduced in this Parliament earlier by the Hon. Ms Pickles and subsequently withdrawn after some debate in this Chamber.

The Hon. M.J. Elliott: It was not the debate in this Chamber that did it; it was the debate in another place.

The Hon. C.J. SUMNER: There was not any debate in another place; the Bill did not reach another place. That being the case, the Government has no intention at this stage of introducing similar legislation. I am sure all members will watch with interest the proposals put forward by the Premier of Western Australia to see the results. This matter has been debated in Parliament recently and the Government has no intention to revive the matter in any form. Whether any member of Parliament wishes to do so is a matter for that individual.

SCRATCH TICKETS

The Hon. G.L. BRUCE: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the *News* bingo tickets.

Leave granted.

The Hon. G.L. BRUCE: It has been drawn to my attention that the *News* is running a series of bingo scratch tickets. The tickets are separate from the *News* newspaper. People have bought several copies of the *News* to participate in this game only to find that they contain no tickets. It would appear that there has been a misrepresentation if a person buys the *News* and it does not contain the scratch bingo tickets. My question is: who is responsible for the lack of a ticket in the *News*—News Limited or the supplier—and what redress does the customer have if he buys

the *News* on the assumption that he is going to get a bingo scratch ticket but it does not contain one? Is there any other way that the *News* can be marketed so that customers can be assured that they will get the bingo scratch ticket?

The Hon. C.J. SUMNER: Obviously the honourable member has received some complaints from constituents about the scratch bingo tickets not accompanying the newspaper, when apparently it has been advertised that if you buy a *News* newspaper you also get a scratch bingo ticket. The issues that the honourable member raises on behalf of his constituents are important. I do not know what the precise arrangement is between the *News* and the promoters of the bingo tickets. Obviously the honourable member is concerned about it and if the bingo scratch tickets are not available in the *News* after having been advertised as being available when the *News* is purchased, then that is a matter of concern to individuals who purchase the *News*. I do not know, apart from what the honourable member has said in the House today, whether or not that has occurred, but I will make inquiries and bring back a reply.

REGIONAL RESERVES

The Hon. M.J. ELLIOTT: I seek leave to make a brief statement before asking the Minister of Health, representing the Minister for Environment and Planning, a question on the Coongie Lakes, Innamincka.

Leave granted.

The Hon. M.J. ELLIOTT: The Coongie Lakes wetland area is an unpolluted arid-zone freshwater system of great environmental significance. It is currently listed under the ARMSAR Wetland Treaty; is on the register of the National Estate; and has been proposed for world heritage listing.

In June this year the State Government indicated that it would declare Innamincka Station in the far north-east of South Australia a 'regional reserve'. The reserve would cater for multiple-use interests—tourism, conservation, and the using of natural resources. Innamincka, a 13 818 km pastoral lease centred on the Cooper Creek floodplain, is noted for its diverse habitats including a unique system of arid-zone wetlands. A recent biological survey of the Cooper Creek Environmental Association suggests that the area provides niches for up to 500 or more species of plant, 185 species of bird, 25 mammals, 47 reptiles, five frogs, 16 fish, and countless aquatic herbivores.

The regional reserve provisions are modelled on prior agreements negotiated, or being negotiated, with the pastoral lessee, Kidman Holdings Pty Ltd, and the Cooper Basin producers over future management of the Innamincka area. These agreements will determine the nature of management, and hence the level of protection of the reserved environments, prior to completion of relevant field studies (partly funded by the Australian of the Year, Dick Smith), preparation of a management plan, and opportunity for public comment.

It is understood that Kidman Holdings have been offered a 45-year lease allowing grazing to continue under conditions comparable to those of the current pastoral lease which expires in the year 2007. If so, this may reflect upon the decision not to acquire the station on the Minister's recommendation back in 1984. The environmentally significant Coongie paddock, about one-third of the station, has not been grazed by livestock for over five years due to the campaign to eradicate bovine tuberculosis and brucellosis, and is in noticeably better condition than adjoining paddocks.

The findings of the Coongie Lakes study 1987 (funded by Dick Smith) support the claim that this is a very important environment. There is great diversity of flora. Many plant, animal and bird species not previously found in the area, some listed as endangered or rare, have been recorded. Preliminary reports from researchers recommend that the area should be protected under a classification of higher conservation status than a regional reserve.

These recommendations were withdrawn from consideration by the National Parks and Wildlife Service of South Australia on the day they were received. The conservation movement has been denied access to these. A Department of Lands rangeland assessment of Innamincka Station (withheld from public access) details the importance of the area and comments on the detrimental effects of mining and petroleum operations (actual and potential) on the wetland. I ask four questions of the Minister as follows:

1. Will the rangeland assessment report for the Innamincka pastoral station be released?
2. Will the preliminary report on the Coongie Lakes study also be released?
3. Is it true that Santos has a proposal to put a pipeline (the Book Bourdie pipeline) through the middle of the Coongie Lakes area?
4. Will there be a public inquiry into the Government's proposals for Coongie Lakes?

The Hon. J.R. CORNWALL: All those questions are outside my direct sphere of knowledge, I must confess. I will refer them to my colleague in another place, and expeditiously bring back replies.

WORKCOVER

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Attorney-General, representing the Minister of Labour, a question on WorkCover application forms.

Leave granted.

The Hon. PETER DUNN: On or about 25 September I had not received an application form for my small business. I had picked up a blue form explaining in detail what was to happen. In part it states, under the heading 'Registration process':

> All employers except those specifically exempted with workers in South Australia must register for coverage and pay a levy under WorkCover.

It stated that registration forms would be forwarded to most business addresses in South Australia, and were also available in all official post offices and SGIC branch offices. On or about 25 September I had not received a registration form. Furthermore, I received from my insurance company, with whom I have previously taken out workers compensation cover, a letter stating that I would receive an application form from WorkCover. I did not receive that form, so I rang the number on the form and was promptly told that it was the wrong number. I was given another number, which I rang about four times, as it was very busy.

Information I received from the person on the end of the phone was that there was some confusion as to who should receive the forms, and that they did not have the full list. Secondly, the person said that the printing had fallen behind and that the forms could not be supplied. However, a form would be forwarded to me that day, which was done, and I received the form a couple of days later. Subsequently, I have had queries from people in my own area, particularly relating to piecework for shearers, fruit pickers, baby sitters, and so on.

As those issues have received some publicity, can the Minister say what has been done about resolving those problems? Will employers, particularly in remote areas, who

expected a registration form but did not receive one, be given a moratorium period in the light of the confusion in the WorkCover office? Has the insurance method through WorkCover for itinerant or pieceworkers been totally resolved? I refer particularly to shearers: if a shearer shears 150 sheep a day for a week and has an accident during the first run for the day, is the employer responsible for one week's cover for that shearer?

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

STRATA TITLES

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General a question on strata titles.

Leave granted.

The Hon. J.C. IRWIN: The Attorney-General may recall that I made a brief statement and asked a number of questions on this subject three weeks ago. I referred to problems in at least two areas where strata titles administrators are not yet licensed, and the tribunal is needed to hear and sort out complaints. Further to my comments of three weeks ago I give a few examples of the sort of rip-offs occurring in the management of strata titles by unscrupulous administrators. Examples like the following are being received daily by the Strata Titles Institute and the Strata Titles Owners Association of South Australia:

1. Withdrawal of six months fees in advance, which puts the maintenance fund in debt and incurs interest.
2. In more than one case all contributions from members of strata corporations to the maintenance fund have been deposited into a bank account and that person personally obtains the interest thereon. If such contributions were placed in a trust account, they would be subject to audit and the law.
3. Several cases have occurred in which no statements of account have been presented, and irregularities have been detected when a member eventually insists on sighting the books.
4. Many complaints are received after general meetings that important resolutions are not recorded in the minutes.

I am advised that tribunals or other similar bodies work in New South Wales, Queensland, and Western Australia. There appears to be no problem in those States in making satisfactory funding arrangements, a concern alluded to by the Attorney-General in his answer to my previous question. It is more than a year since a draft Strata Titles Bill was circulated for comments about its provisions and disputes resolution. My questions are:

1. When does the Attorney-General think that he will be in a position to bring in strata titles legislation or any other measure designed to minimise the improper practices now taking place?

2. If the Minister has not made himself familiar with the process of the draft legislation, will he undertake to bring back up-to-date information?

The Hon. C.J. SUMNER: The up-to-date information is that a draft Bill has been distributed to interested parties, and their responses are being considered by the Government. When those responses have been considered, a decision whether to introduce legislation will be taken. I am interested in the honourable member's comments, because it seems that he supports a new quango to deal with strata titles disputes, whether that be a new tribunal or a strata titles commissioner. I take it that if the proposal—

The Hon. J.C. Irwin: I haven't said that.

The Hon. C.J. SUMNER: That is all right; I just wanted to make sure. I thought that the honourable member would back off when the question was put to him.

The Hon. J.C. Irwin: You haven't come up with anything. You have had a year. This draft has been going around for a year.

The Hon. C.J. SUMNER: It is all very well for the honourable member to say that. This is a complex area, and a draft Bill has been distributed. One of the issues is whether there is an alternative means of solving strata titles disputes. The honourable member does not necessarily support a tribunal to deal with such disputes, nor does he necessarily support a strata titles commissioner. If he were prepared to come into this Chamber and indicate where he stands on these matters, the Government would take his views into consideration. However, he comes along and makes reference to what is happening in a couple of other States and to the fact that consideration is being given to amendments in this area. Because he does not indicate to the Council whether he is personally prepared to support a tribunal—

The Hon. J.C. Irwin: I am not allowed to give an opinion in a question. The President does not allow me to do that.

The Hon. C.J. SUMNER: I just mention that the honourable member does not have to—

The PRESIDENT: Order! It is not the President but Standing Orders. The President merely administers Standing Orders.

The Hon. C.J. SUMNER: The honourable member can state a fact. Does the honourable member support a tribunal or a strata titles commissioner to deal with disputes in strata titles? That is the question I asked him, and he backed off. That is what happened. He was not prepared to say, because he wants to keep a foot in every camp that is available to him at present.

The Hon. J.C. Irwin interjecting:

The Hon. C.J. SUMNER: That is not the point. I am trying to get from the honourable member whether he would endorse the Government supporting such a proposal. There is silence from the honourable member. There is always silence from the Opposition on these issues.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: You are members of Parliament.

The Hon. R.I. Lucas: If you want us to govern and you can't make decisions, hand over to us.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: We are happy to govern and to take the Opposition's views on these issues, if we could find out what they were. The problem that the Government is faced with is that it never knows where the Opposition stands. That is one of the issues. If there is to be a tribunal or a strata titles commissioner, one of the principal issues is how that is funded. That would have to be considered by the Government. Another statutory authority would be established, which is not what members opposite usually want. They generally complain about the establishment of new statutory authorities. I am pleased that the Hon. Mr Irwin, sitting next to the Hon. Mr Lucas—the well-known quango hunter—is apparently proposing another quango for his colleague to pursue. Such a proposition needs consideration by the Government and by the Parliament before deciding whether there ought to be another authority that must be funded by the taxpayer or by strata title unit holders.

An honourable member interjecting:

The Hon. C.J. SUMNER: The user-pays principle may be a proposition, but which users pay must be determined as is the method of applying the levy on them. I would be interested to hear what the Hon. Mr Hill has to say on this matter, because of his personal interest in strata titles and

his long experience in the real estate industry. I am quite happy for members opposite to respond to the draft Bill that was circulated and let the Government know their views on the issues raised by the Hon. Mr Irwin. In the meantime, the Government will proceed to consider the submissions that it has received and, in due course, a decision will be taken on the introduction of legislation.

WORKERS COMPENSATION

The Hon. R.J. RITSON: I understand that the Attorney-General has an answer to a question on the subject of workers compensation that I asked on 6 August 1987. I recall receiving an answer to that subject on the last day of sitting, but I am not sure whether it was the answer to a second question or a second similar answer to the same question or a supplementary answer. If the Attorney-General has any further information on that subject, I would be delighted to have it. If it is the material that has already been incorporated in *Hansard*, I thank him for reminding me of the matter.

The Hon. C.J. SUMNER: I have no more answers about that matter.

THE SECOND STORY

The Hon. R.I. LUCAS: I ask the Minister of Health:

1. Is there a new director of The Second Story and, if so, whom?

2. If there is a new director, what were the reasons for changing directors?

3. If there is a new director, what role did the Minister take in any such change?

The Hon. J.R. CORNWALL: At this moment, there is an Acting Director. The former Director (Miss Judy Peppard) took stress leave, and does not intend to rejoin the staff of The Second Story. She was the founding director of The Second Story, and did a magnificent job under extraordinarily difficult circumstances. Some of those difficult circumstances were caused quite deliberately and in a most negative way by members of the Opposition. A relentless campaign was waged in Parliament and outside it, led by Mr Davis, backed up by Mr Lucas, and supported in the worst possible way from time to time by Ms Laidlaw when she had a chance to get into the act. They pursued the very good work that was done by Miss Peppard quite relentlessly. She eventually had a breakdown, and is on stress leave.

The Hon. R.I. Lucas: You are blaming that on the Opposition?

The Hon. J.R. CORNWALL: I blame a significant part of that—

The Hon. R.I. Lucas: That is outrageous.

The Hon. J.R. CORNWALL: It is quite outrageous—

The Hon. R.I. Lucas: She had to put up with you. I would have stress leave if I had to work for you.

The Hon. C.M. Hill: This is a disgraceful reply.

The Hon. J.R. CORNWALL: It was a disgraceful performance that the Opposition carried on with. Opposition members set out to destroy Miss Peppard and The Second Story. They have been successful to the extent that Miss Peppard is on extended stress leave, and she went home to Canada following the recent death of one of her parents. She will resume duties in the Health Commission when she is fit to do so. At this time it is not her intention to return to The Second Story. I played no part directly in any of this except to be sympathetic and supportive of Miss Peppard's difficulties as soon as I learnt of them.

The Hon. R.I. LUCAS: As a supplementary question, will the Minister respond to the question regarding who is acting in the position of Director of The Second Story? Secondly, will the Minister indicate when and in what position Miss Peppard is likely to resume employment within the South Australian Health Commission?

The Hon. J.R. CORNWALL: Miss Peppard will resume duties when she is well enough to do so. I thought that would have been obvious, even to somebody of the limited intelligence of the Hon. Mr Lucas. With regard to the Acting Director—

The Hon. M.B. CAMERON: On a point of order, Ms President, I believe that I heard the words from the Minister, 'I thought anybody even with the limited intelligence of the Hon. Mr Lucas would be able to recognise that.' I ask him to withdraw that. As it is an unnecessary reflection on the Hon. Mr Lucas, I ask the Minister to withdraw that and apologise.

The PRESIDENT: I ask the Minister whether he will withdraw those words.

The Hon. J.R. CORNWALL: Is that unparliamentary? We are getting very sensitive. I would have thought that even anybody as insensitive and lacking in competence as the Hon. Mr Lucas would realise that it would not be the intention for Miss Peppard to resume duties until she was fit enough to do so.

The Hon. M.B. CAMERON: On a point of order—

The Hon. J.R. CORNWALL: If Mr Cameron finds my references to Mr Lucas's intelligence unparliamentary, then I will withdraw and apologise.

The PRESIDENT: Thank you.

The Hon. J.R. CORNWALL: As I said, Ms President, this is the only place I know of where truth is not a defence. However, obviously Miss Peppard will resume when she is fit enough to do so. I cannot at this moment recall the name of the person who is acting. It has certainly been drawn to my attention. I was in fact consulted before the board appointed the woman who is acting. She comes very highly recommended but, unfortunately—

Members interjecting:

The Hon. J.R. CORNWALL: I have 25 000 employees in the health system, and I do not actually—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I do not actually know every one of them personally.

The Hon. R.I. LUCAS: I have a supplementary question.

The PRESIDENT: You have had one supplementary.

The Hon. R.I. LUCAS: I am asking for another one. As a supplementary question, will the Minister respond to the question: in what position will Miss Peppard resume employment within the South Australian Health Commission?

The Hon. J.R. CORNWALL: In whatever position her talent is best suited to. If Mr Lucas has some extraordinary idea that I am involved in the day-to-day conduct of the health services of South Australia in that sort of finite detail, I must say that he pays me an enormous compliment. I realise that I have a reputation for being sensitively in touch with my vast portfolios, but I would repeat that I do not run the health service single-handedly. Indeed, I do not run it at all. I happen to be the Minister, not the Chief Executive Officer.

PUBLIC SERVICE SUPERANNUATION

The Hon. J.C. BURDETT: I understand that the Attorney-General has an answer to a question that I asked on 18 August on the subject of Public Service superannuation.

The Hon. C.J. SUMNER: I have been advised that it is intended that each member of the State superannuation scheme will be provided with an individual annual statement of contributions and entitlements, together with general information on the scheme.

In my earlier reply, I said it was expected that the first notices would be issued within a few months. However, because of the Government's proposed changes to the existing scheme and the proposal to introduce a new scheme from January 1988, it was decided subsequently not to issue any statements regarding entitlements to members this year. The annual issuing of statements to members will be an integral part of the proposed new scheme.

TEENAGE SUICIDES

The Hon. K.T. GRIFFIN: I ask the Attorney-General for an answer to a question which I asked on 20 August 1987 on the subject of teenage suicides.

The Hon. C.J. SUMNER: The answer to both questions is 'No.' However, the Government through the Child Adolescent Mental Health Service is committed to improving services for adolescents who are at risk in this area. I have been advised that quoted figures must be treated with caution. This is not only because there have been changes to the way in which deaths are reported by the Coroner's Office (as cited by Dr Robert Kosky in the report referred to by Mr Griffin) but also because of the medical profession's increased awareness of and reporting of teenage depression and suicide, during the period cited.

Unfortunately, while there is always a need to be conscious of mental health issues for youth, particularly the problem of teenage suicide, experience shows that highlighting the problem can lead to more, rather than fewer, suicide attempts.

ESTATE AGENTS

The Hon. J.C. IRWIN: I understand that the Attorney-General has an answer to a question I asked on 26 August 1987 on the subject of estate agents.

The Hon. C.J. SUMNER: The reply is as follows:

1. The Land Agents, Brokers and Valuers Act is similar to the Victorian legislation.

2. No, because it is unnecessary at present. I am advised that the Real Estate Agents Board of Victoria has deferred further consideration of the proposal, the effect of which would have been to limit the activities in Victoria of agents resident in South Australia who hold Victorian agents licences.

3. Yes. But, for the present, the involvement of that committee is unnecessary.

PUBLIC WORKS STANDING COMMITTEE

The Hon. T.G. ROBERTS: By leave, I move:

That pursuant to section 18 of the Public Works Standing Committee Act 1927 the members of this Council appointed to the Parliamentary Standing Committee on Public Works under the Public Works Standing Committee Act 1927 have leave to sit on that committee during the sitting of the Council on Wednesday 7 October 1987.

Motion carried.

OPTICIANS ACT AMENDMENT BILL (No. 2)

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

That the time for bringing up the report of the select committee on the Bill be extended to Wednesday 25 November 1987.

Motion carried.

SELECT COMMITTEE ON SALE OF LAND BY CARRICK HILL TRUST

The Hon. T.G. ROBERTS: I move:

That the time for bringing up the select committee's report be extended to Tuesday 3 November 1987.

Motion carried.

SUPREME COURT ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act 1935. Read a first time.

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

That this Bill be now read a second time.

It amends section 39 of the Supreme Court Act 1935 dealing with vexatious litigants. Section 39 (1) of the Act provides that, on the application of the Attorney-General, a court may order that proceedings shall not be instituted by a vexatious litigant without leave of the court. The section is designed to impose restrictions on people who persistently and without reasonable grounds institute proceedings.

The Supreme Court has inherent jurisdiction to strike out proceedings or to stay or dismiss proceedings which are vexatious. However, this inherent jurisdiction does not enable a court, in dismissing an action on the ground that it is vexatious, to order that the plaintiff shall not be permitted to commence another action. Section 39 (1) deals with this matter, but its use is dependent upon an application by the Attorney-General.

In their 1984 annual report, the Supreme Court judges recommended that section 39 of the Supreme Court Act should be amended to allow the court, on its own motion, to make an order restricting the institution of proceedings by vexatious litigants. The judges are concerned that there are a small number of people who put others to a great deal of expense and waste court time by reason of instituting and prosecuting totally unfounded actions.

Under the present provision, the Attorney-General is the only person able to make application to the court for an order restricting the institution of proceedings by vexatious litigants. This can be justified on the ground that unless it is contrary to the public interest all persons should have automatic access to the courts. Vexatious litigants act against the public interest by abusing the court process and imposing unnecessary hardships on other persons. Therefore, the Attorney-General, representing the public interest, is the proper person to make an application under section 39 (1).

Despite the present provision, it is rare for cases to be referred to the Attorney-General by the courts or by other parties to proceedings so that an application can be made under section 39. The Government agrees with the Supreme Court judges that some action should be taken to improve the operation of section 39. However, it does not consider

that the court should be able to make an order on its own motion that a person is a vexatious litigant.

The Government favours the approach of amending the Supreme Court Act to provide specifically for any court to refer matters to the Attorney-General for consideration of an application under section 39. This gives a court a clear legal basis for referring matters to the Attorney-General, protects the public interest and ensures that the power to make application under section 39 is exercised more effectively. This Bill provides accordingly.

The proposed amendment to section 39 empowers the Supreme Court, when making an order under section 39, to stay other proceedings already instituted by the vexatious litigant. Further, the new provision makes it clear that the section applies to both civil and criminal proceedings. It also enables the Supreme Court to make an order for specified periods rather than for an indefinite period.

Finally, the revised section 39 removes current subsection (2) dealing with the provision of legal representation. As a result, a person who requires legal aid to defend an action under section 39 would have to apply to the Legal Services Commission for representation and be subject to the normal criteria of the commission. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 substitutes section 39 of the Act which provides that the Supreme Court may, on the application of the Attorney-General, order that a person who has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings not be entitled to institute legal proceedings in any court without leave of the court or a judge. The new section provides that proceedings are vexatious if instituted to harass or annoy, to cause delay, or for any other ulterior purpose, or if instituted without reasonable ground. It applies to both civil and criminal proceedings, whether instituted in the Supreme Court or in any other court of the State.

The new section enables the Supreme Court, on the application of the Attorney-General, to prohibit the person by whom the vexatious proceedings were instituted from instituting further proceedings (generally or of a particular kind) without leave of the court or to stay proceedings already instituted by the person. It provides that such an order may be for a limited period or indefinite and that a copy of the order must be published in the *Gazette*. It also expressly provides that the Supreme Court or any other court of the State may refer a matter to the Attorney-General for consideration of whether an application should be made under the section.

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

LONG SERVICE LEAVE BILL

Adjourned debate on second reading.

(Continued from 10 September. Page 886.)

The Hon. I. GILFILLAN: I believe, as I understand other members of this Chamber believe, that this is a constructive piece of legislation which seeks to rationalise and consolidate an acceptable and substantial industrial benefit that South Australian employees enjoy. The Democrats do not intend to make any detrimental move in relation to it. We will look at the matters raised by the Hon. Trevor Griffin, balance them with comments from the department and have that recorded in *Hansard* so that the Minister can address them in his reply to the second reading and during Committee.

The first matter of concern in the Hon. Mr Griffin's remarks was that of related corporations. The difficulty was postulated in relation to a corporation which had substantially the same directors or which was under substantially the same management, and it was asked whether different companies would be deemed as being the same employer for the purposes of accumulating long service leave. The point is properly raised, but the opinion of the department, which was forwarded to me, states:

> To suggest that two separate companies perhaps sharing the same management adviser or the same accountants may be deemed related for the purposes of the Act is not an argument of substance and has never been a factor in the consideration of workers' rights to leave when the question of related companies has been at issue.

I think that the question is really the same as that relating to directors. Section 5 (7) of the existing Act deems companies to be associated companies or one employer for the purposes of the Act if the directors of each are substantially the same or if they are under substantially the same management. The Bill simply reproduces the intent of these prescriptions which have been in the Act since 1967. Obviously, if that is the case there is nothing of serious concern in the Bill, as it will merely continue the current situation.

The next matter relates to the question of continuous employment where there may be different contracts for casual employees. The Hon. Trevor Griffin was concerned that the Bill would increase the capacity for casual employment to be included in long service leave legislation. He stated:

> It is an attempt through the back door, however, to make all casual service deemed to be continuous whether or not the series of contracts happened to all dovetail together. In those circumstances it is a substantial change to the existing Act.

The department states:

> This Bill, by its new definition, clarifies that definition to make clear that a contract of service can include a series of such contracts, but these must still be continuous.

I think that the meaning of the word 'continuous' in this context, or the time gap between various separate contracts, is very significant. The department further states:

> Thus, a casual employee under a series of contracts of service will still have the onus of proving continuity to attract a leave entitlement.

One of the people who helped me in my research raised the following difficulty: a person would have to work seven years before accumulating long service but, if that person had worked four months of each of those seven years, they would not qualify, because each term of employment would be under a fresh contract. At some stage I would like some clarification from the Attorney-General whether that type of employment in fact would qualify for long service leave.

The amendment would be more likely to extend long service leave to 'casual' workers in other industries. For example, the same person may work in a pub for seven years on what is called a casual basis. More correctly, in fact, they are part-time workers working on a shifting roster. The amendment may make it easier for such a person to claim long service leave, but at some stage I would like some indication whether this form of employment, which at times is called casual where people have an ongoing form of employment in a hotel, is to be defined as casual, or whether, as my research has indicated, they will be regarded as a part-time worker working on a somewhat erratic roster.

I am advised that the Bill seeks to clarify what the courts have already accepted and that is that regular casuals should qualify for leave, provided that their service is continuous. I repeat again that I think the word 'continuous' takes on quite a significant role in the interpretation of this matter.

One of the more substantial points raised by Mr Griffin related to the issue of accommodation and whether it would allow for double dipping. Members may recall that he questioned whether an employee who had received accommodation as part of the remuneration would have that value added to the amount paid to long service leave and, where that employee continued to live in the house provided, whether he or she would continue to receive the increased amount in the long service leave calculation. It is my understanding that the Government's intention and the Bill's prescription is reproduced from the existing Act and has been a feature of that Act since 1967. However, to allay concern, the purpose of the definition is explained. There is no question of double dipping. If a worker in such circumstances is granted long service leave but retains the board and lodging component of his remuneration during the period of that leave, no payment in excess of the cash value of his remuneration would be payable. If we are assured that the legislation puts that proposition into effect, then I do not think that the concern of Mr Griffin persists.

The Hon. K.T. Griffin interjecting:

The Hon. I. GILFILLAN: The interjection was that no provision in the Bill clarifies that matter. In that case, it may be an appropriate amendment, because quite obviously, according to the material provided to me by the department, the Government intends to implement the long service leave along the lines that Mr Griffin implied in his speech, and that is that, where there is a continued use of the accommodation, there would be no remuneration payment to cover that accommodation.

Mr Griffin also raised the point of the choice of location for long service leave entitlement where there has been service inside and outside South Australia. He implied that it was like a lucky dip and that an employee could choose the best situation to suit himself or herself. On that point the department states:

> First, a worker, who has been employed in this State for, say, eight years and is subsequently transferred by his or her company to another State for one year and then dismissed, may have no entitlement to long service leave in the State of his or her dismissal. The worker's length of service in South Australia, however, would have entitled the worker to pro rata long service leave under the South Australian Act and section 4 prescribes that, in such circumstances, the worker may resort to the South Australian legislation to gain leave.

I do not have any objection to that. If the legislation offers that option to the worker, that seems to be a fair measure.

I was advised further that, were it not for the Bill's provisions in such circumstances, it is possible for a worker not to gain any entitlement to leave simply due to the movement between States or countries and the circumstances and timing of such transfers. I think it is important that the legislation allow a fair go in relation to long service leave entitlements for people who principally have their original employment based in South Australia. There may be some doubt about options in relation to the long service leave legislation to which they are entitled. I think that, if we are dealing with South Australian legislation that relates principally to South Australian employees, in order that employees can benefit from that, they must have worked a substantial—and perhaps a major—portion of their employment applicable to long service leave in South Australia or directly under the control of a South Australian company. In those circumstances I do not believe that the employee should be able to benefit from any legislation other than that which applies in South Australia.

Mr Griffin raised a point relating to an Industrial Court order and re-employment, particularly clause 6 (1) *(a)* of the Bill. As I understood it, he raised the point that, as the Bill reads, there could be no variation on a reinstated employee having anything less than the full entitlement to long service leave as if that employment had continued unbroken. He implied that a circumstance may arise where an employee was reinstated by the Industrial Commission with certain provisos, perhaps because of factors which meant shared blame, which recognised that the long service leave entitlement should be reduced. If that is the case, I believe that the Hon. Mr Griffin has raised a reasonable point. The comments that I received from the department in relation to that point are as follows:

> There is no conflict between the provisions of section 31 (harsh/unjust dismissal provisions) of the Industrial Conciliation and Arbitration Act and the provisions of this clause of the Bill. The provisions of the Bill preserve only the continuity of service if a worker by court or commission order is re-employed or reinstated. In cases where a worker is so re-employed at a lesser qualification or in a lower position than that which was held prior to the order, the Bill's continuity of service provisions do not affect that order nor are they affected by it. An eventual entitlement to long service leave and the calculation of the monetary value thereof will occur at an appropriate time subject to the normal prescriptions of the Bill.

I am not convinced that that necessarily allows for the situation that Mr Griffin raised and I would like the Government, either in the Committee stage or in the response to the second reading, to comment on that matter. I wish to make the point, however, that where an employee has been wrongfully dismissed the Industrial Commission can offer a monetary settlement in lieu of reinstatement. One assumes that the commission will in that case make some allowance for what has been a long service leave entitlement, but I am not happy in my own mind that that would automatically take place. It may be that there needs to be some recognition of that situation in this legislation or in the Industrial Conciliation and Arbitration Act.

The next significant point in Mr Griffin's second reading speech is the issue of stand-down owing to slackness of trade in clause 6 (1) *(g)*. He made the point that the current legislation allows for a maximum of six months before the character of a stand-down because of slackness could extend, and after that time one assumes there is no identifiable continuity of employment. The comments that I received from the department were as follows:

> Clause 6 (1) *(i)* of the Bill addresses such general terminations and subsequent re-employment and provides that a maximum of two months absence is permitted before continuity of service is affected, in terminations or stand-downs unrelated to slackness.

It goes on to say:

> A stand-down or lay-off due to slackness of trade is seen as a temporary suspension of the employment relationship which both parties wish to continue and should therefore not be the subject of a time limit and the Bill specifically prescribes in that manner. Whilst it is acknowledged that most stand-downs would not exceed a six-month period it is proper that workers should not suffer in such cases through no fault of their own.

It would be unfortunate if this legislation in any way deterred both employer and employee from very sensibly coming to a mutually agreeable arrangement of stand-down, for whatever period, necessary because of slackness of trade. There are so many obvious advantages in picking up the same employer-employee relationship when trade picks up that we have to be careful that nothing in this Bill militates against it.

Although Mr Griffin did not mention this point, I would like to say that the biggest problem in this situation is that the employer will be unlikely to re-employ the same employee

because of the advantage—this may appear to be mercenary—of employing new people with no long service leave entitlement. That may very well militate against the resurrection of an employer-employee relationship just because of the consequence of the long service leave continuing on virtually indefinitely. I do not think that there is any easy solution to the problem, but it may well be that a time frame should be expressed in the Bill. An anomaly may exist whereby someone who has been stood down for six months and one week is still embraced by the intention of the legislation, whereas someone who has been stood down for two years could be re-employed without the employer having to consider whether that would pick up the long service leave obligations of two years ago.

My next point relates to the matter of a Department of Labour inspector being able to direct an employer to grant leave. The point that Mr Griffin made on this issue was that there was no right of appeal. He did not object to the inspector having the power to make this direction. I agree that the power should be given to the inspector, and I also agree with Mr Griffin's concern that there should be some avenue for appeal if the employer feels that the inspector has made an unfair determination. The actual comments that I received from the department were fairly extensive, but one paragraph I will read into *Hansard* is as follows:

> The Bill proposes that in such circumstances when the right to leave is unquestioned, but the circumstance of its timing, or more particularly the delay in granting it is improper or beyond reason, the inspector may direct the employer to grant the leave.

This obviously assumes that the actual entitlement of the long service leave is not in question. It may be that the Government's intention is that the actual determination or any discussion as to the determination can more properly take place in front of the commission. However, I would ask the Government to particularly look at the point of the employer's right of appeal, and specify precisely in the legislation the powers that clause 12 gives the inspector.

The penultimate issue raised by Mr Griffin that particularly attracted my attention was the reverse onus clause wherein if an employer has not kept proper records relating to long service leave an allegation made by or on behalf of the worker as to the period of service or the average number of hours worked per week over a particular period will be accepted as proved in the absence of proof to the contrary, thus establishing the reverse onus. The comment from the department is as follows:

> Reverse onus is appropriate in this case as past experience has shown that, whether by design or accident, many employers do not keep records. An employer may fail to show due care in maintaining and keeping of employment or service records and abide by obligations under the Act.

I do not think anyone would have sympathy with an employer who did not keep reasonable records either through indifference or by some sort of deliberate plot, and there ought to be some way in which an employee employed in those circumstances should have a fair go in regard to long service leave entitlement.

I wish to make two points in relation to this matter. I echo the point that Mr Griffin raised where a new proprietor cum employer takes over a business and finds that he has inherited the consequences of this matter. I do not think it is acceptable that the employee's word should be taken virtually unquestioned, and that a possible solution would be a determination by an inspector, in the first instance, who can hear the position of both people involved and either party should have a right of appeal in relation to his finding.

It seems that the more appropriate way to compel employers to keep records is, as with a proper offence, for there to be a proper penalty. The suggestion of reverse onus is not an acceptable industrial solution. The question of timing was a very fine point indeed and one which we have come to expect the Hon. Trevor Griffin (and only the Hon. Trevor Griffin) to raise, namely, whether the actual extension is past the time of terminating employment for a long service leave application to be handled. The Hon. Mr Griffin stated:

> Under the present Act the Industrial Court shall not have jurisdiction to consider questions of long service leave where it is more than three years after the service of the worker has been terminated. Subclause (4) turns that around and provides that an order cannot be made under this section if the service of the worker was terminated more than three years before the date of the application.

I understand that the honourable member is making the point that there could be a time delay between the making of the application and the determination of that application, but that the application itself still has to be lodged within the three-year period. I cannot say that that concerns me unduly. There may be a delay between the application and its final determination, but if that is a process of great concern the solution is to speed up the procedure of dealing with the application. I accept that it is a subtle point and one on which the Government could indicate what it sees as significant in regard to time past the termination of employment before final settlement of a long service leave entitlement would be made.

In conclusion, the Democrats support the Bill. I express appreciation, as I often do, to the Hon. Trevor Griffin for a detailed analysis of the Bill, not so much aggressively or destructively but constructively. Several areas I have outlined are what I regard as minor concerns, and it would be helpful to hear the Government's reaction to them. Some may result in amendments which would be put through in the Committee stages. I commend the Bill to the Council. It further establishes long service leave as a proper and fair industrial ingredient in South Australia, and I look forward to the final legislation becoming effective.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for expressing their support in principle for the Bill, and acknowledge the expressed concerns in some areas. Those concerns, however, I must point out are perhaps not as significant as the honourable members believe, and I reiterate that the Bill essentially reproduces the provisions of the existing Act, and certainly does not increase the right of workers to leave, the quantum of that leave, nor the monetary value of such leave. The Bill does, however, clarify and formalise some existing custom and practice, and simplifies the prescriptions contained in the present Act.

Contrary to the Hon. Mr Griffin's comments, this Bill in its entirety does have the support of the Industrial Relations Advisory Council, which body very early in its deliberations on the matter was aware of, deliberated upon and eventually supported a completely new Bill in an identical form to that which is the subject of this debate.

With few exceptions it is the experience gained since the Acts operation in 1967 and a subsequent amendment in 1972 which has resulted in the introduction of this Bill. A number of the existing Act's prescriptions have been found to be somewhat imprecise and require clarification. It was for that reason particularly that the Government in consultation with the Industrial Relations Advisory Council acknowledged the need for a complete new Bill to be introduced rather than a further piecemeal amendment to the existing Act.

It is not the intent of the Bill to provide long service leave in cases where the present Act, albeit through legal

interpretation as a result of case law, does not now do so. The question of service or continuity of service remains substantially unchanged in the Bill, and there is no doubt that in relation to claims by casual workers where the employment is not on a regular basis, that these will continue to be judged on their merits by the courts. What the Bill does make clear, however, is that all workers casual or otherwise who have a reasonable expectation of ongoing employment and a subsequent right to long service leave, will not be frustrated or deprived by the existence of artificial breaks in the continuity of their service. Simply stated, the fears of members of this council that extreme cases or, indeed, all casual workers will attract a right to leave is simply not so. Rather, regular casuals working in a continuous relationship will continue to attract long service leave, whilst casuals with no continuity of employment, will be denied such leave.

It is not my intention to specifically respond to all the matters raised in connection with the Bill at this time, but I will respond to members' concerns in the appropriate areas when the Bill is discussed in Committee. I note that the Hon. Mr Gilfillan has already addressed a number of issues raised by the Hon. Mr Griffin in any event. However, I wish to address briefly the specific areas of concern which have been expressed in connection with what has been termed the reverse onus provision and the rights of inspectors to order payment of leave.

First, in respect of the reverse onus provision I point out that employers are obliged under the Act to keep ongoing accurate records of service of all employees. Those records must be transferred from one employer to any or all subsequent employers, so that the record of service of a worker is continuously maintained. It is that record upon which the workers right to leave depends. The Act is specific in its intent to ensure that workers receive the benefits prescribed by the Act. Section 13 (3) of the Bill provides that if those records have not been properly kept by an employer, an allegation by the worker as to the period of service or the numbers of hours worked shall be accepted as proved in the absence of proof to the contrary.

If, by accident or design, such records are not properly kept, an impossible burden is placed on workers to provide evidence of service, absences, and hours worked, which would normally not be within the worker's capacity to recall or prove. Even a conviction upon an employer for failing to keep such records only attracts a penalty, and does not assist the worker in gaining a legitimate entitlement. In these circumstances it is justifiable that an employer upon failing to keep proper records be obliged to show that details of service claimed by an employee were inaccurate.

The Hon. Mr Griffin raised the problem of a new employer being responsible for the lack of proper records from a worker's previous employer where a transmission of business occurs. Clause 10 of the Bill, as does the existing Act, requires that records of service be transmitted from one employer to another. Penalties on the outgoing employer apply for the failure to transmit such records. It is incumbent, however, on the incoming employer to ensure that those records are received and, if they are not, to ascertain the degree of liability to such workers at the time of any such transmission.

It would not be industrial fair play for a worker to lose an entitlement due to the lack of diligence by his previous employers or new employer in ensuring that these events occur. Let me assure members, however, that it is not practice to initiate legal proceedings against genuine employers who have failed for one reason or another in diligent efforts to attain previous records of service. It must be noted, however, that the absence of those records should not affect the worker's right to leave for the period.

Finally, with respect to clause 12 of the Bill, which authorises an inspector to direct an employer to grant leave, it is acknowledged that this is a new provision. I point out, however, that such authority will be used on rare occasions when the question of the right to leave or the amount of the payment in lieu is not in dispute. Such circumstances would occur when employer records and discussions have indicated that a worker has an indusputible right to leave which the Bill requires to be granted as soon as practicable subject to the needs of the business after it has become due.

In cases where an employer has unduly or improperly refused to grant leave within the provisions of the Act, it is intended that an inspector may, upon the application of a worker, issue an order for the leave to be granted within a specified period. Such an authority will be used only in extreme circumstances and is an alternative to the sometimes untenable situation of obliging a still-employed worker to initiate court proceedings against his employer to attract a due leave entitlement. The possible ramifications of such an action should be self-evident. I again thank honourable members for their contribution to the debate, and will address more specifically the areas of concern in Committee.

Bill read a second time.

ADJOURNMENT

At 4.26 p.m. the Council adjourned until Wednesday 7 October at 2.15 p.m.