LEGISLATIVE COUNCIL

Thursday 24 March 1988

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

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

QUESTIONS

UNLEY PROPERTY

The Hon. M.B. CAMERON: When Cabinet resolved to make a proclamation under section 50 of the Planning Act over the land at Unley owned by the New Age Spiritualist Mission did the Minister of Health hear the Minister of Agriculture declare his interest as an unsuccessful bidder at the auction of that property?

The Hon. J.R. CORNWALL: I am imbued with the traditions of the Westminster system for which I have enormous respect. I am not about to break the conventions of that system. As the Hon. Mr Cameron and his colleagues know, it is not customary for Her Majesty's Ministers to discuss publicly what goes on in Cabinet, and I am not about to break that convention.

The Hon. M.B. CAMERON: I have a supplementary question. When did the Minister of Health first become aware that the Minister of Agriculture had bid at the auction of the property to which I have referred?

The Hon. J.R. CORNWALL: The answer is exactly the same as I have just given.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. Cornwall: We will come to you, you scumbag.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Has the Attorney-General yet seen the transcript of the ABC *7.30 Report* interview with Mr Mayes when he said the Attorney-General did know of Mr Mayes' participation in the auction for the property at Unley, and can the Attorney now explain the difference between Mr Mayes' statement and the Attorney-General's assertion yesterday that he did not know of that participation?

The Hon. C.J. SUMNER: I have not studied the transcript.

The Hon. Diana Laidlaw: Have you seen it?

The Hon. C.J. SUMNER: No, I have not seen it, either. I have listened to the transcript but I have not studied it in detail. Suffice to say that on this particular matter the Premier has discussed it with Mr Mayes, and indicated his conclusions as to what was said by Mr Mayes on this topic.

The Hon. K.T. GRIFFIN: Does the Attorney-General agree that as a result of the admission today by the press secretary to the Minister of Agriculture that he circulated to the media defamatory and false material in order to discredit the New Age Spiritualist Mission, the Government is now exposed to liability for damages for the acts of the Minister's employee?

The Hon. C.J. SUMNER: I do not know sufficient detail about that allegation and therefore I am not in a position to answer the honourable member's question.

ADELAIDE WATER QUALITY

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of Adelaide water quality.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday a question was asked in this Chamber regarding the Adelaide water quality, and the Health Minister said that Adelaide water is indeed safe. I bring to his attention a brief quote from an article in the Messenger press in the southern suburbs of 7 October last year, in which Peter Norman of the E&WS Department was quoted as saying:

'I'm aware of those compounds—

he is talking about trihalomethanes—

but those levels have been decreased by minimising chlorine dose rates and introducing water filtration,' Mr Norman said. He said the US had introduced regulations advising on the level of THMs in water during the 1970s. The E&WS had tried to keep the THMs level down to the US regulation in the past two years but before then had overstepped this limit 'several times' by two to six times. The advised maximum level of THMs in the US was 100 micrograms/litre.

I asked a question of the Minister of Health in relation to water quality on 15 October last year as to the level of trihalomethanes in Adelaide water. For 1986-87, not one of the water supplies from any of the dams coming into Adelaide had an average of less than 100 micrograms per litre. The lowest was 110 from Hope Valley: Happy Valley was running at an average of 240 micrograms per litre, 2½ times the US standard; and Myponga, which looks like not being filtered for a long time, at 229 micrograms per litre, more than twice the US standard. Is the Minister insisting that the US health standard is to be ignored and that we can confidently believe that Adelaide water is absolutely safe?

The Hon. J.R. CORNWALL: I repeat what I said yesterday: Adelaide water, although it is aesthetically far from satisfactory to say the least and contains more than its share of solids, is safe: it is potable. The question of the optimum standard and the optimum levels of trihalomethanes has been raised in South Australia for something like a decade. I can remember raising the matter of trihalomethanes in Opposition in, I think, 1981. The hypothetical situation is that trihalomethanes have the potential to be carcinogenic and they have the potential to be mutagenic. The reality is that there is no evidence that, at the levels at which they occur in South Australian domestic water supplies, and particularly in the Adelaide water supply, there is any danger to the human population.

It is true that filtration reduces the level of organic matter and solids to the extent that the levels of chlorine which have to be added to make the water safe are reduced and, therefore, with less chlorine and with less organic matter, you get a lower level of trihalomethanes. That is highly desirable. It is also true that by using chloramination instead of chlorination, you can at least to some extent reduce the trihalomethane level. Both of those things are being pursued as this very moment. I will repeat, so that no great scare campaign is mounted by the Hon. Mr Elliott—

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: You can quote US standards as much as you like. The simple fact is—and it is much better to deal in facts rather than in rhetoric and hyperbole—that we have in South Australia, I am pleased to say, the best epidemiology unit in the country, headed by Dr David Roder. There is no evidence, and no evidence can be produced—despite the fact that in association with the epidemiology branch we also run a very comprehensive cancer registry—of any increase in the sorts of cancers

which trihalomethanes in dangerous quantities might be expected to produce over and above the sort of population pictures that occur in other parts of this country and in other parts of the world. In other words, all the evidence based on the total population of the city of Adelaide over a period of more than a decade shows that trihalomethanes in practice are not a problem.

As to optimum standards, of course we would like to see levels lower than 100 micrograms per litre but, in practice, at this time we cannot achieve that. It is very well known that we happen to be, as I said yesterday, the driest State in the most arid continent on earth and that we have, because of our geographical location, very limited water catchment areas. That is unlike almost every other city of this size in the world. It is well known that we must from time to time supplement our water supplies by pumping water from the Murray River. Even when we have filtration right across the board for the city of Adelaide, there will still be a relatively high organic content in our water, and it will still be necessary to chlorinate that water to ensure that it is safe for human consumption.

So, while we continually work, at the Bolivar water laboratories in particular, on devising ways to minimise trihalomethane standards, and while we continually monitor work around the world through the interdepartmental committee (the committee on the health aspects of water quality), the simple fact is that trihalomethanes will remain at a level above the optimum, at least by the standard set by the US Environmental Protection Authority. However, that does not mean—and I will repeat this as often as necessary—that they are occurring at a level where they are in any way hazardous to the population of Adelaide.

BICYCLE PARKING

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking you, Madam President, a question about bicycle parking facilities at the front of Parliament House.

Leave granted.

The Hon. I. GILFILLAN: I for one—and I am sure that this applies to other honourable members, too—have many constituents who move about Adelaide on bicycles. Several of them have occasion to call on me at Parliament House from time to time, and they are to be encouraged because of the obvious advantages to the environment, particularly to the centre of the city in relation to reduced pollution associated with petrol fumes, lead, and so on. Their difficulty in parking their bicycles in front of Parliament House in a safe and proper way so that they can then come in and do business with honourable members is an embarrassment, I think, not only to us personally and individually but also to the institution of Parliament itself. Madam President, would you exercise your very considerable influence with the Joint House Committee to ensure that facilities for the safe parking or standing of at least six bicycles is provided at convenient locations in the front of this building?

The PRESIDENT: I point out that the parking facilities outside the front of Parliament House are not in the province of the Joint Parliamentary Services Committee. However, it is a matter that I am sure the two presiding officers could take up with the City Council and the police, all of whom would have to be involved in any such matter. I assure the honourable member that I will consult with the Speaker as to the best procedure that we should follow in this regard.

UNLEY PROPERTY

The Hon. R.I. LUCAS: My question is directed to the Attorney-General and concerns the New Age Spiritualist Mission land at Unley. In relation to the section 50 proclamation of the New Age Spiritualist Mission land at Unley, and in the light of the Attorney-General's statement yesterday that 'after consideration of the matter by me and my advice to the Government it has been decided to withdraw the proclamation,' what was the Attorney-General's advice to the Government and what were the reasons for saying that 'section 50 is inappropriate'?

The Hon. C.J. SUMNER: I am not going to provide the details of the advice that I give to Cabinet on these matters. Suffice to say that the decision to withdraw the proclamation speaks for itself. It is clear—

The Hon. K.T. Griffin: You've got to have reasons.

The Hon. C.J. SUMNER: That is all right, and the reasons relating to Cabinet decisions and legal advice given to Cabinet on issues are not—

The Hon. M.B. Cameron: You used to believe in freedom of information.

The Hon. C.J. SUMNER: You know as well as I do—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: You know as well as I do that Cabinet makes decisions collectively on a collegiate basis, that differing views are expressed in Cabinet and that ultimately a Cabinet decision is made. Certain advice is tendered to Cabinet for decisions to be made. I repeat what I said yesterday: the proclamation has been withdrawn and the basis is that section 50 in these circumstances was not open to the Government.

PRIVATE CONVERSATIONS

The Hon. T.G. ROBERTS: My question, which is directed to the Attorney-General, concerns the circumstances of a private conversation that he had with the Hon. Rob Lucas last Tuesday 22 March relating to the Minister of Agriculture and the New Age Spiritualist Mission at Unley. That conversation was revealed publicly—

The PRESIDENT: Order! Does the honourable member wish to seek leave to make an explanation?

The Hon. T.G. ROBERTS: No, I am asking a question.

The Hon. M.B. Cameron: You are explaining it at the moment.

The PRESIDENT: Order! It sounds like an explanation.

The Hon. T.G. ROBERTS: It is the question.

The PRESIDENT: Order! I am sure that you can obtain leave for an explanation.

The Hon. T.G. ROBERTS: The question is—

The Hon. M.B. Cameron: You had better get some fresh advice from the fellow of whom you are asking the question, the Attorney-General.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: I would have thought that that would be a question. In what circumstances did the Attorney-General have a private conversation, which was publicly revealed, with the Hon. Rob Lucas on Tuesday 22 March? What was the private conversation? Does the Attorney consider it appropriate for private conversations to be publicly reported in the Parliament?

The Hon. C.J. SUMNER: In my view—and I would hope in the view of members of this Council—it is clearly not appropriate for private conversations to be reported and made public in the Parliament. Indeed, in terms of—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In terms of the conduct of the Parliament, it is quite unethical and should be condemned by all right thinking members of Parliament. It clearly was a private conversation. It was conducted in the Chamber when the Hon. Mr Lucas walked over to my seat—

The Hon. R.I. Lucas: I walked past your seat.

The Hon. C.J. SUMNER: Here you came, and said words to the effect, 'Mayesie is in trouble.' He then went on to indicate—

The Hon. R.I. Lucas: He ought to resign.

The Hon. C.J. SUMNER: You did not say that. He then went on to indicate that the Minister of Agriculture said in the House of Assembly Question Time that he had been a bidder at the auction. The Hon. Mr Lucas then suggested to me that I would have known that. I then indicated what he now has reported publicly to Parliament, namely, that I was not aware of the fact that Mr Mayes had been a bidder for the property at the auction. Incidentally, this was a similar response made on the same Tuesday earlier in the day in the House of Assembly Question Time by the Premier. I will take the most charitable view from the Hon. Mr Lucas's point of view, namely, that Mr Lucas at the time he had the conversation had not deliberately decided to attempt to elicit that information from me for the purpose of using it publicly. I will take the charitable view that it was not a premeditated deceit. That is the charitable view and, of course, if he did have the motive of eliciting that information from me for use publicly by way of that private conversation and he premeditated that situation, then of course his actions are even more contemptible, if that is possible, than I think they are. Obviously, it is open for members to draw the conclusion that this member—Lucas—a member of Parliament now for some years and someone who ought to know the procedures and forms of the Council was engaged in a deliberate act of deceit.

I will leave members on this side of the House to make their own conclusions about that. Some of them will have to deal with him for longer than I will, principally on the basis that he is a little younger than I am. What is clear—and this is the point—the Hon. Mr Lucas made public in Parliament, in this Council, a private conversation that I had with him.

The Hon. R.I. Lucas: Did you ask that it be confidential?

The Hon. C.J. SUMNER: Did I ask that it be confidential? Is that not the giveaway? Did I ask for it to be confidential? Of course I did not, just as I do not ask for other conversations to be confidential. I had a conversation with the Hon. Murray Hill yesterday; I had a conversation with the Hon. Dr Ritson yesterday; I had a converstion with the Hon. Mr Burdett yesterday; and I had a conversation with the Hon. Mr Griffin yesterday: none of them asked me to keep what they told me confidential. I have conversations with the Hon. Mr Davis just about every week because he shadows me as the Minister of Ethnic Affairs. Just about every week I have to converse with the Hon. Mr Davis at some function or other. We sit often and have dinner together at various functions. We talk about political issues, obviously.

Members interjecting:

The Hon. C.J. SUMNER: Just a minute, it is a serious matter. We talk about political issues.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Does the Hon. Mr Davis at the beginning of those conversations say that it all has to be confidential, 'I do not want you to say this in Parliament'? Of course he does not. Did the Hon. Mr Griffin say that when I spoke to him yesterday about matters—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: He knows that I have to negotiate with him on Bills every day of the week, and many of those conversations clearly are private conversations to facilitate the passage of business in this Council.

Does he say to me, or do I say to him, every time we conduct those conversations 'This is confidential'? Did the Hon. Mr Burdett, the Hon. Mr Hill and the Hon. Dr Ritson tell me that conversations that I had with them yesterday had to be confidential? Of course, they did not. That is the weak point of what the Hon. Mr Lucas is saying. Mr Lucas says, by interjection, 'Did you tell me to keep it confidential?'—of course I didn't. And he knows, as well as I do, that you do not preface every conversation that you have with a member of Parliament with those words. Would anyone like—

The Hon. M.B. Cameron: You don't run off to the courts. That's part of the problem.

The Hon. C.J. SUMNER: That's a complete red herring.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order! Order, Mr Cameron!

The Hon. C.J. SUMNER: Mr Griffin took legal proceedings against me on one occasion and the Hon. Dr Tonkin took legal proceedings against the Deputy Premier, Jack Wright, on one occasion.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If that is your excuse, for this major breach of parliamentary convention, it is a weak excuse with no substance. Obviously what Mr Lucas said, and now admits by his reference to confidentiality, proves what I am saying about the unethical behaviour of the Hon. Mr Lucas. What is clear is that Lucas made public, in Parliament, a private conversation I had with him.

The Hon. R.I. Lucas: Which is correct.

The Hon. C.J. SUMNER: It was correct. That's all right, it was correct. There are a lot of correct private conversations that are had every day of the week.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Every day of the week there are private conversations in this Parliament.

Members interjecting:

The Hon. C.J. SUMNER: He did this; he made public in Parliament—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I did not.

The Hon. R.I. Lucas: You indicated what went on in Cabinet.

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

The Hon. C.J. SUMNER: He did not convince me that his behaviour was anything but absolutely unethical. He made public in Parliament a private conversation which I had with him. He did this to further his own personal political ambitions. I have no hesitation in saying that as far as parliamentary conduct is concerned this is the most unethical act I have ever encountered. As a practising lawyer—

Members interjecting:

The Hon. C.J. SUMNER: Well, I will get into that in a moment.

The Hon. R.I. Lucas: You made up stories in the Parliament.

The PRESIDENT: Order!

The Hon. R.I. Lucas: I told the truth.

The PRESIDENT: Order! I call the Hon. Mr Lucas to order. I will not warn you again.

The Hon. C.J. SUMNER: I will give the context in which that statement was made. I did not—

The Hon. R.I. Lucas: At least I told the truth.

The Hon. C.J. SUMNER: I did not lie.

The Hon. R.I. Lucas: You lied.

The Hon. C.J. SUMNER: That is absolute rubbish. If you want me to get into it again it was in the context of you getting up—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Can I answer this interjection?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It was in the context, as you know, of members opposite raising the Hon. Dr Cornwall's behaviour at a private dinner party.

The Hon. R.I. Lucas: So you could lie.

The Hon. C.J. SUMNER: I didn't lie. It was at a private dinner party. It was, in fact, on the same basis as the sort of grubby business that you are involved in at the moment.

The Hon. R.I. Lucas: You lied.

The Hon. C.J. SUMNER: I certainly did not. That is absolute rubbish. You wanted me to prove it. I will prove it, if you like.

The Hon. R.I. Lucas: Prove it.

The Hon. C.J. SUMNER: If you like, I will. That statement was made in the context of the Opposition accusing Dr Cornwall and making reference to some behaviour of the Minister of Health at a private dinner party.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: You raised in the Parliament—

The Hon. R.I. Lucas: It wasn't at a private dinner party; it was in Wilpena Pound.

The Hon. C.J. SUMNER: You raised in the Parliament behaviour of a Minister at a private restaurant or a private dinner party. That is similar to the way that you raise personal conversations in this Parliament. I have never seen or encountered such unethical behaviour in my life in this Parliament. As a practising lawyer since 1967, I have never been faced with the public revealing, in court or otherwise, of details of any private conversations that I have had with other members of the legal profession. As a member of Parliament since 1975 I have never had the experience of having private conversations reported publicly in this Chamber. I know of no other case when that has occurred. The action is clearly unethical. If it were to become common practice it would make the institution of Parliament absolutely unworkable.

In this case, the Hon. Mr Lucas breached the convention—the clear convention, the clear unwritten rules of this Parliament—about the confidentiality of private conversations. Whether he did it with the support of his Liberal colleagues I will leave others to decide. They will know whether they supported his actions in this case, but if they did acquiesce in this they deserve to be similarly condemned.

The Hon. Mr Lucas used quite unethical behaviour to attempt to sieze a political advantage. When this controversy passes and the matter is finalised—as it undoubtedly will be at some point long after it is lost from people's memories—and whether or not the Liberal Party or Labor Party win or lose future elections, one thing will remain on the record for all to see: all members of Parliament, the press and the Hon. Mr Lucas' constituents. That one thing will be that the Hon. Mr Lucas cannot be trusted.

As he tries to climb the political ladder, his colleagues will know that he will not let common human decency stand in the way of his own personal ambitions. They will all know: honourable members who may well be his contenders for high political office at some stage. Maybe the Opposition will win Government at some stage and maybe the Hon. Mr Lucas will contend to be a Minister in that Government. Maybe he will have to compete with the Hon. Mr Davis, or the Hon. Diana Laidlaw who, I am surprised to see, is giving the Hon. Mr Lucas support in this matter. She ought to know better and I am disappointed—extremely disappointed.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: I did not think that she would condone the public revealing of private conversations in this Council. I thought she was a woman of decency.

The Hon. Diana Laidlaw: I am.

The Hon. C.J. SUMNER: The fact is that the backbenchers on this side, the Democrats and, in particular, the Liberals on the other side will have to live with this clear fact. When this matter is finished and is out of the way—as it undoubtedly will be, whether there is a Labor or Liberal Government or whatever in this State in the future—you will all have to live with this fact that you cannot have a private conversation with Mr Lucas without running the risk that it will be reported by him publicly in this Parliament or outside. You will have to live with that as you jostle for political position and preferment in the future. In other words, he is a thoroughly untrustworthy person.

MINISTERS' INTERESTS

The Hon. J.C. BURDETT: My questions are to the Attorney-General:

1. Does the Cabinet have any guidelines for dealing with conflicts of interest—

Members interjecting:

The PRESIDENT: Order! I cannot hear the question.

The Hon. J.C. BURDETT: My questions are:

1. Does the Cabinet have any guidelines for dealing with conflicts of interest or potential conflicts of interest—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order! I am sorry, I cannot hear the question over the Hon. Mr Cameron. Will the Hon. Mr Cameron please refrain from interjecting while his colleague attempts to ask a question?

The Hon. J.C. BURDETT: My questions are to the Attorney-General as follows:

1. Does the Cabinet have any guidelines for dealing with conflicts of interest or potential conflicts of interest of Ministers?

2. What are those guidelines and when were they issued?

The Hon. C.J. SUMNER: There are generally accepted rules that have been followed by this Government that conform to the practice of previous Governments in South Australia and other jurisdictions in Australia. They are not in writing; as far as I am aware only the Commonwealth Government has written rules governing such procedures. These are outlined in the Federal Government Cabinet Handbook. The procedures established in this State for Ministers to declare their interests to the Premier and the Cabinet follow well established practices in previous South Australian Governments and those which operate in other States.

It should be noted that all members of Parliament, including Ministers, are subject to the provisions of the Members of Parliament (Disclosure of Interests) Act. Let us reflect on that for a minute and work out what the attitude of the Opposition was, that Bill having been introduced in this Parliament by the Labor Government following the 1982 election. There was no declaration of interests Bill enforced in this State prior to that time. The Labor Government introduced it over the considerably vocal opposition of some Liberal members, and that is well known to members.

As members know, the Members of Parliament (Disclosure of Interests) Act requires a full declaration to be provided concerning their interests and those of their immediate families. This declaration is made annually. The legislation was introduced by this Government over the objections of some members opposite. With respect to Cabinet, in particular, it is normal practice for a member to declare his or her private interests under any item for Cabinet discussion. It is then a decision for Cabinet as to whether this precludes the Minister from taking further part in the discussion. Any interests so declared are not recorded in the formal Cabinet decision unless they are deemed sufficient to warrant being noted on the relevant Cabinet docket. That does happen from time to time.

So, there are procedures that operate. They are essentially conventional procedures which, I understand, apply in other Governments. In recent times examples of declarations of interests have been noted and, in this present context, it is worth noting that, with respect to a Cabinet matter in relation to the operation and maintenance of the Penneshaw water supply scheme, which was dealt with in Cabinet on 16 November 1987 there is a note that the Minister of Agriculture declared his interest and took no part in the discussions because he owns a block of land on Kangaroo Island. If the Opposition is suggesting that the Hon. Mr Mayes has not declared an interest in this case that he should have declared, all I can say is that the honourable member's bona fides in this respect in relation to declaration of interests are surely clearly established by the note which was placed in his declaration made on 16 November 1987 when he declared an interest and took no part in the discussion. That is the general situation, but the point that needs to be made clear is that the Minister of Agriculture had no direct private interest in this matter.

The Hon. K.T. Griffin: That is not what the guidelines say.

The Hon. C.J. SUMNER: Which guidelines?

The Hon. K.T. Griffin: They talk about interests.

The Hon. C.J. SUMNER: Which guidelines are you talking about?

The Hon. K.T. Griffin: The ones that you have just read out: they talk about interests.

The Hon. C.J. SUMNER: His or her private interests?

The Hon. K.T. Griffin: Have a look at the third paragraph: 'declare their interests'.

The Hon. C.J. SUMNER: What does that mean? That obviously relates to—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: But he did not have any interest in the property at the time.

Members interjecting:

The Hon. C.J. SUMNER: The bidding for the property was done some eight months before the Cabinet decision on this matter was considered. As is clear from what I have said, there are no written guidelines. In any event, in this matter the apparent bidding for the property—

The Hon. K.T. Griffin: It was actual bidding.

The Hon. C.J. SUMNER: The bidding that he carried out for that particular property occurred, as I understand it, some eight months before this matter was considered in Cabinet. In the meantime, the house that was on the property and for which he had put in some bid had been demolished. How you can then suggest that, eight months after the matter, he had some direct private interest in it is really drawing a long bow.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: All I know is that when a matter came before Cabinet in November 1987 dealing with some funding of a water supply on Kangaroo Island, he declared that he had an interest in the sense of a block of land on Kangaroo Island.

The Hon. M.B. Cameron: Did they all hear that?

The Hon. C.J. SUMNER: It was one of those that Cabinet considered should be noted on the docket, and it was noted on the docket. So, if you are coming into Parliament to question the Minister of Agriculture's bona fides—

The Hon. R.I. Lucas: You will reveal that discussion here, but you will not reveal others.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am not revealing the discussion: I am revealing the decision.

Members interjecting:

The Hon. C.J. SUMNER: Do you think we do not reveal Cabinet decisions? Do we make Cabinet decisions known publicly? Did the previous Government make their Cabinet decisions known to the public? Of course they made their decisions public. I made the decision public. There was a decision to approve some water supply—I do not have the details—but to approve some monetary contribution for a water supply at Penneshaw on Kangaroo Island. Mr Mayes, and his bona fides in this issue, are now being questioned. It is indicated—

The Hon. M.B. Cameron: Come on.

The Hon. C.J. SUMNER: It is on the Cabinet docket that he declared his interest. If you are going to question his bona fides, then I suppose that is part of the political game that members opposite have to play. Of course, in the Hon. Mr Lucas' case, the game that he wants to play particularly is serious, because he is very ambitious, and he will not let his ambition stand in the way of any decent human behaviour—we all know that. We all know that we cannot, and I certainly will not, have a private conversation with Mr Lucas—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: That is all right, I would not—

The Hon. R.I. Lucas: It is 15 all.

The Hon. C.J. SUMNER: It is not 15 all. As I said, it is a reflection that you are a quite untrustworthy person. You have behaved—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I have never done that. That is rubbish! That is absolute rubbish and you know it is.

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

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

The Hon. C.J. SUMNER: I have never done that. I have never revealed a private conversation in the Parliament. That to my way of thinking is the most heinous political act that you can commit in this Parliament. You sit in the same bar every night—

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: He can reveal it if he likes, but I do not think he would breach that convention. He would not breach it, unlike Mr Lucas. Of course, he is sitting there laughing about it.

The Hon. R.I. Lucas: I told the truth.

The Hon. C.J. SUMNER: You told the truth! You broke a confidence and you know it. You know that no Parliament in this country could—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: What does this have to do with it? He insists on interjecting about my defaming someone: that is quite irrelevant and, in any event, the honourable member seems to be doing a pretty good job of trying to defame the Minister of Agriculture at the moment.

The Hon. R.I. Lucas: Answer the question.

The Hon. C.J. SUMNER: I have answered the question. I have given details of the interests which are declared. I repeat: the Government introduced legislation so that members of Parliament had to declare their pecuniary interests. In the individual case of the Hon. Kym Mayes, when an interest had to be declared on a previous occasion in November, he did it. That, in any fairness, if anybody is prepared to look at the matter fairly, I would have thought would have supported his bona fides in these respects. As I said before, when the wash-up comes, there is only one person who will be found to have come out of this matter with discredit.

Whatever the short term consequences are, whatever happens, there will be just one long term consequence of it. No-one in this community will ever be able to trust the Hon. Mr Lucas. No-one will ever be able to trust him, because they will know that you can talk to him and he will beetle off and make public in Parliament what has been said to him in confidence in a private conversation. He will beetle off and make public in the press private conversations. He cannot operate as a member of Parliament effectively in this State.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: He cannot operate effectively.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I do not mind what you say.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I just happen to have been in Parliament—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —a little bit longer than you.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I know the way politicians think. While you are getting a few cheers now from your mates on the back bench, like the Hon. Di Laidlaw, a few cheers which you are chasing—you are boring it up them; you are getting stuck into them, and you are smiling.

The Hon. R.I. Lucas: You are doing the boring up.

The Hon. C.J. SUMNER: You are on a bit of a high. I have seen it happen a hundred times before. You are on a bit of a high, but on that high you have let your ambition overtake what are basic principles of common decency. We will know it as the years go by, be it a Liberal or Labor Government: it does not matter how long you stay in Parliament. When you get out of the Parliament, there will be one thing that will be known quite clearly to everyone here: you cannot be trusted. Your colleagues know that as well.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: As a supplementary question—

The PRESIDENT: Sorry, supplementary questions can only be asked by the member who asked the original question.

The Hon. K.T. GRIFFIN: That is not so. They can be asked by any member under Standing Order 108.

The PRESIDENT: That is the standard ruling under Erskine May. We had this out once before. Under Erskine May, supplementary questions can only be asked by the person who asked the original question. However, if you wish to ask another question—

The Hon. K.T. GRIFFIN: I will. I am going to. I disagree with the ruling, but I will not take the point. I ask the Attorney-General: in light of the answer which he gave, that part of it which was relevant to the question of generally acceptable rules followed in respect of disclosure of interest, does the Attorney-General then acknowledge that the rules were not followed in relation to the proclamation under section 50 in relation to the New Age Spiritualist Mission property at Unley?

The Hon. C.J. SUMNER: The reality is that he had no private interest. The Premier discussed it some eight months later. I do not know whether the land was built on—

The Hon. K.T. Griffin: It wasn't.

The Hon. C.J. SUMNER: All right, it wasn't; I don't know whether it was. Whatever its state, it was eight months later that Cabinet considered this matter. A large number of petitions were presented by residents of the area in support of not permitting the building of this church in what otherwise is a residential locality. That is what Mr Mayes was concerned about—representing his constituents. As I said, with respect to the declaration of his interests—namely, whether or not Mr Mayes bid for the property—the Premier discussed that matter with Mr Mayes and reported that discussion to the Parliament. That being the case, the Hon. Mr Mayes has indicated that he advised Cabinet—and the Premier has accepted this—that he was a bidder for the property.

The Hon. K.T. Griffin: Cabinet decided under the guidelines that it was not a decision which ought to have been formally recorded?

The Hon. C.J. SUMNER: It was not recorded—that is right.

The Hon. K.T. Griffin: Cabinet did make that decision?

The Hon. C.J. SUMNER: I am not going into what happened within Cabinet. It was not recorded; not all declarations of interest are recorded, although some of them are.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: They are not, and that is the fact of the matter.

The Hon. K.T. Griffin: The Cabinet makes the decision.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: When there is a matter before Cabinet involving the veterinary profession or the Veterinarians Board, for example, the Hon. Dr Cornwall indicates that he will not participate in the discussion because he is a veterinarian.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: No, we don't; we don't know that.

The Hon. K.T. Griffin: Cabinet says that its not worth noting.

The Hon. C.J. SUMNER: Exactly—it is not a matter that is worth noting.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: On this occasion the declaration was not noted but, as honourable members would

know, there is no hard and fast rule about it. The Hon. Mr Griffin has been a member of Cabinet and he would know as well as I do that there is no hard and fast rule about it. I do not know whether anyone in the previous Liberal Cabinet declared their interests. Certainly, it was impossible to find out from a public register what interests Liberal Ministers had. That is now able to be done as a result of legislation which was introduced by this Government, but which was opposed by some honourable members opposite. So, there are some issues where people indicate that they may have an interest, but sometimes it is not a matter of such significance or importance as to require noting on a Cabinet docket. That decision is taken on a case by case basis.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: I was not referring to a particular case, if the honourable member had listened. That is the procedure that is adopted. I have already indicated one such declaration that was noted, when Mr Mayes declared his interest in a block of land on Kangaroo Island. It was noted on the Cabinet docket because it was considered to be of sufficient import. However, there are other decisions which are not specifically noted.

COMMUNITY WELFARE DEPARTMENT

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about relocation of the Department for Community Welfare.

Leave granted.

The Hon. DIANA LAIDLAW: In September or October this year the Government plans to relocate the central offices of DCW and the South Australian Health Commission to the City Centre building which is being constructed on the corner of Rundle Mall and Pulteney Street (a site otherwise known as town acre 86). The cost of this exercise is estimated to be $4.874 million. Notwithstanding this handsome outlay, it is apparent that the exercise is being undertaken with little regard to the minimum floor space regulations per person which the Government proclaimed last October under the Occupational Health, Safety and Welfare Act 1986 to apply to all commercial premises. The relevant regulation provides:

> All regularly occupied working areas of commercial premises in which consultancy or clerical work is performed must contain not less than 3.5 square metres of floor space exclusive of furniture, fittings and equipment per person.

Further, I am informed that today officers of the Program and Planning Unit of DCW are to meet. They are 'disgruntled' because the floor area that they have been assigned in the new building is not sufficient to cater for all 25 members of the unit, whether or not the department seeks to apply minimum occupational health, safety and welfare regulations, as required within the private sector.

To overcome this fundamental problem, officers of the unit have been told to discard filing cabinets and other basic equipment that they use on a daily basis. However, even if this rather incredible suggestion from above was followed, the resulting floor space would still not cater for a desk for each member of the unit. Incidentally, the Program and Planning Unit is to be accommodated on the second floor of the new building, the same floor that is to house the Minister's suite of offices.

It has been suggested to me that the generous space allocated to the Minister and his staff may be the reason why officers within the Program and Planning Unit and elsewhere in DCW will be required to work in a floor space area well under the minimum that the Government would insist on for men and women performing consultancy and clerical work in the private sector. My questions are as follows:

1. Will the Minister explain why the relocation of the DCW and the SAHC is to proceed on a basis of double standards in respect of the minimum floor space regulation per person under the Occupational Health, Safety and Welfare Act?

2. Considering that the rationale for the relocation and colocation of the DCW and the SAHC is to enhance efficiency of operation, can the Minister explain why sufficient floor space, irrespective of the occupational health, safety and welfare regulations, has not been allocated to the Program and Planning Unit of the DCW so that all 25 officers working in the unit at present can continue to work together following relocation?

The Hon. J.R. CORNWALL: The Hon. Ms Laidlaw, following the new traditions established by the Opposition in this place, is again distorting the facts and misrepresenting the truth. The fact is that this allegation concerning the cost is quite wrong—she knows that, she has been told officially and formally that it is wrong. The move is cost neutral. Very significant savings will be effected in administrative costs and, as she knows, the whole move is cost neutral. So, let us put that lie to rest for a start.

The second allegation is also quite false, and she knows that. There is sufficient floor space. Some staff from both the SAHC and the DCW are somewhat miffed because they will not be able to take their own private or personal wardrobes or cupboards and other personal belongings to which they have become accustomed. Of course, any change anywhere at any time produces some criticism and opposition. I guess that is understandable. It is absolutely wrong and totally false to suggest—and I note that she was very careful to do it only by inference—that there is less than 3.5 square metres floor space per employee. The Hon. Ms Laidlaw was at pains to fudge that to try to imply that there was less than 3.5 square metres. She knows very well that that is not the case.

Again she repeated the great lie that somehow there is not enough space because the Minister and his staff have generous and palatial circumstances. That is quite wrong. My staff and I will have in the new building at least marginally less floor space than we currently have in the Westpac building. I know that the honourable member does not like to see the department and the commission well managed. She does not want to face up to the fact that there will be better administrative and management arrangements, and that there will be cost savings. She really ought to start to tell the truth about this matter. Her behaviour is starting to border on the disgraceful and does her no credit.

The PRESIDENT: Call on the business of the day.

Members interjecting:

The PRESIDENT: Order! I call the Council to order.

The Hon. R.I. Lucas: That was a private conversation.

The Hon. J.R. CORNWALL: I have a personal explanation. It was not a private conversation with the Hon. Mr Lucas. I will never ever conduct a private conversation with the Hon. Mr Lucas again, under any circumstances.

The Hon. R.I. LUCAS: I have a personal explanation: I would welcome that.

Members interjecting:

The PRESIDENT: Order! I call the Council to order.

Members interjecting:

The PRESIDENT: Order! I call the Council to order. When I call for order that includes all 21 members of the Council. There are no exceptions. We have had a fairly rowdy Question Time. I now call on the Minister of Local Government to move the motion that is on the Notice Paper. If members wish to have private conversations, with or without Mr Lucas, can I suggest that they go into the lobbies to do so.

LOCAL GOVERNMENT FINANCE AUTHORITY ACT AMENDMENT BILL

The Hon. BARBARA WIESE (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Finance Authority Act 1983. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

The Local Government Finance Authority was established to develop and implement investment and borrowing programs for the benefit of councils and prescribed local government bodies and to engage in such other activities relating to the finances of those organisations as are contemplated by the Act or approved by the Minister of Local Government. All local authorities are automatically members of the authority.

The authority is managed by a board of trustees constituted of seven members, three of whom are persons holding designated positions. Of the remaining four members, defined as the representative members, two are appointed by the annual general meeting of the authority upon the nomination of the Local Government Association and two are elected. The Act presently provides that the elected members are to be elected by the annual general meeting, that is, by those representatives of each member council in attendance at the annual general meeting. The Act provides for rules for general meetings, including the election of such members, which are subject to the approval of the Minister.

At the instigation of councils, the authority resolved to adopt a postal voting system for the annual election of representative members, so that all councils would have the opportunity to vote regardless of their ability to attend the annual general meeting. This requires minor amendments to be made to the wording of the Act, prior to the lodging of amended rules with the Minister for approval.

The necessity of amending the Act also provides the opportunity to accede to the authority's request that, in order to provide greater continuity in the management and administration of the authority, the term of office of representative members (elected and appointed) should be extended from one to two years, and thus coincide with the term for which persons are elected as councillors. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends section 7 of the principal Act so as to enable the elected members of the board to be elected by a postal system of voting, and not at the annual general meeting of the authority.

Clause 4 amends section 8 of the principal Act to change the term of a representative member of the board from one year to two years.

Clause 5 makes a consequential amendment to section 18 of the principal Act.

Clause 6 repeals section 19 of the principal Act. Section 19 presently provides for the making of rules that govern the procedure for general meetings of the authority. The rules will now also have to make provision for the nomination and election of members of the board by a postal system of voting. It is therefore proposed that a new section be enacted to replace section 19.

Clause 7 enacts the new section to replace section 19 of the principal Act. The new provision will require the authority to make rules that provide for the nomination and election of elected members of the board and that set out the procedures that are to apply to general meetings of the authority. The rules may also provide for other matters. The rules, and any amendments to the rules, will have no force or effect unless and until approved by the Minister.

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

OPTICIANS ACT AMENDMENT BILL

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Substitution of new divisions.'

The Hon. R.I. LUCAS: I move:

Page 3, lines 6 and 7—Leave out paragraph *(c)* and insert the following paragraph:

(c) two will be optometrists nominated in the prescribed manner by optometrists;

The current Act, as opposed to the Bill, provides for a Board of Optical Registration comprised of five members, three of whom are nominated by the Minister of the day and two by opticians. The Act provides that the three ministerial nominations will comprise two opticians and one medical practitioner and the other two nominated by opticians shall include one optician and one medical practitioner.

So, the five person board comprises in total three opticians and two medical practitioners. Members will note that the certified opticians comprise three of the five representatives on the Board of Optical Registration which presently exists. In the few moments that I had available last evening I managed to look at other pieces of legislation to see what precedents there are for similar boards in respect to professional associations. One that would be of immediate intersest to the Minister of Health is the Veterinary Surgeons Board. I note that the legislation provides for a five person board and three of the five members are to be registered vets.

In the profession that is of immediate interest and concern to the Minister of Health we have provided, and the Minister would clearly support, a majority of vets controlling the Veterinary Surgeons Board. Another example, although not exactly analagous, is the Legal Practioners Complaints Committee and, without going through the precise make-up of the seven person committee, suffice to say that a majority of legal practitioners comprises that complaints committee. Of the two major pieces of evidence that I would offer to the Committee, the first is the present Board of Optical Registration, and also the board that would be of immediate concern to the Minister of Health, the Veterinary Surgeons Board. He clearly supports a majority of members of that board being veterinary surgeons.

In this Bill we have a proposition that there be a seven person Optometrists Board. When one goes through the make-up of that seven person board one sees that we would

have three optometrists, two ophthalmologists, a legal practitioner and someone who is meant to represent consumers, a person who is neither a registered person, a medical practitioner or a legal practitioner, to be nominated by the Minister to represent the interests of persons receiving optometric services. We can categorise them as consumers. We have three optometrists, two ophthalmologists, a legal practitioner and a consumer.

There is significant change in the make-up of the board being recommended by the Minister. I concede that it is being done on the basis of the recommendations of the tripartisan select committee. However, there is a significant change from the current practice where we have a majority of opticians on the Board of Optical Registration, whereas in this case we are now having recommended that optometrists do not have a majority of the seven persons on the board, and my amendment is simple and seeks to revert to the practice evident in the current legislation for many years. It provides for four of the seven persons on the board to be optometrists and that the other three members will be an ophthalmologist, a legal practitioner and a consumer. I accept that the Bill mirrors the select committee's recommendations, but it is within the province of this Chamber to make a decision about this amendment and I urge members to support it.

The Hon. J.R. CORNWALL: I do not feel strongly about this, but I would make a couple of points. First, the old board to which Mr Lucas referred was a very cosy arrangement. Certainly, it was a board on which there was a majority of optometrists or opticians. However, one would have queried if the way in which that board operated was with the spirit and intention that applies to more contemporary boards that have been established through revised legislation in the 1980s.

I am thinking particularly of the Medical Practitioners Board and the Dental Board, among others. There was never any move from the old board to suggest that it would like to follow contemporary practice and have a lay member on the board, for example, a consumer representative. There was never any move that I can recollect forthcoming from the board to suggest that, in common with contemporary practice, it would like to have a legal practitioner on the board.

Therefore, it was a fairly cosy arrangement which seemed, to many people, to be weighted very heavily in favour of the optometrists instead of being balanced in favour of—like other professional boards—protecting the interests of the profession itself, and the interests of the patients or consumers of the services provided by the profession. On balance, the Bill, as it has come into this Chamber with the unanimous support of an all Party select committee, should be supported. However, as I said, I do not feel very strongly about it and if the numbers are not there it would not be my intention to call for a division.

The Hon. M.B. CAMERON: On reflection, this it is not a question that the select committee saw as at a very high level of controversy. It is not something that was considered to be important in terms of the changes that are being made. Quite frankly, I do not think it is something that will cause any great problems. However, I believe that the Minister, who was the Chairman of the committee, should give a very clear indication of his views. I do not see any great problem with the suggestion raised by the Hon. Mr Lucas, but it is a matter that quite—

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: Well, I think that, in these matters, members of a select committee are placed in a difficult position because, in coming out of a select committee, we attempt to achieve, in normal circumstances, a unanimous view. Therefore, in coming out of a select committee we do support the committee's report. I have indicated that to anybody who approaches me on this matter. When you have supported a select committee's findings, you really should have some discussion with the people who are on the committee before you make alterations to that report. Therefore, we should get a very clear indication from the Minister of his views before we make a decision.

The Hon. J.R. CORNWALL: I have already given my views. I suppose they could really be summarised in the immortal words of Rhett Butler.

Members interjecting:

The Hon. J.R. CORNWALL: That was not the phrase I had in mind. On balance, I believe that if the optometrists—and it is their board after all—feel so strongly about this that they are lobbying the Hon. Mr Cameron to get him to change a decision that he made as a senior member of the select committee, I will put my hands up.

The Hon. G.L. BRUCE: I was on the select committee and no strong stand was taken or evidence given that it should be any different. Having looked at the composition as it stands, I still see the optometrists having more members of their profession on the board than the ophthalmologists. So, I see no real hassle; they would still have a majority on the committee even though it will have a couple of ophthalmologists on it.

The Hon. M.B. Cameron interjecting:

The Hon. G.L. BRUCE: I understand that, but there are three opticians out of the seven members of the board, and they would still have a good input into the committee. I have no difficulty living with the clause as it stands.

The Hon. J.C. BURDETT: If the matter comes to a vote, I indicate my support of the Bill as it stands and the position arrived at by the select committee.

Members interjecting:

The CHAIRPERSON: Order! There will be no private conversations.

The Hon. M.J. ELLIOTT: The Liberal Party is in the rather cosy position of having somebody outside the select committee to move the amendment and everyone sits here with a silly grin on their faces for a while. If the motion divides on Party lines I will be in the unhappy position of having to decide one way or the other and of also having been on the select committee, which would be doubly nasty. I think a couple of people have made the point that it was not a matter that we lingered over at great length. This amendment has come somewhat as a surprise to me. I am not sure when it was first put on file.

The Hon. R.I. Lucas: Yesterday.

The Hon. M.J. ELLIOTT: That does not give us a chance to follow it up. If you were serious it could have come a little bit earlier. At this time I think that I should stick with the select committee position. However, if the optometrists feel strongly about it they can lobby the Government to amend the Bill in the other House. I will not support the amendment, but at some future time that situation could be looked at but not plumped in quite so quickly.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Long title, page 1, line 7—Leave out 'the Electricity Trust of South Australia Act 1946, and'.

No. 2. Clause 10, page 8, after line 38—Insert new subsection as follows:

(5) A member of the council is entitled, at any reasonable time, to inspect the financial statements of the council prepared under this section.

No. 3. Clause 10, page 13, lines 22 to 43—Leave out subsections (2) and (3).

No. 4. Clause 10, page 14, lines 4 to 8—Leave out subsection (5).

No. 5. Clause 10, page 14, lines 11 to 18—Leave out subsection (2) and insert new subsection as follows:

(2) A council may declare rates on the basis of the annual value or site value of land if the council declared rates in respect of that land on that basis for the 1987-1988 financial year and each subsequent financial year (if any).

No. 6. Clause 10, page 17, lines 25 and 26—Leave out paragraphs *(b)* and *(c)*.

No. 7. Clause 10, page 22, lines 14 and 15—Leave out 'single instalment' and insert 'lesser number of instalments'.

No. 8. Clause 10, page 22, line 21—Leave out 'and'.

No. 9. Clause 10, page 22, after line 24—Insert new word and subparagraph as follows:

and

(iii) the council cannot, without the approval of the Minister, require rates of the same kind for a subsequent financial year to be paid in a single instalment;.

No. 10. Clause 10, page 27, line 45—After '(or a part of its area)' insert 'for the following financial years:

(a) the financial year 1988-1989;

(b) the financial year 1989-1990;

and

(c) any succeeding financial year for which the council has obtained the approval of the Minister to fix such a minimum amount.'

No. 11. Clause 10, page 28, lines 10 and 11—Leave out subsection (3).

No. 12. Clause 10, page 33, line 12—Leave out 'at least' and insert 'an amount equal to or exceeding'.

No. 13. Clause 10, page 33, line 13—After 'annual' insert 'rate'.

No. 14. Clause 10, page 33, line 20—Leave out 'at least another' and insert 'a further amount equal to or exceeding'.

No. 15. Page 41, after line 25—Insert new clause 29a as follows:

Regulations

29a. Section 691 of the principal Act is amended—

(a) by inserting after paragraph (a5) of subsection (1) the following paragraph:

(a6) prescribing the fee or charge that a council may charge in respect of a particular matter:;

and

(b) by inserting after subsection (1) the following subsection:

(1a) Regulations made under this Act may be of general or limited application.

No. 16. Clause 50, page 45, line 21—After 'Act' insert '(other than a power or function under Division XIII of Part II)'.

No. 17. Clause 53, pages 46 and 47—Clause left out.

Consideration in Committee.

The Hon. BARBARA WIESE: I move:

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

In view of the very long debate that has occurred both in this place and in another place on the numerous issues involved in this Bill, I do not intend to canvass those arguments again. I simply wish to express my pleasure that the House of Assembly has seen the wisdom of the provisions of the Bill and the amendments that I moved in this place during the discussion on the Bill, and I urge the Committee to support the motion.

The Hon. DIANA LAIDLAW: On behalf of the Opposition I indicate that it will not be accepting the Minister's motion. The Minister expresses pleasure that the House of Assembly has seen the wisdom of the Bill that she introduced in this place, of which the Liberal Party combined with the Australian Democrats amended in a number of key areas. We did so at that time in the very firm belief that the Bill left this place in a form that was in the best interests of local government in this State. Certainly the amendments moved by the Liberal Party and the Australian Democrats and passed by this chamber did have the strong endorsement of the Local Government Association and of individual councils in this State. At one time we heard that perhaps one, two, or three councils did not support the Government's provision in respect to the minimum rate, but other than those few there was undivided support from local government. So, I find it absolutely extraordinary that the Minister should stand up here and blithely say it was with such pleasure that the House of Assembly has seen the wisdom of these amendments when she knows full well that local government in this State, local government in general, and the Local Government Association are totally opposed to the measures for which she is pressing.

It is developing into a charade in respect to the Minister's actions in this whole business, and one cannot help but wonder how, at times, she can profess to represent the best interests of local government, when it is so opposed to the course that she is pressing. The bottom line is that the Bill left this place in a form that was called for by the Local Government Association and local government in general. I understand that the House of Assembly has overturned all those provisions that were added during the debate here. A few more amendments have been accepted in the House of Assembly, and I do not object to those, but overall the Opposition strongly speaks against and opposes the Minister's motion.

The Hon. I. GILFILLAN: I indicate that the Democrats oppose the motion. We believe that constructive amendment to the original Bill was achieved in the Legislative Council and no argument has been put to us to persuade us to change our mind, so it is the intention of the Democrats to vote against the motion.

The Hon. BARBARA WIESE: I am very sorry to hear that the two Opposition Parties in this place are not prepared to agree to the motion. I am surprised also to hear the remarks made by representatives of both Parties that sufficient argument has not been brought forward to convince them of the wisdom of the numerous issues that are now the subject of disagreement. I presume now they will be the subject of a conference and I do hope that during the course of discussions in a conference of managers of the two Houses that we might in fact be able to reach some agreement on those outstanding issues so that this excellent piece of legislation, which has the broad support of local government in this State and is very much welcomed by local government in this State (and is also a Bill which local government wishes to be passed by this Parliament as soon as possible so that the various aspects and provisions can be put into effect) can in fact be put into effect without any delay.

Motion negatived.

The following reason for disagreement to the House of Assembly's amendments was adopted:

Because the amendments negate the principles in the Bill.

OPTICIANS ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3501.)

Clauses 9 to 15 passed.

Clause 16—'Unlawful practice of optometry.'

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

Page 8, lines 3 to 7—Leave out these lines.

The select committee was unanimous in its recommendation that for children under the age of eight, a comprehensive examination of the eye, and particularly diagnosis of matters which may or may not be related to perceived vision problems, should be the province of a specialist medical

practitioner, that is, an ophthalmologist. There were some very cogent and, I still believe, compelling reasons put to the select committee why this should be so. If I could explain them in very simple language, the proposition was that a child between the ages of, say, five and seven in particular, may be detected in the classroom as having difficulties in comprehension.

There are many reasons why that may be so on the advice that was given to us as members of the all Party select committee. Obviously, one of these is defective vision. There are, however, many other reasons: specific learning difficulties, organic disease, or organic disfunction. The proposition was put, and accepted by the committee, not only by the College of Ophthalmologists but also by individual ophthalmologists, and they included Dr Max Moore, who is a very senior ophthalmologist in this State, and Professor Doug Coster, who is the Lions Professor of Ophthalmology at the Flinders University and the Flinders Medical Centre.

The committee—and remember that we are talking about a fairly diverse group of people from three different political Parties—was convinced that, on balance, the first examination should be done by a special medical practitioner, an ophthalmologist who not only had a basic medical qualification but in practice a minimum of six years post graduate specialist training. Following the release of the report and the introduction of this Bill which arises from unanimous recommendations of the select committee, there was what can only be described as an extraordinary reaction from optometry right around the country. All members of Parliament, from both Houses, and all members of the select committee were deluged by telexes, telegrams, faxes, telephone calls and virtually all means of communication expressing dismay by the official bodies of optometry and others within the profession at this recommendation.

In fact, members of the select committee at their own initiation decided to take the quite unusual step of formally reconstituting the select committee. It was decided that, in view of the national implications of the recommendation and the proposed legislation arising out of the recommendation, the best course of action would be to refer the matter to the Australian Health Ministers Conference for consideration. That was done. Fortuitously, all Health Ministers—State, Territory and Commonwealth—were meeting in Alice Springs the following week. As the South Australian Health Minister and as the former Chairman of the select committee, I took the matter to the Health Ministers Conference.

The AHMC decided that the matter should be referred to the Health Care Committee of the NH & MRC. I have subsequently spoken to the new Chairman of the NH & MRC, Professor John Chalmers, and pointed out that we regard this as a matter of considerable importance. I asked that he as Chairman take a direct interest in the matter to ensure that when the Health Ministers hold their annual conference in March or April next year a full and comprehensive report is available from the Health Care Committee of the NH & MRC. In the meantime, the select committee decided unanimously that pending the report to the Health Ministers Conference the proposed amendment should not be proceeded with.

The Hon. M.B. CAMERON: The Opposition supports the amendment, which deletes a part of the select committee's recommendations. As the Minister has said, that was done only after another select committee was set up. In fact, it was by a long way probably the shortest select committee in the history of this Council. I appreciated the brevity with which the select committee dealt with this matter, because it really was the one area where there seemed to be some considerable concern. I had no hesitation in supporting the original view, because certainly the evidence on which we based our decision seemed to us to be sufficient to cause some concern.

Since that time I have been told that a section of the industry did not really take seriously the proposition that we put forward in outlining the areas that we were looking at. I say to those people that it is not a good idea not to take seriously any matter that is being considered by a select committee for change. However, that is now a matter of history. As the Minister has said, this matter will now be considered on an Australia-wide basis. That argument certainly persuaded me to agreeing to put off this provision until it could be considered on an Australia-wide basis. It may well be that the NH & MRC will say that there is no problem with the provision and, in that case, I have no doubt that it will be accepted. There is a case for uniformity, and all members of the select committee agreed on that. The Opposition supports the amendment.

The Hon. J.C. BURDETT: I, too, support the amendment for the reasons outlined by the Minister of Health. I did agree—and still do—with the recommendations of the first of the two select committees. However, for the reasons outlined by the Minister of Health, I believe it is proper that this provision should be removed from the Bill and that it should be considered on a national basis. In addition to the reasons advanced by the Minister in relation to the original recommendation, there is the reason that we heard in evidence that children under the age of eight years often could not be effectively diagnosed in regard to their eyesight without the use of cycloplegic drugs because of the difficulty that they had in focusing.

It was, and remains, the recommendation of the select committee that optometrists be not able to use cycloplegic drugs. That provision has not been changed nor departed from. As the Minister and the Hon. Mr Cameron suggested, there seems to be a great deal of merit in tackling this quite serious question. It would considerably upset the practice of ophthalmologists if this provision remained in the Bill. It should be addressed on a national basis, so I support the amendment.

The Hon. M.J. ELLIOTT: As a member of the select committee, I also support the amendment. I think that the arguments have been covered fairly well. However, I would like to reiterate one point which I believe was touched on by the Hon. Mr Cameron. The fact that we were considering this clause was made clear during the proceedings of the select committee. In hindsight, it appears that the people representing the optometrists failed to adequately address that question.

One thing that has got under my skin subsequent to that is what almost amounts to contempt displayed by some people outside this place who have made a mistake and have tried to cast all sorts of aspersions on the workings of the select committee. I believe, although I have not seen it, that there is a rather lengthy article in a publication from New South Wales called *Insight*, which had quite a deal to say on this matter, although I have had contact with at least one optometrist in South Australia who has disassociated himself from that article. I recommend to the optometrists' association (or whatever it is called) that in future dealings with parliamentary select committees—should there be another such committee in this area—it should act professionally both in giving information to the committee and perhaps in its subsequent reaction to the committee's findings.

The Hon. G.L. BRUCE: I support the amendment for the reasons that have been stated by other honourable members. I was also a member of the select committee. I do not resile from the committee's original recommendation. Before the sittings of the committee I was quite unaware of the ramifications associated with obtaining a pair of glasses and the examination of eyes. The six members of the select committee acted without fear or favour, and they all decided that children under the age of eight years should be examined by an ophthalmologist, and I agreed with that on the evidence that was presented to the committee. In hindsight, and having the wisdom of knowing what would occur if we were out of step with the other States, I agree that the amendment to delete this clause from the Bill should be supported.

I do not resile from the fact that I believe that the six members of that committee made the right decision in the bests interests of children when they thought originally that children's eyes should be examined properly by a person who is fully qualified in all aspects of eye complaints and diseases, and not just by a person qualified in the prescription of glasses. I understand why the amendment has been moved, and I support those reasons. However, I believe that the committee acted without fear or favour and brought down that recommendation in good faith; and I still believe in it.

Amendment carried.

The Hon. M.B. CAMERON: New section 28 provides:

(1) An optometrist must not administer, prescribe or supply any drug except as authorised under the Controlled Substances Act 1984.

(2) An optometrist must not treat a disorder of the eye with a drug or laser or by surgery.

Some concern has been expressed to me that this provision may prohibit an optometrist using ocular lubricants or solutions in relation to a contact lens practice. I think we had better be absolutely certain that that is not the case, because that is not the intention of the select committee, as I understand it. At this stage we ought to have an indication from the Minister as to what the situation will be in relation to substances that are commonly used for proper purposes by optometrists. Certainly, it is not my intention to take away this particular area of usage. Will the Minister indicate, if there is any potential problem, whether that matter will be resolved before the Bill is passed in another place?

The Hon. J.R. CORNWALL: The specific permission to use drugs comes under the Controlled Substances Act. This legislation is not the vehicle under which drugs are specified. It is clearly the intention of this legislation that it will be possible for the Controlled Substances Advisory Council to permit the use of mydriatics and myotics (in other words, topical drugs which dilate and contract the pupil of the eye); to use local anaesthetics (in other words, topical anaesthetics) applied by drops to the eye; to specifically prohibit cycloplegics; and that optometrists should not be allowed to use therapeutic drugs, in other words, drugs for the treatment of disease such as conjunctivitis, keratitis, and a range of infectious and other diseases of the eye.

With regard to lubricants that are used in conjunction with contact lenses, that is the current situation. There is no intention on the part of the select committee, and there is no intention in this legislation or certainly on the part of the Government, that that should in any way be interfered with. As I understand it, there is no conceivable reason why that should be the case. In the event, if there was any ambivalence or any ambiguity at all, I would give an undertaking as Minister of Health that I would do whatever was necessary to rectify that. However, at this time my advice is that there is no difficulty and that the use of lubricants by optometrists in relation to their practice in the fitting and maintenance of contact lenses will be able to continue in exactly the same way as it does now. I move:

Page 8, line 12—Leave out '(excluding contact lenses)' and insert '(excluding the fitting of contact lenses)'.

Again, this amendment clarifies the question of optometrists being allowed to continue as they currently and effectively do in relation not only to dispensing but also to fitting contact lenses. The obvious intention of proposed subsection (3) is to ensure that the new class of person known as an optical dispenser does not hold himself or herself out as being qualified or entitled to practice in the area of contact lenses (that is, to fit contact lenses). It was never the intention that this subclause should in any way interfere with the present situation where optometrists not only dispense but also fit contact lenses in a perfectly competent way. Under the amendment the wording is changed from 'excluding contact lenses' to 'excluding the fitting of contact lenses'.

Amendment carried; clause as amended passed.

Clauses 17 and 18 passed.

Clause 19—'Sale of glasses.'

The Hon. J.R. CORNWALL: I seek the Chairman's indulgence and advice at this stage. The other matter that I should have raised in relation to the previous amendment was that it was also to ensure that the current practice of firms like OPSM, in dispensing contact lenses but not fitting them, will be allowed to continue—so that the dispensing company will be able to dispense the contact lenses but not fit them. In that case the patient will take the lens back to the ophthalmologist or to an optometrist for fitting. I move:

Page 9, lines 27 to 33—Leave out subsection (2) and insert the following subsection:

(2) Subsection (1) does not prevent the sale of glasses if—

(a) the glasses are designed only to alleviate the effects of presbyopia;

(b) the glasses comprise two lenses of the same power being a power of plus one dioptre or more but not exceeding plus three dioptres;

(c) the glasses are manufactured to the prescribed standard; and

(d) a prescribed warning is attached to the glasses in the prescribed manner at the time of sale.

This clause concerns the sale of ready-made glasses. The select committee considered this at considerable length and looked at both the pros and cons. The principal reason that was advanced for banning the sale of ready-mades was that it, in effect, had the potential to lessen the screening effect that currently occurs by virtue of the fact that between the ages of 44 and 46 years, because of changes to the lens, virtually every human being develops presbyopia—a condition which causes long sightedness in terms of the near point (that is, in terms of reading). As we all know, at that stage people almost invariably must get reading glasses.

The Hon. M.B. Cameron: Why haven't you not got them?

The Hon. J.R. CORNWALL: I do not have contact lenses, either. I am one of those fortunate people who have been shortsighted throughout their lives, and my degree of presbyopia is not as bad as for people who were long sighted throughout the first 45 years. Occasionally I do have some difficulty. I might tell the Hon. Mr Cameron that when I am giving prepared speeches we do have a large ball on the typewriter that produces large print; I am not entirely immune.

In practice it means that around that age virtually everyone should present to an optometrist or an ophthalmologist to have their eyes examined. After hearing a wide range of evidence, it was the view of the select committee that the overwhelming majority of people still do this. The overwhelming majority of people finish up with their reading glasses or bifocals or whatever it is that the professionals

advise them they should have. During that examination they are also checked for any other pathology, particularly of the posterior chamber of the eye that may be related to a range of conditions, including diabetes.

It is normal during that examination to check the tension of the eyeball to see whether there is any degree of glaucoma. It is also normal to check to ensure that the lens is still clear and that there are not the beginnings of cataracts. Without going into any of the finer details, which I am neither qualified nor competent to do, it is highly desirable at that age and stage that there be a competent and comprehensive examination of the eyes. In practice, most people still have that.

As far as we could gather, most of the ready-mades are a cheap second pair of glasses that tend to be kept in the workshop, in the sewing room, in the caravan, or wherever people want to keep a relatively cheap second pair of glasses. On balance, we believed that, provided the ready-mades were accompanied by a prescribed form that pointed out a little more eloquently than I have been able to in the last three minutes that it was wise to have one's eyes tested on a regular basis once people reached the age of about 45, they could continue to be sold.

The other point that was made by every ophthalmologist who appeared before us was that ready-mades could do no positive harm. While wearing them may not improve your reading acuity—it might even cause some headaches or transient discomfort—physically they do no harm to the eye. On balance, the select committee recommended that their sale should continue as it now does, except that there would be a requirement that there be a prescribed warning advising people to have their eyes examined, and that the glasses should be single lens; monofocal, only; that they should be somewhere between one and three dioptres, which is a measure of the magnification; and that they should be required to meet a prescribed standard. In practice, that would almost certainly be the ASA standard, which is the same as sunglasses are required to meet.

I think we have done as well as we could have done. The other evidence we heard was that, in terms of what one witness called the money-go-round, we should do as little as we reasonably could to disturb the balance between ophthalmologists, optometrists, optical dispensers, optical mechanics, and the various other people involved in the optical industry. However, it was recommended, and this is in the report somewhere, that the balance of the money-go-round should be monitored. If in the event the sale of ready-mades increases or the penetration of ready-mades into the market substantially increased over current sale volumes, then the health authorities, the Government, and Parliament might have to reconsider the position. We have taken the matter as far as we think it is reasonable to protect the consumer, and not disturb the optical industry unduly, and to strike a balance between the consumer, the professionals, and others in the industry.

The Hon. M.B. CAMERON: I support the amendment. An important area has been brought in by the amendment that was probably overlooked by all of us in drawing up the Bill: that is, the question of standards. There is no doubt that we have to make sure that some standards are arrived at. There are a couple of questions that I wish to ask, and I have no problem with the proposition put by the Minister, which is different from the original Bill which banned the sale of ready-mades and which we considered when the select committee was first set up.

It was fairly clear from the evidence that the sale of ready-mades would not cause harm. As the Minister said, there was an argument for some form of compulsory testing, because there was an indication that if people could not buy ready-mades they would have to go to an optometrist or an ophthalmologist. There was an argument that it was different for us looking at the matter as a select committee as distinct from someone eight years old. While someone eight years old could not make a decision on that matter, once a person gets to 45 years they can read a warning notice and make a decision on their own. It really is up to that person.

There does reach a stage in a person's life where the system should not be saying 'you must': we should indicate to them that they have some degree of responsibility. The decision was arrived at that ready-mades could continue to be sold. Another matter raised with me is the question of advertising and how far we allow ready-mades to be advertised, in view of the fact that ophthalmologists, optometrists, and opticians are subject to constraints preventing their advertising.

Does the Minister believe that there should be any restriction on advertising? That question was raised with me. As it is not a matter that the select committee considered, I seek the Minister's response on that matter.

The Hon. J.R. CORNWALL: It is a matter to which I have given some consideration, and I would make two points which, I think, support what is in the Bill. First, we accepted the view that we should do as little as possible to disturb the money-go-round: not to do anything which might severely disturb the viability of the industry. There was no compelling evidence before us that the present levels of sales of ready-made spectacles was doing anything to dent significantly the practice of the optometrists or optical dispensers like OPSM. Therefore, as I said, that was one of the issues which exercised our minds in deciding to opt for the *status quo* with the addition of ensuring that minimum standards should be met and that there should be a warning pamphlet accompanying the spectacles.

It is perfectly true that businesses, and in particular Birks Chemists, advertised significantly on television when they were establishing the market. Perhaps it is significant that I have not seen any recent advertising of ready-made spectacles. I also considered whether optometrists should be able to advertise ready-made spectacles, but it seemed to me that that would have had the danger of creating a double standard. We have heard for months that optometry is indeed a profession; that optometrists are not technicians, they are very much a part of the health profession. Their training involves four years of university study and they should not—

An honourable member interjecting:

The Hon. J.R. CORNWALL: Yes, but they do not advertise cheap cut-price services. There are not too many lawyers about providing cut-price services. More particularly, of course, their advertising is controlled. There are still ethical standards in advertising, although these days lawyers can, for example, take out a rather larger advertisement than a doctor, a dentist or, for that matter, a veterinarian. However, there are still ethical and professional standards prescribed by their registration body.

At the moment the Government does not consider that it should disturb the *status quo*. As I said, the whole question of the sale of ready-made spectacles will be monitored. If any person presents a cogent argument at some time in the future with regard to altering the *status quo*, then I would be perfectly happy to listen to it. If any of my colleagues in this place, particularly those who sat on the select committee, were to come to me with compelling evidence that we had, because of our actions through this legislation, disturbed the *status quo* to the extent that it was starting to

hurt some significant segment of the optical industry, then I would certainly be prepared to listen to that proposition and review the situation. However, at the moment I believe that we should be disturbing the *status quo* as little as possible.

The Hon. M.B. CAMERON: An important point has been raised. Warnings will be issued about the need to visit an optician or an ophthalmologist. Does the Minister consider that that is sufficient and that, if there is advertising on television, which obviously has been done, will it be necessary to ensure that those warnings are part of that advertising or does the Minister believe that the warning at the point of sale of ready-made spectacles is sufficient?

The Hon. J.R. CORNWALL: I believe that the Hon. Mr Cameron made a very good point a few moments ago when he said that by the time a person reaches 45 years of age there is a limit to the degree of protection that the Government, the State, Big Brother, Big Nannie or anybody else should be extending to you. I would have thought that the level of literacy in the South Australian community in the late 1980s is such that people should at least be able to read the accompanying warning if they are purchasing ready-made spectacles. I do not propose to go any further with this matter.

The Hon. M.B. CAMERON: I have one further question on this issue. Obviously we did have information presented to the select committee about the number of ready-made spectacles sold. We have no way of checking evidence and we accepted it. The Minister has indicated that that area will be monitored to see that there is no disturbance between the various sections of the industry. The question arises: how will the Government monitor the number of ready-made spectacles sold so that we can see just what is occurring within the industry? Perhaps that is something that we did not consider and we should get some idea of how we will monitor the situation.

The Hon. J.R. CORNWALL: One of the many benefits that arose from the select committee was that we were able to get a senior research officer from the Health Commission to get a genuine window into the industry. I know that we went into the select committee with very little idea of how the industry worked, and what the levels of profitability were.

Wild stories were going about that lenses were marked up by 500, 600, 700 or even 1 000 per cent and that there were enormous profits being made. One of the reasons for investigating partial deregulation of the industry was that there was some suggestion that that would lead to greater competition and quite significant reductions in the price of dispensed spectacles.

A senior officer from the Health Commission, who acted as a research officer to the select committee, received very good cooperation from all segments of the industry, and he was able to produce quite accurate statements as to wholesale and retail prices and how the industry operated its mark-ups, its average profitability, etc. If one puts all those figures together one gets a fairly accurate emerging view of why the industry is viable and how it maintains its viability. Because we have those base line figures, if at some future time any segment of the industry wishes to make a submission, whether it be to members of Parliament or the Health Commission, regarding significant changes in the balance between the various segments of the industry and the financial impact that that is having, it would not be difficult to validate or invalidate the claims that are made. That window into the industry in many ways will be invaluable for future reference. Might I say that the select committee found no evidence that there were excessive profits being made in the dispensing segment of the industry.

The Hon. C.M. HILL: I was not a member of this select committee but I commend the members who served on it. Judging by the manner in which they have been wrestling with the issues and the problems that have arisen as a result of the original Bill, they have done a very good job.

There is one point that I would like to ask the Minister about and it deals with the subject of ready-made glasses, which the Minister has indicated will be allowed to be sold subject to certain conditions. I heard the Minister say that one of those conditions is ready-mades must adhere to prescribed standards. I do not disagree with that in principle. However, I have been informed—I do not know whether or not it is true but it could well be—that one firm or entrepreneur in South Australia has purchased large numbers of these glasses at a time, and over a period after that acquisition they are sold in an orderly way to the public. If the Minister proclaims this measure and if, acting under the law at the time, some importer has ordered a large number of glasses and therefore committed himself or herself to a large expense, I do not think that it would be very fair if that South Australian business operator found that he had contracted and therefore had to settle for a large number of such glasses which, when they arrive here, do not comply with the new law.

I ask the Minister: is there any lead time that he can suggest or does he have any ways and means by which this possibility might be avoided so that adequate notice is given to importers and adequate time is given to the manufacturers to manufacture such products that conform to the new law so that financial loss will not be unfairly foisted upon such local business people?

The Hon. J.R. CORNWALL: It is my recollection that all ready-mades are currently imported, so there will not be any impact on local manufacturers. That is the first point. The second point is that those who are retailing ready-mades will be very much better off than they would have been had the original Bill been passed. The Bill which was introduced was to ban the sale of ready-mades. I say that quite seriously; it certainly shows the value of the select committee system of the Upper House.

The third point concerns prescribed standards. That is a safety issue and I am sure that, if Mr Hill thinks it through, he will agree that to have cheap ready-mades imported, which shatter easily and thereby may cause severe damage, even blindness, in the event of a relatively minor accident, is highly undesirable. For that reason the proposition has been advanced that ready-mades should meet the same standards as sunglasses which are sold in a ready-made situation. There was a fourth point which I cannot quite remember.

The Hon. C.M. Hill: No, there was only one point and I have not explained myself fully to you. That is the financial—

The Hon. J.R. CORNWALL: The other point is the question of the lead-in and the financial implications.

The Hon. C.M. Hill: Yes, that is my only point.

The Hon. J.R. CORNWALL: The other points are pretty important. I am sure that the Hon. Mr Hill would not want to cause blindness as a legislator by not ensuring that ready-mades are of a prescribed standard.

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: There is no suggestion that he did. I am merely reassuring myself that Mr Hill, in the twilight of a very distinguished and responsible career, would not want anybody to get that implication.

With regard to a phasing in period and stocks already on hand, there are two practical reasons why I think that the present retailers will have adequate time to get rid of them or exhaust their current stocks. One is the sheer volume of work in my office. I think it is unlikely that we will get around to proclaiming this legislation for a few months. The other reason is that, if any of the current large retailers feel that difficulties will be created in relation to their present stock as we develop prescribed standards, they will be given the opportunity to present their case to us. Provided we do not compromise safety beyond some reasonable point, we will most certainly give a sympathetic ear to their commercial propositions and keep an eye on the situation.

The Hon. G.L. BRUCE: My question follows on the Hon. Mr Cameron's question about the monitoring of ready-mades. In the evidence to the select committee it was fairly easy to obtain and trust that evidence because, as I understood it, mainly chemists or pharmacists sold the ready-mades. Since the select committee report was tabled I have been lobbying intensely and it has been put to me that, if we proceed down the trail of ready-mades, should there be only one outlet via a chemist or pharmacist? How will we monitor the sale of ready-mades and their effect on the industry if this Bill does not limit their sale to any particular place? There is already open slather and any shop or tinpot show can get into it. Should there be a consideration that only chemists or pharmacists can sell ready-mades so that the monitoring would be easier? I am probably thinking on my feet, but it follows Mr Cameron's line of questioning.

The Hon. J.R. CORNWALL: This proposition has been put to me and my advisers. There is a fairly limited market and I think it unlikely that hardware stores or supermarket-type outlets will get into ready-made spectacles. However, if they did, that would be a disturbance of the money-go-round in particular and, at that point, as I have indicated, we would most certainly review the situation. I do not think it would be too difficult. If there are a signficant number of outlets or new major outlets which get into the business of selling ready-mades, then this is not such a large State that we would not know about it pretty quickly. If that were to occur, it is only fair to warn people that they should not get themselves too involved in promoting too heavily, because I make clear now that, if there is a significant increase in the sale of ready-mades and if there is evidence that that is impacting on the viability of any segment of the dispensing industry, I will have no hesitation in coming back to this Parliament with an amendment.

Amendment carried; clause as amended passed.

Clauses 20 to 24 passed.

New clause 24a—'Repeal of second schedule to principal Act.'

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

Page 10, after line 14—Insert new clause as follows:

24a. The second schedule to the principal Act is repealed.

The second schedule to the principal Act refers to certification. The advice that we have received from the current board is that that will not be necessary, and that the registration of optometrists will take care of that. We have also been further advised that it will be possible for the board to issue a certificate, as is done by all other professional registration boards, indicating that the optometrist is registered and in good standing.

The Hon. M.B. CAMERON: We have no problem there.

New clause inserted.

Clause 25—'Amendment of fourth schedule to principal Act.'

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

Page 10, line 16—Leave out all words in this clause after 'amended' in line 16 and insert:

(a) by striking out from clause 9a 'all certified opticians' and substituting 'registered persons';

(b) by striking out from clause 10 'the register' and substituting 'the registers';

and

(c) by inserting after clause 14 the following clause:

14a. Authorising the practice of optometry by persons who are not registered under this Act.

The certification will, as I said, no longer be necessary, and we are referring to people who are registered under the new legislation, so this is a tidying up amendment. The same applies to the striking out from clause 10 'the register' and substituting 'the registers'. Paragraph *(c)* is the most important part of this amendment. It is to ensure that the CAFHS nurses, the school health nurses, will be able to continue to conduct routine screening examinations of children. That has been done satisfactorily for a very long time. It detects abnormalities or deficiencies in sight that require referral to an optometrist or an ophthalmologist for professional assessment.

The Hon. M.B. Cameron: It does not mean they can then take any action other than referral.

The Hon. J.R. CORNWALL: No, it never has. The note goes home to the parents stating, 'In a routine examination during a visit to the North Adelaide Primary School, we detected that your child has a problem or what appears to be a potential problem, and we strongly recommend that you have the child's sight examined by either an eye specialist or an optometrist.' That will continue to be the situation.

The Hon. M.B. CAMERON: I support this. I accept the indication from the Minister that paragraph *(c)* refers only to the examination that he has just described—that is, by CAFHS nurses or other people—for the purpose only of detecting a problem but of doing nothing about it apart from the referral. That is an important issue that has been raised with me, and I think the Minister has given that reassurance on this matter.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

In Committee.

Clause 5—'Evidence of young children'—reconsidered.

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

Page 2, after line 4—Insert subsection as follows:

(1a) If—

(a) a young child is under the age of seven years;

and

(b) the judge is satisfied that the child understands the obligation of an oath,

the child may give evidence on oath if he or she elects to do so.

I have moved this amendment because during debate last night on my amendments to this clause the Attorney-General asserted that by providing for the modification of the oath so as to make it comprehensible to a child, and in view of a decision of the Supreme Court, it would still not be possible for children under the age of seven years to give evidence on oath or make an affirmation if they elected to do so. I argued that that was not the position, but in order to put the matter beyond question I said that I would endeavour to have an amendment prepared to put the issue on the record.

If my amendment is carried, a child of or above the age of seven years will be obliged to give evidence on oath

unless the judge is not satisfied that the child understands the obligation of an oath. We have a provision that the oath to be given to a young child must, if necessary, be adapted so as to make it comprehensible to the child and an opportunity for a child under the age of seven years to give evidence on oath if he or she elects to do so. This puts the matter beyond question.

My argument, as it was last night, is that it is much more appropriate to have only two levels of evidence from a young child rather than the three tiered provision which was in the Attorney-General's original clause, with all the difficulties of interpretation and confusion with respect to the competence of a child to give unsworn evidence which that brings. I strongly urge the Committee to support my amendment, which puts beyond question the issue that was raised by the Attorney on my previous amendments which have been accepted by the Committee.

The Hon. C.J. SUMNER: The Government opposes the amendment and, if it is at all possible, would like to go back to the original Bill which we believe has been worked on at considerable length. I do not think that what the Hon. Mr Griffin is doing is satisfactory. In the original Bill we tried to pick up the existing interpretation of the law as outlined by the courts, that is, that a child cannot elect whether or not to give evidence on oath. That must be a decision of the court. I know that that might seem odd to someone reading the wording in the original Bill, but it picks up wording similar to that in existing section 12.

I believe that the Government's original provision had a three tier structure. The first part allowed a child over the age of seven to give evidence on oath. The second part allowed a child under the age of 12, whether over or under the age of seven, to give evidence that is assimilated as evidence on oath if the child passes a cognitive test relating to his ability to give that evidence in a truthful manner. The third part was for a child who does not pass that cognitive test but can still give evidence, but in this case—and in this case alone—the evidence must be corroborated in order to achieve a conviction.

So, we are saying that in the first two categories corroboration is not required. The first category provides for evidence on oath with its notion of religious and moral connotations. The second category is for a child who does not fit within the criteria of giving evidence on oath or making an affirmation but who passes the cognitive test and the requirements that are set out in proposed subsection (2). In that case a child can give evidence, which will be treated as if the evidence was given on oath and therefore does not require corroboration.

My proposal is that we should return to the original Bill. I have had some discussions with the Hon. Mr Elliott. I am perfectly prepared to concede that in working out a new law like this the courts may have to grapple with some problems. However, I do not think that that should undermine the intention of the reform. I am certainly happy to keep this matter under review and to indicate to the judiciary that they should let us know how it is working in practice. Then, if there are problems, I am happy to come back to Parliament within a reasonable time and have the matter re-examined.

Further, if the Bill passes in its original form, given the question raised by the Hon. Mr Griffin and the queries of the Hon. Mr Elliott, I am prepared to look at the matter again before it passes in the other place and possibly obtain further advice to see whether the matter needs to be modified. It has been discussed with the Crown prosecutors, and at least earlier drafts have been distributed. I think this draft has been sent to some people, and there does not seem to be any major objection. However, I am sure that there may be some lawyers who would not be happy with it.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: We have already done that. However, I will make a final check, although we will not deliver it around to all and sundry.

The Hon. K.T. Griffin: You haven't obtained advice outside the Government in a formal sense?

The Hon. C.J. SUMNER: I am advised that it was sent to the Law Society, which is not particularly happy with the whole concept, anyhow, because it thinks that the existing law should be retained. You will probably find that that is a policy decision among many lawyers.

However, the policy position in this Council, as I understand it, is that it ought to be made easier for children to give evidence without the need for corroboration. That is what we do in policy terms. It is a difficult area, and I undertake to do two things. Before the Bill finally passes the House of Assembly I will re-examine it. It has already had a pretty extensive examination, but if on that re-examination major issues crop up I will advise the Hon. Mr Elliott and the Hon. Mr Griffin. Secondly, and I think more importantly, I am happy to keep the operation of it under review, to ask the judges to do that and let me know if there are any significant practical problems that would mean that the Act should be amended at some stage in the future.

The Hon. M.J. ELLIOTT: Last night I asked for an opportunity to have some time to think over this clause. As I said yesterday, I still have reservations and see problems about both options. On reflection I felt that the clause as originally included in the Bill may be the better of the two, but being slightly nervous of that I approached the Attorney only about an hour ago and said, 'If it goes through as originally intended will you give an undertaking that there will be a review in the foreseeable future?' I believe that he has given such an undertaking. Because of that undertaking I have decided that I will not, first, be supporting the amendment that is before us now and, further, that I will be seeking to have the original form of the clause passed.

The Hon. K.T. GRIFFIN: I am very disappointed with what the Hon. Mr Elliott has indicated. I still believe that there is considerable merit in my amendment, which he supported last night.

The Hon. M.J. Elliott: I didn't say that there wasn't merit in it. It was on balance.

The Hon. K.T. GRIFFIN: I said considerable merit in—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: No, I think that there will be more problems with the Attorney-General's proposition than there will be with mine. I think that you will end up with longer trials, more debate about the competence of children, and more appeals than you would under the proposals that I presented. Of course, that remains to be seen. I can count the numbers in this Chamber and can see that I am—

The Hon. T. Crothers: That's a very good start, knowing that you can count.

The Hon. K.T. GRIFFIN: You have to start off from some basic point, don't you? I can also read. I am very disappointed with what is apparently now going to be a majority view of the Council. I hope that the Attorney-General will take some advice on this clause from independent, competent criminal barristers who have experience in this area. That is not to decry the advice given by the Crown Prosecutor, but I think that there is sometimes value in obtaining that independent advice where you can look at propositions aloof from the day-to-day operations of a prosecuting section in the Attorney-General's Department.

A number of good lawyers at the criminal bar have acted for both prosecution and defence and they undoubtedly would be able to give quite objective and good advice on the respective merits of the two proposals. I accept the undertaking given by the Attorney-General that he will do that. The only difficulty I have is that once it leaves this place we lose control of it unless there is some amendment that will require it to come back for further consideration. That is some concern I have about the strategy that the Hon. Mr Elliott is now adopting. In view of his indication of his attitude I do not propose to call for divisions on the issue. However, I ask the Attorney-General, if he gets formal advice on the two provisions, whether he will be prepared to make that advice available to either individual members or to the Parliament as a whole.

The Hon. C.J. SUMNER: I am not sure that I can give that undertaking, because I am not going to seek formal advice as such. The reality is that one will not get lawyers to agree on this. I could go to half a dozen lawyers and get different views. Many of them at the criminal bar simply would not agree with the policy position that this Chamber has, I think generally, got. There may be some nuances that are different, but essentially we are not arguing too much about the policy.

I could almost certainly get 10 letters that would oppose the Bill and probably oppose the draft. I will satisfy myself with some inquiries as to whether I think it is reasonable. We have already done a pretty extensive effort on this in terms of trying to come up with a reasonable draft. I hope that that does not change the situation as far as the Hon. Mr Elliott is concerned. I do not think that I can give any formal undertaking to make any advice available because I am not sure that I would get formal advice. What I am saying is that if, after having reconsidered the matter (which I will do before the Bill passes the House of Assembly), I feel that there are some problems that were not indicated previously, I will bring the matter back for further debate.

Amendment negatived.

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

Page 2, lines 5 to 27—Leave out all words in these lines and insert:

(2) If a young child, who is not obliged to submit to the obligation of an oath, is to give evidence before a court and—

(a) the child appears to the judge to have reached a level of cognitive development that enables the child—

(i) to understand and respond rationally to questions;

and

(ii) to give an intelligible account of his or her experiences;

and

(b) the child promises to tell the truth and appears to understand the obligations entailed by that promise,

unsworn evidence of the child will be treated in the same way as evidence given on oath.

(3) In any case in which unsworn evidence of a young child is not assimilated under subsection (2) to evidence given on oath—

(a) the child's evidence will be evaluated in the light of the child's level of cognitive development;

and

(b) a person who has been accused of an offence and has denied the offence on oath cannot be convicted of the offence on the basis of the child's evidence unless it is corroborated in a material particular by other evidence implicating the accused.

This amendment puts the clause back into the form it was when it was originally introduced into the Council.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL

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

Consideration in Committee.

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

That the Legislative Council insist on its disagreement to the House of Assembly's amendments.

Motion carried.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons I. Gilfillan, J.C. Irwin, Diana Laidlaw, T.G. Roberts, and Barbara Wiese.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

HAIRDRESSERS BILL

Adjourned debate on second reading.

(Continued from 22 March. Page. 3336)

The Hon. C.J. SUMNER (Attorney-General): I thank the Hon. Mr Burdett for his support for the second reading of the Bill. As he says, it is a substantial measure of deregulation and I am somewhat sorry that, having welcomed it as such, he then proceeded to qualify that welcome by referring to proposals which, in fact, detract from the deregulatory character of the arrangements which have been worked out and which duplicate other existing mechanisms.

I hope that in what follows I can persuade honourable members, including the Hon. Mr Burdett, that there is no need to persist in the proposals that he foreshadowed in supporting the second reading. In the course of his remarks the Hon. Mr Burdett asked several questions about the number, type and outcomes of complaints about hairdressers that had been brought to the Department of Public and Consumer Affairs.

I will begin by providing those details. An analysis of departmental records, which was undertaken last week, shows that since 1 July 1985 a total of 30 formal complaints have been lodged with the department against hairdressers. This is a complaint rate of less than 12 a year. Considering that virtually every citizen of this State has occasion to use hairdressing services several times a year, and the millions of transactions that have therefore been involved in the period under study, it ought to be said that 30 complaints only since 1 July 1985 represents a good record for the hairdressing industry in South Australia.

Of the 30 complaints, 11 were about money matters such as the price or the availability of a promotional discount: one was about a hairpiece; one was about a course of care for fingernails; one was about ear piercing; and 16 were about hairdressing matters. Of those 16 complaints that were directly about the quality of hairdressing services, most were about problems associated with permanent wave treatments. There are also some complaints associated with some of the more chemically radical colouring treatments. In several cases the problems about which the consumer complained were the ones which a hairdresser had said he had warned about before the consumer insisted on the treatment.

As members will know, the Department of Public and Consumer Affairs does not make findings one way or the other about consumer complaints, and so it is in a sense difficult to say exactly how all of these complaints were resolved.

All the same, an inspection of 10 of the more significant of these 16 complaints disclosed that, with the exception of one case in which the two parties disagreed about the facts, the hairdressers all made offers to the complaining consumers which ranged in quality from fair to very generous. Only one hairdressing company appeared more than once in the list of 16 complaints in the course of the past 32 months, and that hairdresser only appeared once in the group of the 10 more significant complaints. As a matter of interest, as at last week, the Department had in fact received no complaints against hairdressers during the present calendar year. That should lead members opposite to say that there is no major problem and that the deregulatory system in the Bill should be accepted.

The Hon. Mr Burdett says that we ought to tack onto this Bill a provision for a negative licensing system under the Commercial Tribunal so that consumers will have some sort of extra protection and grossly incompetent hairdressers can be ordered out of the industry. The honourable member gave as his basis for saying that that such a proposal would do no harm. He tried to make an argument out of the low level of complaint by saying that, if there are indeed very few complaints, there is unlikely to be very much Commercial Tribunal time taken up with a negative licensing procedure and therefore we might as well include it in the Bill because it will not cost anything. With respect, I would submit that this is a somewhat inconsistent argument. It amounts to saying that there is no need for this piece of regulatory apparatus and, therefore, we might as well stick it in because it will not cost us anything to administer. I would ask the honourable member to reconsider that proposal, given that it seems to be agreed that this is a measure of deregulation and we should not tack onto it additional unnecessary regulatory procedures.

The Hon. Mr Burdett was apparently unable to gather any significant support for his negative licensing proposition. He says that he consulted widely in the industry. He says that, of those he consulted, none were aware of the details of the Bill. The fact is that a consultative group involving all leaders of hairdressing industry organisations who wished to attend was shown a text of the final draft in the usual way, and an even wider industry group was sent copies of the Bill and the second reading speech after I introduced the Bill to the Council. Nevertheless, I suggest that the people to whom the Hon. Mr Burdett spoke gave him essentially the same message as they gave the Government. They are, I believe, on the whole happy with the present deregulatory Bill. Apparently they told Mr Burdett that they had no serious objection to his negative licensing proposal.

However, in asking the Hon. Mr Burdett to reconsider that proposition, I point out that the Fair Trading Act, which passed through this Parliament only this year, contains provisions for regulations to be made which prescribe codes of practice to be complied with by traders. Such codes of practice can be the basis for extracting from traders enforceable assurances and can, if necessary, be the basis for an application to the Supreme Court for the exercise of a very wide ranging power to grant injunctions against a trader. These provisions have the potential to do everything which the Honourable Mr Burdett claims for his negative licensing suggestion. They are already part of the law of South Australia, and there is no need to make further legislation to do what can be done in the existing law.

In any event, the Government's position is that there is no evidence of such a problem in the hairdressing industry which would call for remedial measures of the type that he has suggested. In the event of such a problem emerging at some time in the future, it would be preferable to make use of the existing provisions of the Fair Trading Act rather than duplicate them with parallel provisions in another piece of legislation.

The Hon. Mr Burdett also suggested that Clause 5 (3), which deals with the position of apprentices under the new Act, needed some extra words to confine the employment of apprentices to qualified persons. That matter has been considered. In the Government's view, it is not necessary to make such an addition. The relations between the employers and apprentices are comprehensively dealt with in the Industrial and Commercial Training Act, and it is not desirable to intrude on that territory in a subclause of the present Bill. Furthermore, the suggested amendment could have the effect of constraining the flexibility which the commission needs so that it can authorise in proper cases on the job training for apprentices with someone other than the person with whom the apprentice has signed an indenture.

I trust that what I have said will assist in persuading honourable members that this Bill, together with the arrangements that I mentioned when moving the second reading, strikes an appropriate balance between the interests of the consuming public at large, the employers, self-employed, and employees. It provides the necessary minimum of regulatory apparatus, and it eliminates the duplication of function and emphasis which have come to be represented by the Hairdressers Registration Act. It would be unusual if the Opposition were to demonstrate its commitment to getting Government out of the way of small business by persisting in adding to this Bill some unnecessary regulatory procedures.

Bill read a second time.

LOCAL GOVERNMENT ACT AMENDMENT BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly conference room at 10 a.m. on Monday 28 March.

SUPPLY BILL (No. 1) (1988)

Adjourned debate on second reading.

(Continued from 23 March. Page 3406.)

The Hon. J.C. IRWIN: I support the Bill, which provides for the appropriation of $700 million to enable the Government to continue to provide public services during the early months of the 1988-89 financial year. I note from the Premier's second reading speech that the appropriation required for the first two months of 1988-89 is $55 million more than was required for the same period 1987-88. Of course I cannot identify exactly what has caused that difference or why it will cost more in the first two months of the next financial year than it has cost in the first two months of this financial year. However, I will return later in my contribution to what may be some of the contributing factors.

The Treasurer has assured us that the 1987-88 financial year appropriation and income will be sufficient to meet

the needs as we approach the end of June 1988. Of course, as with all budgets, there is some elasticity between expected income and expenditure and actual results, just as there is between individual items. Indeed, the Treasurer indicated some of these areas in his second reading speech.

A major influence on the expenditure side will be the impact of the second tier wage determinations which were not allowed for in the budget, although the inevitability of this financial burden could have been conservatively calculated. I expect that the Government always planned to draw out any finalisation of second tier claims in order to save as much as possible. We can only hope that the productivity offsets are truly of benefit to the State as an employer and not just a charade behind which wage increases that we can ill afford were given. There is no way that the Government can blame wage increases on any blowout that may occur at the end of this financial year. As I have already said, that could have been foreseen and appropriate cutbacks in the area of the budget effected in July and August last year.

However, the Premier is already smoothing the way for a bigger than expected budget deficit by saying in his speech that at the beginning of March 1988—that is now—it is expected that the overall outcome on Consolidated Account may show some deterioration in relation to the Estimates. In other words, the State budget deficit for 1987-88 will in all probability be in a worse state than the budget envisaged.

I was interested to note that the Treasurer gave two examples of indications that there will be greater than expected receipts. One was from the Commonwealth general purpose grant, where the increase was of the dimension of some $3.2 million. This was as a result of a reassessment of the State's population following the 1986 census. This should be no source for long-term joy by the Government or anyone else as our population growth in South Australia is second only to Tasmania in this respect; in fact, it is nearly half the national average.

The other related issue of increase in receipts relates to X Lotto, where the higher than expected turnover which resulted from above-normal jackpots in the first half of the year gave some increased revenue. I am saddened by the fact that this is one of the items that are highlighted by the Treasurer in his second reading speech; of two items in a fairly short speech X Lotto was one of them. Lotto returns, or whatever returns come from gambling, are a sad reflection of the state that we are in. It shows how far we have sunk and that we have got all our priorities quite wrong if we are to rely on gambling increases in this State to keep us afloat. South Australia will not get going on gambling receipts or any other form of 'glitter glitter', to use an old Max Harris description of a former Premier of this State, or 'vroom vroom', as he describes the Grand Prix. When will this Government get down to some rethinking and proper planning: rethinking to see how the hard earned tax dollar can be better spent in South Australia? Clearly the present priority spending of that dollar is not working.

Proper planning is required to ensure that the tax dollar is spent with productive outcomes as the priority and not wasted on projects with a very limited ability to create long-term income and employment for this State. More importantly, proper planning will stimulate private enterprise in both the small and large business sector. Where are the fruits of all the dollars that have already been spent to stimulate what the Government thinks are priority areas within the State? What a sorry state of affairs we find, and what fruit there is is falling off the tree and slowly rotting on the ground. Why is it that we have 6 500 more public servants than in 1982, costing this State—

The Hon. C.J. Sumner: That is not right.

The Hon. J.C. IRWIN: It is right, and the Premier has addressed it.

The Hon. C.J. Sumner: They are not all public servants. It includes statutory bodies, such as the State Bank—

The Hon. J.C. IRWIN: I am quite prepared to accept the point that the 6 500 includes statutory authorities, like the State Bank and the SGIC which are at some arm's length from the Government but which nevertheless are very much part of the governmental sector. I will come back to that later.

It is not good enough for the Premier to say that most of these new jobs created in the public sector are in such areas as the State Bank, SGIC, and the like. Are these brand new jobs in South Australia or are they just taking talent from one sector of industry and placing it in another, from private to public? I do not think there is very much going the other way round. The Premier can be caught out on his own argument on a number of counts, not the least being the great percentage increase within the 6 500 public employees in the public sector, which is the public sector acting more like a private sector area. I have already mentioned the banking and insurance areas. This is indeed a great pat on the back to the philosophy and methodology of private enterprise. It is a pity the Government does not encourage private enterprise rather than trying to compete with it and be private enterprise itself.

The Government must be made to realise that had it maintained the Public Service numbers handed to it in 1982, it would have now saved $700 million in public costs, cut the annual deficit in half and be saving $85 million a year in interest. Why has South Australia's employment rate increased only by 6.9 per cent since 1982, which is nearly half the rate of the rest of Australia? Why is the South Australian teenage unemployment figure standing at 22.8 per cent? That relates to nearly one in four of our young teenagers, and it is the worst position in Australia. This issue must not be lost on the Government because this one in four factor relates to people who, in fact, may never learn how to work and be part of the work ethic and who think that the State will be their benefactor for the rest of their lives and a burden (and I mean a burden) on those people who are productive in the South Australian economy. Why is unemployment in South Australia nearly the worst in Australia, at 8.7 per cent?

The Hon. C.M. Hill: Because we have bad government.

The Hon. J.C. IRWIN: That is right. Why is the average weekly earnings for all South Australian employees at $368.20 the worst in Australia? Why has South Australia the highest percentage of both households and families in poverty of all Australian States? The Government's Federal colleagues are not doing a bad job. They have managed to add more than 700 000 to, or more than double, the poverty numbers in Australia since 1982. Are not members opposite ashamed of this and with the way this State is going? Since they came to power in 1982, they have managed to increase taxes by almost double the inflation rate, and I have just gone through some areas where that money has been ploughed into the South Australian economy, and we still come out as the worst State in Australia. Surely that message is starting to sink in. Where are the benefits from all the spending? Put simply, there is more glitter glitter and less jobs. When will the equation start sinking in?

On top of just a few of the many relevant factors that I have alluded to indicating the bad performance of this Government, or non-performance of this Government, there is the ever-present and ever-growing State debt, the debt which is the new wonder god, where irresponsible vote

buying is the priority and to hell with tomorrow. Someone else will have to pick up that debt, with the Government probably not having to worry about it. In 1983-84, only 12.2 per cent of the current budget outlays went to service debts in the form of interest payments. The budget papers forecast that for 1987-88, $575 million will be the budget sector interest cost, which will consume 16.4 per cent of recurrent outlays.

The interest on the total State debt is climbing to $686 million in 1986-87, and the total State net debt is now almost $4 billion, which is some 10 per cent of the public sector debt in Australia. The State budget sector accounts for three-quarters of this State's interest costs. The State's debt adds to the abysmal record of the Federal debt which now stands at $108 billion and which is climbing at the rate of $200 million per week. The national debt now stands as the third worst national debt in the world to Brazil and Mexico. That is bad enough, but if it is being accumulated in order to fund non-productive activity of the Government and private sector the situation is worse.

This State and this nation must encourage a tooling up of industry to produce a product for sale. When I look at the backbench of the Government and, indeed, some of the Government Ministers who have had experience in the union movement, in the productive work force of this country, as many on this side have had, I cannot understand how they let this obvious area of financing go begging, namely, to put funds towards tooling up industry, whether it is small business or large business, so they can employ people and produce a product.

It is perhaps an ironic pleasure that the primary products of wool and wheat are still able to pull Australia and indeed South Australia out of the mire. They provide 45 per cent of South Australia's overseas income and that is despite the fact that Governments give the producers a very difficult time in trying to stay viable. That is very obvious to those who have observed the rural crisis which has been well publicised.

In the 1987-88 State budget one notices a number of privatisation and commercialisation sales to help the State's financial position but, as with the Federal budget for 1987-88, where the Government allowed for in excess of $1 billion in asset sales, these proceeds from the asset sales were and are not used to reduce the debt. If Senator Evans, as the Federal spokesman and chief proponent of privatisation, should get his way as to how asset sales proceeds should be used, heaven help us. I hope that his Government colleagues in Federal and State Parliaments have more sense than he displays. I have no argument about asset sales in general, but I have serious argument about how the proceeds should be used. An article in the *Advertiser* of 22 March states:

> In a speech to a conference of public sector unions yesterday, Senator Evans said the privatisation question was no longer one of 'to sell or not to sell'. Instead, the pros and cons of funding a public enterprise had to be examined against competing funding priorities.

I agree with that. The article further states:

> 'With the capital injection required to keep Qantas viable and competitive, we could double the budget allocation for the ABC and SBS,' Senator Evans said. 'Instead of injecting $600 million into Qantas, we could spend it on 600 000 12-month traineeships,' he said. 'We could spend it on 126 000 full TEAS scholarships or 240 000 child-care places or to double the amount of the family assistance package.'

I put it that Senator Evans' suggestion should be laughed out of court, but it is a serious enough indication of the Government's thinking to be very alarming. Asset sales or redeployment of Government resources should not be used for creating more fairy tales. Rather, they should be used to pay off the debt or create real jobs in the private sector.

I support this Bill and I will watch with interest the final results of the 1987-88 State budget and its performance, just as the Opposition will wait with interest to debate and discuss the 1988-89 budget.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's message.

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

That the Legislative Council do not insist on its amendment.

This is the only issue which remains for the Committee to consider. The House of Assembly accepted our 15 suggested amendments bar one, so it is a great victory for this Chamber. As I have said, the only issue in dispute is suggested amendment No.5 which deals with the question of the liability of directors of a corporation. The Bill as originally introduced provided that, if a body corporate is guilty of an offence against one of the subsections of the Act, each member of the governing body is guilty of the offence unless it is proved that he or she could not have prevented by the exercise of reasonable diligence the commission of the offence by the body corporate.

The Government believes that this is an important provision which should be reinserted in the Bill. The provision exists in a number of other pieces of legislation and it has become a fairly common formulation. In particular, I believe that this provision is necessary in legislation which deals with taxation matters. I believe that there is a similar formulation in the Liquor Licensing Act and a number of other pieces of legislation. The provision has been accepted by Parliament on previous occasions as appropriate for legislation of this kind. I ask the Committee to not insist on this suggested amendment which would enable the reinsertion of the directors' liability clause.

The Hon. I. GILFILLAN: I supported the amendment originally and have been asked by the Government to reconsider it.

The Hon. C.J. SUMNER: Mr Acting Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. I. GILFILLAN: As I was saying, I was asked by the Government to reconsider my support for this amendment and it provided me with some material which I think the Committee will find useful. It is a memo to the Premier from Parliamentary Counsel dated 3 March 1988, as follows:

> To: The Premier, re: Stamp Duty Act Amendment Bill 1987 Proposed new section 20 (7).
>
> It has been suggested by the House of Assembly that subsection (7) of section 20 be left out of the Bill (clause 3). There is considerable precedent for the proposed subsection (see, for example, the Public and Environmental Health Act 1987; the Fair Trading Act 1987; the Retirement Villages Act 1987; the Waste Management Act 1987; the Agricultural Chemicals Act Amendment Act 1987; the Summary offences Act Amendment Act 1987). The usefulness of such a provision is self-evident.
>
> There is no doubt that many companies are of little substance. 'Shelf' companies can be easily purchased and companies with a paid-up capital of a few dollars are common. It is often pointless to prosecute such companies. The alternative is to proceed against the members of the governing body—the persons who are responsible for the actions and decisions of the company.
>
> The new subsection (7) allows this to occur, to pierce the corporate veil and go beyond the company. This makes good sense. The persons who are really responsible for the company's

criminality are held responsible. Why should they be able to claim immunity? When this is considered in the context of tax legislation, the arguments are even stronger. The principal offence is committed if the company fails to produce a document that is chargeable with stamp duty, in other words, the company avoids a liability to pay tax. It is, therefore, not simply a breach of the law. The matter is aggravated by the avoidance of payment.

If the provision were not included, it might be possible in some cases to charge directors with aiding and abetting the commission of an offence by the body corporate (see *R v Goodall* 11SASR94), but it might be difficult to establish which directors were actually responsible for the particular criminal act. The offence of conspiracy would also be of limited application (see *R v Mcdonnell* 1966 1QB).

I am advised other pieces of legislation have similar clauses. We have the Financial Institutions Duty Act 1983, Tobacco Products Licensing Act 1986, Liquor Licensing Act, builders licensing and land agents legislation. In discussion with the Hon. Trevor Griffin, I sought some information about similar Federal legislation, and in the very short time available I gained some assistance from officers of the Crown Solicitor's Department who provided me with the information that, in the Federal Government Taxation Administration Act 1984, section 8Y is similar. Subsection (1) provides:

Where a corporation does or omits to do an act or thing the doing or omission of which constitutes a taxation offence, a person (by whatever name called and whether or not the person is an officer of the corporation) who is concerned in, or takes part in, the management of the corporation shall be deemed to have committed the taxation offence and is punishable accordingly.

A little further on, the definition of 'officer' in relation to a corporation means *(a)* a director or secretary of the corporation, and then others which are listed which are not relevant to this discussion. I also sought with what frequency this section had been used in the Federal context, and the general information was that it had been used over the years and used 12 times in the past year. Unfortunately, because of the time, there is no further real indication of how much action has taken place in other legislation federally or in other States, and in due course that may be of interest to us as an awareness of how effective this legislation is.

In relation to the matter now before us my original reservation, to some extent, still lies—that where these clauses have been put in previous Bills it seems to me that the omission of compliance in those Acts was quite significant an offence in which the directors could fairly have been expected to take an interest and to take some responsibility. I know that in part, in this issue, the argument for the amendment was that it could be that the default was purely a matter of administration and conforming almost to the sort of day-to-day management procedure of filling in and lodging forms. In those circumstances, it seemed unreasonable that the directors who may have no indication that such a default had occurred should be held liable.

On reflection and bearing in mind that the Government does feel this issue to be of significance, the Democrats feel, first, that we would respect the Government's strong emphasis on this as being an important part of its legislation and, secondly, on further analysis and consideration of the issue we feel that it is not entirely out of place in this Bill, especially as it has been shown in the memo I read earlier that it could be a significant offence by a company, particularly if it avoided preparing and lodging the documents in a deliberate attempt to avoid the taxation. We will not persist in seeking support for the deletion of this provision and will accede to the Government's wishes in this matter.

The Hon. K.T. GRIFFIN: I suppose that it is the lot of the Opposition today to experience disappointment on a number of occasions, and this is just another of those occasions where I have not been able to persuade the Democrats that there is some merit in the position that we put, sufficient to warrant their support. I want to make clear that I have no difficulty with a provision which creates an offence for a person engaged in the management of, or as a director of, a body corporate being involved in the company committing an offence.

There have to be some provisions in not only revenue legislation but other legislation where that does become an offence. The difficulty I have had—and the Attorney-General and I have argued about it on a number of occasions—is the form of this particular provision which has been used with increasing frequency in legislation coming before the Parliament over the past five years. I know that we have explored the concept of what I describe as a reverse onus provision in the sense that the director is guilty of an offence, if the company commits an offence, unless the director can show that he could not by the exercise of reasonable diligence have prevented the commission of the offence.

I hold the strong view that that is a reverse onus provision. I think it is appropriate that we look at that with a view to trying to resolve the continual debate on this issue in this Chamber. I know that there are difficulties of proof if you just create an offence where the offence has to be proved beyond reasonable doubt. Nevertheless, I think that we cannot lose sight of the fact that there has to be justice in the system and that it should only be in reasonably rare cases that we create an offence for which a person is guilty on the basis of a body corporate having been guilty of that offence, and then provide for the director to supply some other material to the court which would justify the court then concluding that there was in fact not an offence by the director. I note what the Hon. Mr Gilfillan has said about his attitude to this amendment and, in light of that, I will not divide if I am unsuccessful on the voices.

Motion carried.

ADJOURNMENT

At 6.6 p.m. the Council adjourned until Tuesday 29 March at 2.15 p.m.