LEGISLATIVE COUNCIL

Wednesday 6 April 1988

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

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the following answers to Questions on Notice be distributed and printed in *Hansard*: Nos 96, 114, 115, and 165.

CADMIUM

96. **The Hon. M.J. ELLIOTT** (on notice) asked the Minister of Health:

1. What testing is done of meat and meat products for cadmium?

2. What levels of cadmium are being found in the various types of meat and meat products?

3. What is the current Australian standard for cadmium in meat?

The Hon. J.R. CORNWALL: The Department of Primary Industry and Energy tests kidneys of sheep and beef cattle, and livers of pigs to determine breaches of the maximum permitted levels of cadmium throughout all States as part of the National Residue Survey (NRS). The results of the NRS from February 1985 to June 1987 are summarised as follows:

	Type Sample	No. Samples	No. Exceeding Maximum Permitted Concentration	% failures
All States	Beef kidneys	670	67	10
Sth Aust.	Beef kidneys	112	22	19.64
All States	Sheep kidneys	446	88	19.73
Sth Aust.	Sheep kidneys	102	25	25
All States	Pig livers	252	Nil	Nil

The maximum permitted concentration of cadmium in meat prescribed under the Food Act, 1985 is:

* edible offal other than liver	2.5 mg/kg
* liver	1.2 mg/kg
* meat (muscle)	0.2 mg/kg

Details of findings from the National Residue Survey for South Australian livestock for the extended period 1982-87 are:

Species/ Age/Gender	Number of Kidneys for each range: <0.1	0.1-.05	0.5-1	1-2.5	2.5-5	5-10	10-20
Sheep							
All kidneys	21	31	36	38	31	8	3
Less than 2 years							
male	7	4			1		
female	2	3			1		
Greater than 2 years							
male	2	2	3	6	1		
female	2	15	17	24	16	2	2
Cattle							
All kidneys	17	58	40	29	23	12	3
Less than 2 years							
male	2	8	1				
female	3	9	4	1			
Greater than 2 years							
male	6	13	8	4	1		
female	2	11	20	19	21	10	3

Testing conducted by the South Australian Health Commission in November 1987 showed that of 10 beef kidneys, one had a level of 3.1 mg/kg with the remainder below 2.5. All ten sheep kidneys were below 2.5. Cadmium is a toxic element which accumulates in the body, particularly in the kidney. Forms which accompany samples analysed in the National Residue Survey are not always complete, but it does appear from the limited data that the higher kidney cadmium concentrations were in older animals, particularly in the females of both species.

The origins of animals with high kidney cadmium levels does not appear to be restricted to any one region. It has been suggested that superphosphate fertiliser is a major source of the cadmium, but as this fertiliser is also used routinely in Victoria and New South Wales where cadmium levels are substantially lower, it is unlikely to be the whole explanation, especially as it is known that uptake and accumulation of cadmium can be influenced by soil chemistry and by dietary zinc levels.

In terms of health effects, a more useful guide than maximum permitted concentrations is the 'provisional tolerable weekly intake' (PTWI) established by the Joint Expert Committee on Food Additives of WHO/FAO, which takes into account the likely effects of exposure over an entire lifetime; for cadmium the PTWI is 400-500μg. Foods analysed since 1975 in the National Market Basket Survey of total dietary intake have not exceeded this value.

In summary, the problem posed by cadmium in food is complex, with no ready explanation available for the results noted in the National Residue Survey. Substantial work is required to understand the mechanisms of cadmium uptake, but in the meantime it is reassuring to note that, in Australia, provisional tolerable weekly intakes are unlikely to be exceeded. It is anticipated that further information will be available during this year as a result of work already initiated by the National Health and Medical Research Council and by the World Health Organisation.

GRANTS ADVISORY COMMITTEE

114. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare: In 1986 which voluntary agencies, community organisations and self-help groups:

1. Submitted applications for funding to the Community Welfare Grants Advisory Committee in each of the following categories:

(a) aged
(b) unemployed
(c) family
(d) youth
(e) general
(f) community centres
(g) neighbourhood houses?

2. How much did each seek?

3. Which applications were approved and in each instance how much did they receive?

The Hon. J.R. CORNWALL: A letter has been sent to the honourable member giving details of those organisations

who received grants in 1987 and 1988. I have notified her that I believe that it would be a breach of confidentiality to provide details of those organisations who applied for, but did not receive, a grant. This information should only be released with the consent of the applicant organisation.

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CHILD ABUSE DATA

165. **The Hon. DIANA LAIDLAW** (on notice) asked the Minister of Community Welfare:

1. Will the Minister given an unqualified undertaking that the Department for Community Welfare data base on child abuse will not be incorporated into the Justice Information System this financial year, or at any future time, until the issues of what data and for how long such data will be maintained on both the notification of child abuse index and the registration index, have been determined?
2. If the Minister will not give such an undertaking, can the Minister confirm that the process of incorporating the data base into the Justice Information System has either commenced or been completed, notwithstanding the 'uncertainty' of the data base.

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

1. Yes.
2. Refer to answer to question 1.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Fair Trading Act 1987—Regulations—Life Insurance Contracts.

Trade Standards Act 1979—Regulations—Child Carrying Seats for Bicycles.

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

Pursuant to Statute—

Building Societies Act 1975—Regulations—Restricted Loans.

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

Pursuant to Statute—

Animal and Plant Control Commission—Report, 1987.

Rules of Trotting—Racing Act 1976—Handicap Mark.

Regulations under the following Acts—

Road Traffic Act 1961—

Traffic Prohibition—

Gawler.

Woodville (Recision).

South Australian Health Commission Act 1976—

Julia Farr Centre Patient Fees.

Western Region Rehabilitation Service Compensible Patient Fees.

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

Pursuant to Statute—

Technical and Further Education Act 1976—Regulations—

Non-sexist Language and Appeals.

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

Pursuant to Statute—

West Beach Recreation Reserve Act 1987—Regulations—

Membership, Powers and Functions of Trust.

QUESTIONS

PUBLIC TRUSTEE

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

Leave granted.

The Hon. K.T. GRIFFIN: Public Trustee is a statutory body with wide powers to act as a trustee in many contexts, particularly under wills and trust funds, and has under its control large amounts of private funds. According to the last Auditor-General's Report, those funds exceeded $170 million. Public Trustee also has statutory responsibilities as a watchdog over the administration of deceased estates and the affairs of aged and infirm persons and the mentally ill where appointed as a guardian or manager, and also in relation to private trustee companies.

Public Trustee also acts as manager of protected estates under the Aged and Infirm Persons Property Act, and as guardian under the Mental Health Act. While one hears criticisms of the way Public Trustee sometimes undertakes its responsibilities, particularly as manager or guardian, nevertheless it does have some statutory responsibilities which it would be difficult to hand over to the private sector. On the other hand, Executor Trustee and Agency Company of South Australia Ltd, a wholly owned subsidiary of the State Bank, has acted, and continues to act, as a private sector, entrepreneurial trustee company.

I understand that the State Government has been considering a merger between Public Trustee and Executor Trustee and Agency Company of South Australia Ltd, and that a report recommending that merger was delivered to the Government last week. If such a merger did occur it is not clear as to:

1. Who would control the new entity—State Bank or Public Trustee.
2. What would happen to the large amount of private funds held by Public Trustee—would it be invested by and for the benefit of State Bank?
3. What would happen to the watchdog powers of Public Trustee.

My questions to the Attorney-General are:

1. Is the Government considering a merger or some other arrangement between Public Trustee and Executor Trustee and Agency Company of South Australia Ltd?

2. If so, what is the proposal, and does the Government intend to proceed?

3. Who will control the new entity?

The Hon. C.J. SUMNER: There have been some discussions on this matter. The best thing I can do, I think, is to ascertain the present situation and bring back a reply.

HOSPITAL WAITING LISTS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Health a question about waiting lists.

Leave granted.

The Hon. M.B. CAMERON: Many members in this Chamber may have been as interested as I was over the latest revelations in the press on the perennial problem of hospital waiting lists. It appears that the Minister of Health has developed a truly unique method of handling this issue. His method appears to be, first, to foreshadow the release of bad news by blaming one of the parties working to reduce lists, and then to attempt to mitigate really bad news, such as a dramatic increase in the lists, by attributing blame to errors in patient counts and also questioning whether some patients in fact really need or want surgery.

Readers of last Saturday's *Advertiser*, for example, learnt that the Minister was blaming surgeons for problems with hospital waiting lists by not cooperating with a South Australian Health Commission scheme involving the treating of public patients in private hospitals. That article did not specifically refer to the latest figures (which obviously were not favourable); rather, they foreshadowed details contained in a six-page press release put out by the Minister and dated 1 April. Those details—showing an increase of 765 on the list of July 1987—were no April Fool's joke despite the date, but the Minister's method of explaining away that increase presumed I believe, that the public were fools.

The Minister's press release contains six pages of excuses, accusations, and buck passing. For example, the January 1988 hospital waiting list of 6 957—an increase of 765 on the July 1987 figure—was blamed on, 'newly gathered computer data' which had been missed in the July count. So, here we have a confession that July's hospital waiting list should not have been 6 200 as we have been told for some time, but more than 6 800. I gather that the Health Commission allocated $99 000 for a new computer system to work out hospital waiting lists, where beforehand a manual system costing $14 200 in 1986-87 had been used.

With such burgeoning waiting lists miraculously revealed by this new technology, the Minister might well have wished the old manual system of counting had been retained. The public credibility of the Health Commission and the Minister is being sorely strained by this contortion of figures. In his extensive press release the Minister says that the Health Commission believed it was unlikely that almost 600 patients shown as waiting 12 months or longer for treatment actually wanted or needed surgery.

People have said to me that a more heartless example of blaming the victim than the Minister's feeble attempt here to further reduce the waiting lists by writing off patients is yet to be seen. It is worth recording that before 1986 the Minister refused to accept there was a waiting list problem. Two years ago, I raised the matter of a 42 per cent rise in the waiting lists during the previous 13 months and the Minister said that the figures were only preliminary and therefore subject to change. Perhaps he was waiting on the introduction of this new computer system.

In June 1986, armed with the Kearney report, which showed the depth of the waiting list crisis in South Australia, the Minister finally accepted that there was a waiting list problem—but said he really meant booking lists—and announced a $3.82 million plan to tackle the issue. The *Advertiser* of 4 June 1986 reported as follows:

> Dr Cornwall predicted the plan would mean the present public hospital waiting list of 6 500 people would drop by 3 000 in 12 months.

That of course did not happen and, in fact, two years later the list, if anything, is growing. Of course, the fact that the Royal Australian College of Surgeons knew nothing of the Minister's plans until they read about it in the press did not help matters, particularly since the Minister was asking them to work on Saturdays.

A month later the Minister was again quoted as saying his plans would reduce hospital waiting lists by 3 000 in 12 months, and he said that the Saturday morning surgery proposal had been enthusiastically received apart from a few pockets of resistance. What happened? Later that month the Minister was back-pedalling, and accepting that Saturday surgery was perhaps not enthusiastically received.

In March 1987 the Minister announced the waiting list total was still 6 060, representing only a small reduction in 12 months. It was clear at that stage that the Minister's proposal was not working. By June last year, with a Federal election in the offing, the Prime Minister and Federal Health Minister, Dr Blewett, were announcing that $50 million would be given to the States over two years to cut hospital waiting lists. By then our Health Minister was only talking about reducing the waiting list to 4 000 within the next two budgets. But while he said that, and gratefully accepted the Federal Government's $4.5 million to reduce lists, he was also reducing hospital budgets by three-quarters to 1 per cent. On top of that, the Royal Adelaide, Queen Elizabeth and Children's Hospitals had a total additional cut of more than $2 million to their budgets. So they were given with one hand and then taken with the other, and people wonder why hospital lists go up instead of down.

My question to the Minister of Health is as follows: will he now admit that all the actions taken by himself and his Federal counterpart have led directly to an increase in waiting lists for elective surgery and that every half-baked scheme that he and the Health Commission have dreamed up has failed?

The Hon. J.R. CORNWALL: As I have said on many occasions, the Hon. Mr Cameron is entirely predictable: he likes to recycle—he is the king of recycle. I happened to know that this would be his lead question today and I have brought along a few notes. Members must excuse me if I appear to lecture, but I am a born optimist and I live in a state of eternal hope that one of these days we will get through the Hon. Mr Cameron's thick head what the reality is with the state of the health services in South Australia. To try to judge the South Australian health system on the so-called waiting lists—cycled and recycled by the Hon. Mr Cameron—is, of course, an entirely fallacious approach.

Let me give the Council some of the facts and figures, if I may, because I think it is important to put them on the *Hansard* record. As a specific result of the strategy that has been adopted with regard to elective or discretionary surgery in the public hospital system (and this is the metropolitan public hospital system because there are no waiting lists as such in the country areas of South Australia), in the first six months of 1987-88—that is, this financial year—with a number of strategies up and running in the various hospitals, some 1 600 additional procedures were done. That is

a very significant achievement in itself. Furthermore, and perhaps more significantly and more importantly, the number of people on booking lists waiting for their surgery for 12 months or more dropped from 1 356 in July last year to 992 in January this year. That is a drop of 27 per cent in the number of people who had been on that waiting list for elective or discretionary surgery for more than 12 months.

That is a significant achievement in itself, particularly against a burgeoning demand, to which I will come in a moment. We then further analysed the data relating to the 992 people reported as waiting for 12 months or more (that is, having come down from 1 356 to 992 people). We must remember that for the first time in the history of South Australia, the booking lists around the metropolitan public hospital system are now computerised. Of that 992 persons, 135 (14 per cent) were deferred patients not yet due for surgery, and 152 people (15 per cent) had postponed their operation for personal reasons or could not be contacted by the hospital. Presumably they did not consider themselves to be in any state of desperate need. A further 129 people (13 per cent) were waiting for surgery of a purely cosmetic nature. Of the remaining 576 patients shown as waiting 12 months or more, considerable doubt existed that a number of them actually needed or wanted surgery.

At 13 January 1988, 6 957 people were on booking lists for five major metropolitan hospitals. Computerisation has exposed some inaccuracies in the manual surveys which began in December 1984. The other point that needs to be made, and cannot be made too often, is that, prior to December 1984, nobody had ever compiled any sort of total of people who were booked for elective or discretionary surgery. When the question of people booked in for discretionary surgery became a matter of some public importance in 1984, I was amazed, on making inquiries, to find that nobody had composite lists in any of the major metropolitan public hospitals. Traditionally, the individual surgeons or departments had literally kept their own lists, some in a most informal way. We now have, for the first time, a fully computerised booking list which ranges across the metropolitan public hospitals.

By January of this year, having a full total of all of the patients on booking lists throughout the hospitals, we were able to reconstruct the July 1987 list more accurately. It showed that, at January 1988, 113 more people were waiting for discretionary surgery than were waiting six months earlier (that is, 113 in some 6 900). The pleasing thing about the figures I have released (although I am by no means excited about them) is that there has been a reduction of 27 per cent in patients waiting for elective or discretionary surgery for more than 12 months.

The other important thing is the total number of people who were literally deferred patients. There were 800 people on booking lists who could not have had their surgery for a variety of reasons had they been called in if we had had beds and surgeons ready to go. They include people waiting for the second stage of plastic or reconstructive surgery and a range of orthopaedic patients with plates, screws, pins or whatever methods of fixation and waiting for their bones to unite fully before having them removed.

Of that total, 800 are literally patients not ready for surgery and therefore tend to artificially inflate the list, if we are going to use that as the raw measure of the good conduct of the South Australian public hospital system. The other thing that we have to take into account is that admissions to the five major metropolitan hospitals increased by 4.8 per cent or a total of 3 252 admissions in the last six months of 1987, and as many as half of those admissions would have been for elective surgery. So, there is no doubt that the very fine public hospital system is coming under increasing pressure as more and more people elect to use it. That is a problem in itself: the better we make the system, the more people who elect to use it. At the same time—

The Hon. L.H. Davis: Is that what the problem is—Medicare is so good that everyone wants it? Gee whiz, that's a new story.

The Hon. J.R. CORNWALL: It is a statement of fact.

Members interjecting:

The Hon. J.R. CORNWALL: I wonder how otherwise the Hon. Mr Dunn—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: It is very good indeed. Clearly, it is the best public hospital system in the country.

The Hon. L.H. Davis: In the world?

The Hon. J.R. CORNWALL: One of the best in the world, and there is no doubt about that. The Hon. Mr Davis seems to aspire to have expertise in a range of areas. I am not sure whether he has a great all-round knowledge or whether he is a know-all, but he claims to have knowledge in these areas. The simple fact is that, if you are in South Australia and you need acute surgery of a specialised nature, South Australia is a very good place to be, because overall the expertise of our surgeons is as good as any in the country, and it is certainly to world class standards. I do not think that I need to go down the track again of telling him about the centres of excellence. I will not bore the Council—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: You can get instant access. If one needs emergency surgery in this city, it will be provided at once, and there has never been any doubt about that. But, the fact is that the increase in patient numbers in our metropolitan public hospital system was almost an additional 5 per cent in the first six months of this financial year. It was almost 3 300 patients, a substantial number of whom were happy to have their discretionary surgery performed through the public hospital system. That in itself creates a problem. The better we make the system, the more people who want to use it and the smaller the number of people who want to or elect to use the private hospital system.

What we have tried to do as a State Government and a Health Commission, and what I have tried to do as the Minister of Health, is maintain a balance between the private and public hospital sectors. Because of that we notionally allocated a significant amount of the so-called waiting list money ($3.82 million last year and $4.6 million for this year and for next year) to ensure that pensioner patients, who had waited for what was considered by South Australian standards to be an unreasonably long time for specific procedures like hip replacement, could have those procedures performed in the private hospital system. What has not been said in this debate nor reported up to date is that, in order to accommodate the ideological problems which might have arisen among surgeons, we said, 'We do not expect you to operate on public patients who are in receipt of reasonable salaries. We will not cavil about this. We want you and your hospitals to contract with us to take pensioners, particularly aged pensioners, off the waiting list and to perform their hip replacements and some other procedures like transurethral procedures in males in their mid-70s, and hip replacements, for pensioner patients. Would you please consider undertaking these procedures in the private hospital system?'

That was the humane thing to do; it was the pragmatic thing to do. There was no ideology behind it at all. In fact, in the past 12 months 10 elective surgical procedures have

been done on public pensioner patients in the Adelaide private hospital system. Those procedures were done by one surgeon, at one hospital, and he was sent to Coventry by his peers. We asked them to do those procedures on aged pensioner patients who had been waiting for certain procedures for times which were perceived, both clinically and particularly in the name of humanity.

At this time there appears to be a boycott. I am not making any firm statement on that. I have said that if, in fact, there is a boycott it would be unthinkable. It appears from what the spokesman for the orthopaedic surgeon has said, that there may well be an organised boycott. Nevertheless, I intend to talk to the surgeons through their professional organisation and the AMA. I will again say, 'Let's take a practical, pragmatic, non-political and humane approach to this problem. If there are (and it is admitted that there are) some hundreds—not thousands—of patients who have been waiting for a small but significant number of procedures for times which are too long, in the traditional South Australian sense, then, for goodness sake, let us get on with the business of contracting them out to the private hospitals where you, the surgeons, will be paid on a fee for service basis for those pensioner patients upon whom you perform those surgical procedures.'

That is a simple proposition, and I should have thought that anyone who would persistently refuse to take up that offer and use patients as pawns in some sort of political game would stand condemned. At this stage I am not condemning anyone. I am not making any presumptions.

The Hon. C.M. Hill: You're making a long reply.

The Hon. J.R. CORNWALL: Well, there was no need for the Hon. Mr Cameron to recycle it yet again.

An honourable member interjecting:

The Hon. J.R. CORNWALL: I know. It is a very important matter. It is all right for you, Mr Hill, with all your riches, to sit there with your private insurance. But, if you were an aged pensioner and you were on a boycotted list, and you could not get your hip replacement done because of the attitudes of orthopaedic surgeons, then I am sure that you would not sit there looking so comfortable and self-satisfied.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: You would not sit there looking so comfortable and self-satisfied if you were on a waiting list as a pensioner patient.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: It is indeed. So, the position—

Members interjecting:

The PRESIDENT: Order! I have called for order—

An honourable member interjecting:

The PRESIDENT: And that includes you, Mr Lucas.

The Hon. J.R. CORNWALL: The dishonourable Mr Lucas. If you would care to ask me that as a formal question I would be delighted to answer it. Don't ask me by interjection. Don't be gormless. Don't be so disreputable. Don't be so dishonest, Mr Lucas. Try to behave yourself as you should. You stand condemned for your actions during this autumn session of Parliament, anyway. So, the position is, Ms President, that by and large we have done reasonably well. Nevertheless, we are under increasing pressure in our very good hospital system.

The Hon. L.H. Davis: We are short on psychiatrists.

The Hon. J.R. CORNWALL: We are short on competent Opposition members, but that really has absolutely nothing to do with the health system. The simple fact is that we are doing reasonably well, but we are certainly coming under increasing pressure. I would have thought that that was obscene when we have about 50 per cent occupancy in the private hospital system. I am sure that somewhere along the line there will be surgeons with sufficient humanity, as well as technical skill, to cooperate with us in the 1988-89 financial year to ensure that we keep the balance between the public and private hospital systems at the optimum. Of course, in the process of doing that, and ensuring the long term viability of the private hospital system, we should also be able to ensure that pensioner patients who have been waiting for unacceptably long periods will have their elective surgery performed.

BANKRUPTCY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about bankruptcy.

Leave granted.

The Hon. L.H. DAVIS: There was a record number of bankruptcies in South Australia for March 1988: 154 bankruptcies, or five a day, were reported, and that smashes the previous all time monthly record figure of 140 set in July 1987. The 154 bankruptcies for March is nearly as many bankruptcies reported for the first three months of 1985. In the first quarter of 1988 South Australia has had 391 bankruptcies, which is a massive 151 per cent jump on the 1985 figure of 156; 76 per cent up on the 1986 level of 222; and well in advance of the 342 bankruptcies for the same period in 1987.

For some time the Liberal Opposition has been expressing concern about spiralling bankruptcies, and it has convened a conference of concerned parties from banks, building societies, credit unions, the retail sector, and the Adelaide Mission. More recently, as the Attorney would know, I requested and received information from the Inspector General in Bankruptcy who identified the main causes of business and non-business bankruptcies. An analysis of this detailed computer printout showed that in 1986-87 the major causes of business bankruptcy were economic conditions affecting industry; and for non-business bankruptcies unemployment was the major contributing cause. However, the Attorney-General and the Premier have tried to claim that availability of credit is the root cause of soaring bankruptcies in South Australia.

On 22 March I attended a reception given by the South Australian Division of the Australian Finance Conference. At that reception Mr John Baker, Federal Chairman of the Australian Finance Conference noted that consumer debt—that is, plastic cards, personal loans and instalment credit—in Australia last year rose in money terms by 5.1 per cent, that is, in the financial year 1986-87, and it rose by 4.6 per cent in 1985-86. Therefore, after allowing for inflation and population growth there has been a negative growth in consumer debt in Australia. In his speech Mr Baker said:

> Consumer debt per employed person has remained between $3 100 and $3 200 for the past three years.

In view of this strong evidence, do the Attorney-General and the State Government still accept that South Australia's limp, struggling and indeed weakening economy is not the real cause of our soaring bankruptcies? Does the Attorney-General still believe that availability of credit is the major factor behind South Australia's record level of bankruptcies?

The Hon. C.J. SUMNER: The honourable member is recycling a question that he asks from time to time.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I refer the honourable member to my previous answers. The public statements that I have made on bankruptcy have not been reported accurately by the honourable member, but there is no doubt that in South Australia there is a somewhat different culture with respect to advice that is given about bankruptcy.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: That is all right, and so have I. Perhaps we can contest whether you have obtained different figures from those that I have examined. The figures that I had did not tally with what the honourable member has said. So I refer the honourable member to my previous answers and the action that is being taken—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —with respect to the economy in general. In South Australia there seems to be a problem in relation to bankruptcy and consumer debt. Whether that is directly related to the size of the debt or the way that the debt is treated is probably something that the honourable member does not know, and neither do I. However, there certainly is a problem with bankruptcies related to consumer debt.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: That is what you say.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: You believe Mr Baker. That is all right; you can believe Mr Baker.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Mr Baker has now achieved some kind of papal status.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! This is not the time for conversations across the Chamber.

The Hon. C.J. SUMNER: I am simply saying that there are a number of reasons for bankruptcy. The figures that I have had, which I do not have before me at the moment, do not coincide with the honourable member's allegations.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Good on you; so have I. Those that I have seen do not accord with what the honourable member has said.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I will, if you want them. Suffice to say that it is not all one problem. No-one has ever suggested that. I would not expect the Hon. Mr Davis to suggest that, despite his pursuit of selective analysis of the situation. There clearly is a problem with respect to consumer debt. If the Hon. Mr Davis denies that, he does not know what he is talking about.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis has asked his question.

The Hon. L.H. Davis: He's not answering it.

The PRESIDENT: There is no obligation under Standing Orders—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! When I am speaking I expect members to defer to me. I am calling the Hon. Mr Davis to order. The Hon. Mr Davis has asked his question and is merely repeating parts of it by way of interjection. The Attorney-General has the right to answer the question as he sees fit. Interjections across the Chamber are to cease. The Attorney-General.

The Hon. C.J. SUMNER: As the Hon. Mr Davis interjects and I respond he shifts his ground.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: You have certainly shifted away from the question you asked when you concentrated on economic conditions and said that consumer debt was not a problem in bankruptcy.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: You are now shifting ground. The reality is that a complex set of factors are involved.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: I do not know who this Mr Baker is, but he seems to be the infallible oracle on all these matters. The Hon. Mr Davis has obtained a quote from someone who conveniently suits his cause and then quotes it as being the final and definitive work on the topic. I am—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —telling the Hon. Mr Davis that the reasons for bankruptcy are complex and involve a number of factors. Consumer debt is one such factor, which has been highlighted in this place by the Hon. Ms Laidlaw on previous occasions. There seems to be a culture in South Australia with respect to consumer debt which has seen us with that particular cause of bankruptcy being greater than in some other States. However, the point that I was trying to make when I was rudely interrupted on several occasions is that a committee has been established by the Government to examine consumer debt, and that is one of the issues that it will examine. The committee comprises members of the Government, people from the private sector, welfare agencies, the Legal Services Commission and the private business sector. It will produce a report and recommendations which the Government will consider in due course.

In addition to that, the Federal Government is convening a national consumer debt summit later in April, and the South Australian Government will also participate in that. Once again, I expect the question of consumer bankruptcies to be the subject of examination in the context of debt.

HIGH VOLTAGE POWER LINES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about high voltage power lines.

Leave granted.

The Hon. M.J. ELLIOTT: There was an article in yesterday's *Advertiser* in relation to high voltage power lines that ties in with a number of approaches I have had in relation to those lines. The article pointed out that there is evidence—although it must be admitted that some people question it—that there may be some linkage between electromagnetic radiation generated by high voltage power lines and various cancers, and cited several examples. If people look at the environmental impact statement in relation to the proposed Tungkillo to Cherry Gardens power line, the EIS itself cites a number of studies that say that there is no problem and a number that say that there is a problem. What we can say at this stage is that it is unclear whether or not there is a problem, but a number of reputable scientists have suggested that there may be.

Yesterday's article also referred to a major workshop being held at the Australian Radiation Laboratories in Melbourne as a prelude to an international conference in Sydney on radiation and electromagnetic emissions. The Victorian Government, also concerned about what may be happening with high voltage power lines, has instituted a study, par-

ticularly in relation to the proposed Brunswick to Richmond power line. There is, therefore, a fair bit of evidence that there is concern, and scientists at several places in Australia are now addressing that concern, to try to measure the size of the problem.

People who have been affected by the proposed southern route for the Tungkillo to Cherry Gardens line have made approaches to me over several months, concerned that there will be something like 60 families within about 150 metres, I believe, of the proposed power line. They say that some evidence they have seen, the sort of evidence I have been citing, is causing them grave concern. They had made a number of allegations, in particular questioning the need for a power line along any route, and they suggest that the State Government has never given sufficient consideration to conservation of power, which leads to decreased power costs, and suggest that serious consideration was not given to alternative routing from Tailem Bend to Cherry Gardens, which would miss all the areas of significant population.

An allegation made to me by a former engineer with the Electricity Trust is that the problem with the electricity grid in South Australia is that it has grown piecemeal and that, generally speaking, even the high voltage that is used could have been higher and we would have less wastage. He said that the continued piecemeal growth will leave us forever saddled with a system that does not efficiently cater for our needs. He has wondered now, with the new power station proposed for Port Augusta and the new connection to the Victorian grid, whether or not we should re-evaluate our whole electricity grid and not continue the piecemeal approach we are seeing in the Hills.

Another person approached me in relation to a new subdivision taking place on Norton Summit Road. The new subdivision is immediately underneath high tension power lines, with a substation adjacent to the New Norton Summit Road, and someone asked me why, in light of the present evidence, the Government has allowed a subdivision to occur immediately underneath those power lines. I ask the following questions: first, what role, if any, has the Government played in relation to the subdivision on the New Norton Summit Road and will it re-assess whether or not building should be allowed to occur there while studies are proceeding on the impact of electromagnetic radiation from high voltage power lines?

Secondly, why did the Department of Environment and Planning in its EIS address inadequately the piecemeal approach of the growth of our electricity grid, the alternative route available from Tailem Bend to Cherry Gardens, and the alternative of energy conservation?

The Hon. J.R. CORNWALL: As to the second question concerning the Department of Environment and Planning, I would be happy to refer that to my colleague (the Minister for Environment and Planning) and bring back a reply. With regard to the first question, it could well have been more appropriately addressed to me as Minister of Health, I suggest. The Government, obviously, is aware of some of the controversial aspects of these matters. It is my intention to recommend to my colleagues in the quite near future that we should consider establishing a standing committee to monitor these things.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: I do not believe, on all the evidence and advice I have at the moment, that we are anywhere near a position where we would recommend a freeze on development. I think that that would be foolish in the extreme. The sensible thing to do is establish an expert committee, very similar, in a sense, to the committee in regard to the health aspects of water quality, which would—

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: Not in this place, because they have been absolutely politicised. The last thing one would want to see is a select committee of the Upper House. They used to do—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Exactly! That was the last of the constructive select committees. Look at those on the Notice Paper at the moment. Every one of them was established for witch hunting, and for specific base political purposes. Unfortunately, select committees of the Upper House at this time are being very seriously abused and are being reduced to the level of the farcical. I think that a select committee would be quite counterproductive. It would be used, no doubt, as a political vehicle, and that is a great shame, Mr Hill.

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: I am not insulting Ms Pickles. I am insulting—and deliberately insulting—members of the Opposition and the Democrats who are, beyond a doubt, bastardising the select committee system in this Chamber. As to the other part of the question—

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: It is not a question of the pace getting too hot, mate! I am not concerned about the pace: I have always been a pretty good mover.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I can assure members that the pace does not bother me at all, but I do find it most regrettable that the select committee system of the Upper House in South Australia is at this moment in very grave danger of being brought into disrepute. As I said, I will be suggesting to my colleagues that we establish a standing committee of experts to monitor this somewhat controversial area, but the question of imposing freezes and so forth is a total over-reaction, and we certainly will not be going down that track. However, we are aware of the controversy and will be continuing to monitor it—as a responsible government ought to.

The Hon. M.J. ELLIOTT: As a supplementary question, if the subcommittee set up by the President does find problems, what will the Minister do about the houses that are built in the meantime under the power lines?

The Hon. J.R. CORNWALL: One can reduce this Chamber to the ridiculous if one sets about doing it deliberately, and I suggest that that sort of hypothetical, silly question tends to bring this Chamber into disrepute just as much as does the bastardisation of the select committee system.

ITALIAN CHAMBER OF COMMERCE

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Employment and Further Education, a question about the Italian Chamber of Commerce in South Australia.

Leave granted.

The Hon. M.S. FELEPPA: The Italian Chamber of Commerce in South Australia has been promoting trade links with Italy and South Australia for a long time—indeed, since 1970. During these years our commercial and industrial significance has been brought to the attention of businessmen and to the potential investors who particularly visit the Milan Trade Fair, which takes place in April every year

and which attracts some one million visitors from the industrial world. For this promotional activity the Italian Chamber of Commerce, to date, has always managed to absorb the necessary expenses to regularly send its representative to Italy. As the chamber considers that the continuity of its role is significant and important and beneficial to both Italy and South Australia, can the Minister of Tourism, representing the Minister of State Development and Technology tell me whether the State Government would agree to support in future the Italian Chamber of Commerce promoting our State in Italy? If that is so, what sort of support will be given and for what purpose?

The Hon. BARBARA WIESE: The honourable member was kind enough to give me advance warning that he intended to ask this question so I have been able to seek some information from my colleague about the matter. I can inform the Council that in 1987 the Minister of State Development and Technology had discussions with the Italian Chamber of Commerce regarding the chamber's interest in developing trade links between Australia and Italy, and South Australia and Italy in particular. Those discussions have continued between the chamber and officers of the Department of State Development and Technology concerning the possible support for South Australian exporters who want to participate in a specialised trade fair in Italy or, alternatively, for a group of South Australian exporters to travel to Italy to contact potential Italian importers.

The South Australian Government certainly welcomes the initiative that has been taken by the Italian Chamber of Commerce in respect of these activities, and I am happy to be able to indicate to the Council that the Government will be co-funding, on the basis of up to $5 000, the proposed activities of the Italian Chamber of Commerce, as well as providing some organisational support to the chamber for the activities that it is organising. There are certainly already close links between South Australia and Italy both with respect to family ties between Italian migrants who have moved to this country, and also undoubtedly that there is potential benefit to be gained from companies in South Australia forging trade links with companies in Italy. Hopefully, money that is made available through the Department of State Development and Technology will assist the Italian Chamber of Commerce here to develop those links further, to the mutual benefit of the two countries.

MULTICULTURAL FORUM

The Hon. C.M. HILL: I seek leave to make a short statement before asking the Minister of Ethnic Affairs a question about the Multicultural Forum.

Leave granted.

The Hon. C.M. HILL: The Multicultural Forum was launched at the Adelaide Town Hall today. It is a newly established body, arranged by the South Australian Ethnic Affairs Commission. The opening address, contained in a printed brochure that I understand was issued today, indicates that the commission's prime function is to promote understanding and cooperation between various sections of our community, and this forum is to be a vehicle for that purpose. Forty-eight people have been elected to the forum, and I might say that they are people of very high standing and stature within the South Australian community, from places such as the State Government, the Commonwealth Government, local government, the clergy, business and industry, the judiciary, trade unions, the community, the media, and tertiary education. However, of the 48 only four have been involved with migrant communities and with migrant community affairs. They are Mr John Kiosoglous, Mr Walter De Veer, Mr Romano Rubichi, and Professor George Smolicz. Is the Minister happy that such a small proportion of the total membership are actively involved with migrant affairs and welfare? Secondly, will he do something to rectify this shameful imbalance?

The Hon. C.J. SUMNER: It is probably reasonable, since the honourable member is retiring in a few months, because he, unfortunately, seems to not understand what the Multicultural Forum of eminent South Australians is all about. In fact, the reason for having so many people of non-ethnic minority background, people who are not themselves of migrant backgrounds, is in fact to ensure that multiculturalism and the ideas behind it are spread out into the broad South Australian community, and that we overcome as far as we possibly can a ghetto approach to migration and ethnic communities, that we overcome the question of seeing migrants as being a problem, and that we assert what the Government believes to be the case, namely, that multiculturalism is a policy that has validity for all South Australians, whether one is of ethnic minority origin or not.

The purpose of the forum of eminent South Australians is to get people who are eminent in their fields of business, government, commerce and education involved, and get their commitment, which they have all given to the general philosophies, which I would hope remain bipartisan in this State, and thereby ensure that these people when they are out and about in the community are espousing the view which we all support. The idea of having the forum of eminent South Australians is to try to get out of the sort of ghetto mentality of 'migrants', to get away from the idea that migrants are a problem, and to get out and assert the proposition, which was outlined in the speech of Mr Schulz and which was also outlined by me at the launch today, to assert the notion that multiculturalism is an idea that has validity for all Australians. It is consistent with democracy: one would expect cultural retention and diversity. It is also a positive fact that ought to be used by Australians in dealing with the rest of the world.

The idea of having eminent South Australians from all walks of life, some from migrant backgrounds and others not from migrant backgrounds, was to ensure that that message was carried to the broad community. The group involved is not set in concrete never to be changed. It is a base group of people who were not elected; they were approached to see whether they would participate in this forum. Others can be added. It does not mean that people of non-English speaking or non-ethnic minority background will not be participating in this broad cause. Of course they will be; they have been talking about the benefits of multiculturalism for years. This forum of eminent South Australians is designed to involve the broad spectrum of South Australian opinion in getting the message across to South Australians generally and promoting community relations and the advantages of the diversity and the resources that we have in our community as a result of the diversity of language and culture that exists. I simply reject the criticisms that have been raised by the Hon. Mr Hill.

The Hon. C.M. Hill: Four out of 48.

The Hon. C.J. SUMNER: You do not understand what it is about. If you do not understand what it is about you should not ask questions.

The Hon. C.M. Hill: I understand what it's about.

The Hon. C.J. SUMNER: You might understand what it is about, but you do not see the purpose behind involving people from the broadest possible spectrum of the community. That is what it is all about. You seem to be deni-

grating that fact and wanting us to go back to the 'migrant ghetto' mentality.

The Hon. C.M. Hill: Rubbish!

The Hon. C.J. SUMNER: That is what you are all about. One wonders where your Party stands on this issue, particularly when considering the comments made by the spokesmen of the Liberal Party in other places.

CHRISTIES BEACH WOMEN'S SHELTER

Adjourned debate on the motion of Hon. M.J Elliott:

1. That a select committee of the Legislative Council be established to consider and report on the circumstances and the validity of claims made against the staff of the Christies Beach Womens Shelter which resulted in the withdrawal of funding from the shelter.
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 30 March. Page 3676.)

The Hon. DIANA LAIDLAW: This motion stems from a decision by the Minister of Community Welfare and his colleagues last year to cut off funding to the Christies Beach Women's Shelter. A committee of review of the management and administration of womens shelters, entitled 'Shelters in a Storm' and chaired by Ms Judith Roberts, recommended such a course of action.

However, when I spoke on this subject in November last year I outlined at some length what I considered to be the circumstances giving rise to that recommendation. Certainly the circumstances giving rise to the Minister's actions were highly questionable. For that reason the Liberal Party in November last year supported a motion moved by the Australian Democrats which stated:

That this Council condemns the Minister of Health for his preemptory and destructive action by his defunding of the Christies Beach Women's Shelter.

I do not intend at this time to go over the circumstances that I highlighted, suggesting that the flow of steps towards removal of funding for the Christies Beach shelter was satisfactory and certainly acceptable in terms of justice being done to people of professional standing. That is outlined in my speech of 4 November. I remain very concerned that this subject continues to brew. It is quite clear that the actions taken by the Minister back in August last year have left the women involved in the shelter as marked individuals within the community and that they cannot obtain paid work in other fields where they have experience and the skills appropriate for such work.

I know that the unions representing social workers and similar people in the community are most concerned about the precedent established in not only the recommendations of the report but also by the Government's actions on those recommendations. I remain particularly concerned in this whole area that the report sought to be very loud and scathing in its comments about the Department for Community Welfare and its role in this whole saga, yet I understand that no action to date has been taken against any officer. I am not asking for victimisation of any officer but, at least where the report identified shoddy and unacceptable practices or failure to carry out its responsibility, surely departmental staff should not be isolated and protected from action by the Minister or the Government. Certainly they should not have been allowed to get off scott free, whereas the shelter staff had been cut off at the knees and their name is mud in many quarters. I find the contrast in actions and strength of response to be quite questionable, even unacceptable.

I highlight the point that the Minister was keen to act on this one recommendation about the cutting off of funds to the Christies Beach Women's Shelter noted on page 76 of the report—essentially lost in the middle of the report. It was never included amongst the list and summary of the recommendations that the review committee chose to incorporate at the front of the report. The Minister, however, notwithstanding the fact that this recommendation was essentially lost in the middle of the report, acted on it with some haste. I understand that the other recommendations—in fact, 44 of them—have not been acted upon by the department or by the Womens Shelters Housing Advisory Group. I find the contrast of action in that respect highly questionable.

For those reasons I believe that the matter warrants further investigation, both into the circumstances that gave rise to the withdrawal of the funding and also the validity of claims made against the staff. Therefore, the Liberal Party will be supporting the motion to establish a select committee.

I add in this regard that the Liberal Party has always insisted on financial accountability of any organisation in receipt of Government support or grants. We maintain that standard. However, we believe that the actions in regard to the removal of funding for the Christies Beach Women's Shelter are questionable. We believe merit exists in looking at the subject. In this field of Government grants the view is circulating that, of all organisations in receipt of support from the Minister (either in the field of health or community welfare), it is perhaps the women's shelters that have been some of the few brave organisations to have spoken out and voiced dissatisfaction of aspects of the Minister's or State's administration of their agencies. I wonder at times whether that bravery or their integrity in fighting for what they believe is best has led to the Christies Beach Womens Shelter being cut off at the knees and the fear of God being put into other womens shelters—

The Hon. C.M. Hill interjecting:

The Hon. DIANA LAIDLAW: Yes, for fear that similar action may be undertaken in respect of their future funding. I therefore support the establishment of a select committee on this topic. I am uncertain about the wording because, if a select committee is to be established, I would be very keen to ensure that the terms of reference made it clear that we wished to look at the remarks made by the review in respect of the role of the Department for Community Welfare in this saga and the consequences for those staff members of the shelter. Further, we would want to know whether this would set a precedent for other shelter or community workers who might in the future (although hopefully that would not be the case) suffer similar fates. Therefore, I would want to amend the wording of this motion, but at this stage I do not have the alternative wording at hand. The Liberal Party supports the move to establish a select committee to investigate this subject further.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION

The Hon. I. GILFILLAN: I move:

That the by-laws under the South Australian College of Advanced Education Act 1982 concerning parking and traffic control, made on 11 February 1988 and laid on the table of this Council on 16 February 1988, be disallowed.

This matter has been raised with the Democrats by student and staff representatives who have written a rather succinct brief summary of their argument. The staff and students at the colleges of advanced education are confronted with the prospect of being charged fees for parking, whereas previously no fee was charged, and substantial penalties have been provided for infringement of parking controls and by-laws. The letter states:

The college students and staff have been vocal in its opposition to user pays principles as proposed by the Hawke Government. It is of some concern to us, therefore, that the college is trying to implement its own 'user pays' policies in the form of car parking fees. Students and staff oppose these measures. Some of the major reasons for their opposition to this policy are outlined below:

1. Staff and students assert that it is their right to be able to park their vehicles on campus. We do not know of any other employer who charges parking fees for unguaranteed parking in the suburbs.

2. The proposals are very disruptive to the college community, especially in such uncertain times when the college should be seeking to promote unity between staff, students, senior management and the council. College unity is important, too, for our corporate public image in preparation for tougher times ahead.

3. At the moment proposals do not guarantee a parking space. Most people will be paying up to $50—simply for the chance to seek a space.

4. The fees and other financial burden for students. The college prides itself on its commitment to equity and access and yet feels justified in charging for services which have been provided at no cost in the past. In addition to this, senior management are able to park at work at no personal expense and yet students and staff will be required to pay. Where's the equity in that?

5. The proposals are vague and unformed; obviously there has been little planning involved in preparation for the introduction of fees. For example, are there policies for short-term visitors, students who may only have to visit campus once a week (for example, city campus students who as part of the requirements of their course, have to travel to Magill to attend a one hour tutorial once a week)? No doubt there are countless other examples of this kind.

6. Will the proposal even raise enough money to offset the cost of implementation and administration? We doubt it.

This is only a brief summary of some of the reasons why car parking fees are being rejected by staff and students throughout the college community. Students and staff representatives attending council will be presenting our case to college council. We would recommend that the resolution adopted by the council at its meeting C-11/86 (16 December 1986) be rescinded.

I attended that meeting, and the motion was duly rescinded, although that is only a holding exercise. The proposal is still pending, and that is the reason for my motion. There is no doubt that the issue will be discussed on an ongoing basis, but I will make a couple of incidental observations.

As a result of talking to some of the students, it is quite obvious that the imposition of even a $25 fee is quite substantial and that it is very insensitive of the South Australian College of Advanced Education Council and the Legislative Council not to recognise that the imposition of that $25 fee would be a very significant financial penalty for hundreds of people, and that fact must be borne in mind. We met some students who were single parents and whose programs, because of the paucity of public transport timetables and the fact that they had children, virtually demanded that they had a motor vehicle. Two mothers to whom we spoke each had three children, and there are obvious essential reasons why these students need to have their own car. It seems quite unacceptable that, whilst we want people to study and to be involved in activities which follow on from those studies, we should impose a penalty that will have such dire financial consequences for these people.

The staff have not claimed economic hardships; rather, they have their own reasons for arguing against the imposition of parking fees, the principal one of which is lack of guarantee. Following further discussions, some sort of formula may be established where a fee will be paid willingly by the staff for a certain number of guaranteed car parking spaces on campus. The South Australian College Academic Staff Association's newsletter, entitled *SACASA Sentinel*, states:

That SACASA executive recommends that all members boycott the parking fee and any fines incurred in relation to the fee.

SACASA believes that access to free parking facilities is a condition of employment for all college staff and it is implacably opposed to the imposition of a car parking fee.

Academic staff are expected to use their vehicles on college business, pay a parking fee (under the threat of fines and having vehicles towed away) and still accept that no parking space can be guaranteed.

SACASA calls on all members to boycott the parking fee and advise the college by sending a letter to the principal with a copy to SACASA.

Many such letters have been received by the principal.

In relation to the issue of revenue, evidence was given to the Subordinate Legislation Committee and a statement was made to the Australian Democrats in relation to a figure of $400 000 being raised. That figure is challenged by the students and staff who claim that it is based on the optimum use of the facilities by those eligible to take out permits. That figure represents a much higher proportion than would occur in the event.

Two aspects of this issue should be considered. First, there will be an ongoing cost which would inevitably occur if this system was to be adequately policed. Secondly, there will be extra wages and costs for establishment of the hardware—the actual machinery for printing the permits, and so on. These costs will reduce substantially the amount of revenue raised. I contend that it is doubtful whether the amount of money eventually cleared will make a substantial difference to the parking facilities that are made available. There are no guarantees that any revenue net of costs will in fact be put back into parking resources for the people who are paying for permits.

The pressure for students, in particular, to park off site will be very great. Students will not be bothered to take out permits for parking which they will often not get. Therefore, I consider that the scheme could easily fall on its face simply through not being cost effective and being boycotted, as has been threatened by both staff and students. Also, in the long term, students will not use the facilities, but will park off site.

It is interesting to note that on the permit application form there is a rather threatening clause. Certainly it would throw some doubt on the actual fee that could eventually be charged. For the information of the Council, I will quote the title and first paragraph of this form, as follows:

Return completed application to the Services and Property Manager at your campus.

In consideration of the issue to me of a parking permit for unguaranteed parking:

(1) I undertake to comply with traffic and parking rules, observing all parking, road marking, directional and control signs within the college grounds as per schedule 2 of college by-laws of SACAE Act 1982, and to pay any fee which may become payable by virtue of the said by-laws.

I repeat the clause which, I believe, is quite threatening and therefore concerning to many students. It states, 'to pay any fee which may become payable by virtue of the said by-laws'. In other words, if those involved accept this procedure, there is no guarantee that eventually the fee that will

be charged will become a very substantial and prohibitive amount of money, thereby making it impossible for many of the students to use the parking facilities at all.

I have been given a copy of some comments made in response to evidence given to the Subordinate Legislation Committee by Mr Ian Allen, the Resources Director for the council; in other words, he is the spokesperson for the authority that is threatening to impose these parking controls, permits and fees. I believe that honourable members will find some of the evidence interesting. The quotation is from the Council of the South Australian College Student Organisation, Salisbury, and the South Australian College Academics Staff Association, Salisbury, as follows:

To the members of the Joint Committee on Subordinate Legislation.

We have seen the minutes of the evidence of the committee as given by Mr Ian Allen, and now feel that the following must be stated:

> We are unaware of any invitation to staff or students from SACAE administration to discuss proposed parking fees or fines, and find it extraordinary that Mr Ian Allen suggests that there has been a reluctance by the staff association and the student union to participate in consultation. As an illustration of current SACAE practices in relation to consultation with staff and students, may we draw to your attention the following Academic Staff Association motion, passed at SACASA A.G.M. in March.
>
> That SACASA expresses its concern to the college, particularly to the Director Resources, over the timing of Resources Committee meetings and working-party meetings which effectively excludes academic staff input.

Mr Allen's insistence on 'democratic processes carrying out representative consultation through the college's committee structure' seems to us a misrepresentation, given the general discontent in such resolutions as the above, as well as our own surprise at seeing Mr Allen persist in claims that we have 'refused to discuss this matter.' We refute such claims; we were happy to permit our industrial representatives to meet with college authorities last week to discuss the parking issue, and have made constant attempts to gain access to decision making through elected representatives. It is our frustration with these latter moves which has produced external, political action. We further dispute Mr Allen's statement:

> We do not place any obligation on staff to use their private vehicles for official college work. A fleet of vehicles is available.

Current practice relies totally on staff goodwill and preparedness to use their own vehicles without question. The 'fleet' of vehicles is entirely insufficient to cover needs.

Further on in the document there is another comment which reasserts my concern about the level of fees going up, as follows:

> This appears to us to provide no guarantee that fees will not be increased in the future, by SACAE Council decision, let alone that they could decrease, after initial development of 'urgent need' extra spaces.

So there is a very clear indication of quite profound concern from both staff and students. My colleague Mike Elliott put out a press release on 2 March, the first few paragraphs of which puts our point of view reasonably well, as follows:

> In a series of council meetings—

that is, SACAE Council meetings—

> cunningly timed to take place when neither staff nor students could be present, a series of amendments to college by-laws have been put through, which when put into effect will greatly disadvantage all users of college parking sites. With tertiary education becoming more important each year for the continuing economic health of the nation—SACAE Council proposals are counter productive and extremely insensitive . . . There has been a failure to recognise that many staff are required to move from campus to campus as part of their duties. Many students similarly need parking as they often have to travel long distances to a college that offers their course.

I move this motion on the basis of the arguments that I have put to the Council, and also as a result of something that I think is probably just as important at this time: the situation is at flashpoint. I understand that the climate on all campuses—although I have only been to the Salisbury campus—is very emotional and highly charged.

If the SACAE Council is to stubbornly and insensitively bulldoze ahead, I believe that there will be a very strong reaction from students and staff, and I have every sympathy with their reaction. I think that for the sake of at least giving more time for these measures to be deliberated, amended and, if need be, certainly to be reconsidered, my motion should be supported. I urge those members who feel that the imposition of these fees is unfair in essence to support my motion because, in effect, that will put a stopper on the proposal to impose these fees. I recommend the motion to the Council.

The Hon. G.L. BRUCE secured the adjournment of the debate.

PERMITS AND RESERVED AREAS BY-LAWS

The Hon. I. GILFILLAN: I move:

That the by-laws under the South Australian College of Advanced Education Act 1982, concerning Permits and Reserved Areas, made on 25 February 1988 and laid on the Table of this Council on 1 March 1988, be disallowed.

This is really a pair with my previous motion, and my remarks then relate to both motions. Therefore, I refer argument for this motion to the remarks I made in relation to the previous motion. The disallowance for this series of by-laws concerning permits and reserved areas was substantially addressed when I moved my motion for the disallowance of by-laws concerning parking and traffic control. I recommend the motion to the Council.

The Hon. G.L. BRUCE secured the adjournment of the debate.

TOWN ACRE 86 OFFICE DEVELOPMENT

Adjourned debate on motion of Hon. Diana Laidlaw:

That the Report of the Parliamentary Standing Committee on Public Works on the Town Acre 86 Office Development (Tenancy Fitout) be noted.

(Continued from 2 March. Page 3227.)

The Hon. C.M. HILL: I did not intend entering this debate, but I take this opportunity to refute allegations made by the Minister of Health in this Council last week. He alleged that I had broken a confidence with respect to the Public Works Committee by informing the Hon. Ms Laidlaw about this proposed development of a new office block that the Minister proposes to occupy. I point out that I did nothing of the sort. It is quite plain that the Public Works Committee report and evidence were tabled in this Council before the Hon. Ms Laidlaw spoke, so it was all public property. Not only that, the Hon. Ms Laidlaw had some prior knowledge of what was going on from many of the Minister's Department for Community Welfare staff who keep in contact with the Opposition spokesperson for community welfare, namely, the Hon. Ms Laidlaw. They keep in touch with her because they have no loyalty or confidence in their Minister whatsoever. They are opposed to him as their Minister; and they are opposed to his plan to amalgamate their department with the Health Commission. They are opposed to going down—

The Hon. J.R. Cornwall: There is no such plan.

The Hon. C.M. HILL: It is your plan.

The Hon. J.R. Cornwall: To live together; not to get married.

The Hon. C.M. HILL: You are going to live together all right, in this new Taj Mahal that you have built on the corner of Rundle Mall, Pulteney Street, and Hindmarsh Square. I stress that I refute the allegation that I broke any confidence at all. I take this opportunity to mention in this Council some of the comments that have been brought to my notice about this proposal since the issue has been opened up on the floor of this Council. The more one looks at it, the more scandalous the whole thing becomes. The Minister is taking $5 million of public money given the state of South Australia's economy and—

The Hon. J.R. Cornwall: You're a disreputable old hound; I was right.

The Hon. C.M. HILL: What are you talking about?

The Hon. J.R. Cornwall: You know very well that it is cost neutral.

The Hon. C.M. HILL: The Minister has been blinded by this cost neutral approach, which sounds very well in theory. However, the hard fact of the matter is that, when public funds are short in the extreme in this State, the Minister is able to find about $5 million so that he can set himself up in this office. He is setting up partitions, fixtures, fittings and covering the cost of moving from a number of buildings into this new accommodation.

The Hon. J.R. Cornwall: It will be far more efficient.

The Hon. C.M. HILL: That is all very well in theory. If this State's Treasury was overflowing with money, if the State's economy was running well and if everyone in the State was employed, I would certainly favour the Minister's department being given first rate accommodation in buildings in the city.

At present, however, we all know that money is extremely short for public works. We know that there are schools which still need improving, which still need extending, and which still need to be built throughout the length and breadth of South Australia. However, all this work must be put aside because $5 million is needed by the Minister to set himself up in these times in magnificent accommodation. Even in his own department we know about the shortage of funds within the Health Commission; we know about the problems in the hospitals, about which we hear so much—

The Hon. Diana Laidlaw interjecting:

The Hon. C.M. HILL: —and in Community Welfare, as the Hon. Ms Laidlaw interjects. That money is sorely needed at present to help the people, to help those in need, to help the consumers, but the Minister skims off $5 million of that public money so that he can reach for the sky in this new building and have the finest accommodation of any Minister—and, like so many of his claims, it will not only be the best in Australia but it will touch on the best in the world!

It does not stop at schools and hospitals: country people know that roads and bridges of this State are in dire need of public funds. There is no doubt about that. The program of water filtration has slipped behind and now cannot be available, according to the relevant Minister, until the end of 1989. So, 40 per cent of the metropolitan population have to put up with dirty water until the end of next year because of the Minister's taking of that $5 million so that he can live in glory up in his new accommodation he is establishing under this measure.

One can go on and on. Look at the arts fraternity: there is no money available for the Living Arts Centre. No mention is made of stage 2 of the museum development, which has not even been mentioned since the present Government came to office. It has put it under the carpet. All those things ought to measure up on a priority basis, and should be given special consideration. However, whilst these genuine projects need public funds, need some money out of this limited pool of money which is available, the Minister comes along and says, 'Well, I want $5 million,' but not to buy accommodation, not to buy a building, but simply to reorganise the shift of his staff from their present accommodation into new accommodation; to put in partitions and fittings, and the like, which are needed to establish accommodation of that kind. It is a scandal in these days of tight money and difficult economic times. When I am talking about $5 million, I am not exaggerating, Madam President.

We can see from the evidence—and again I indicate that this is public property—on page 3 we have the details: the fitout cost is to be $3.458 million; contingencies at 3 per cent are to be $104 000; the professional fees are to be $327 000; decommissioning and lease costs, $2.555 million; making a total of $6.444 million. Then the Minister has done a deal with the developer—and it is not a bad deal, either. It is marvellous these days how these Labor Ministers from all over Australia get very close to the big operators. The Minister has done a deal with the developer and, because the developer is so thrilled to let almost the whole building in one transaction, he is providing an incentive rebate of $1.720 million, so there will be a total deficit of $4.724 million.

The report goes on to state that the anticipated total on completion in September 1988 is in the order of $4.911 million, based on the projected building escalation rate of 8 per cent. The report then states:

> The above figures are expected to have an uncertainty limit of no more than plus or minus 10 per cent.

So, in hard cash, my figure—

The Hon. J.R. Cornwall: What were the actual recommendations of the Parliamentary Public Works Standing Committee—be honest!

The Hon. C.M. HILL: I will be honest about it. The recommendation is of a conservative and responsible committee. It has never rejected a proposal since I have been on it, and the reason why it does not reject proposals is that it knows that the Government has already approved them. Matters go through Cabinet, are approved by the Government, and then come to the committee. The committee, however, does make certain recommendations, and endeavours to improve the project planning, and so forth, as much as possible, but how in the name of goodness could the committee come down with a recommendation that only half the money should be spent? It could not have. The committee had no alternative.

The Hon. J.R. Cornwall interjecting:

The Hon. C.M. HILL: The committee has drawn attention to such comments.

The Hon. J.R. Cornwall: What does it say?

The Hon. C.M. HILL: I do not know how much the honourable Minister wants me to read. The findings of the committee are as follows, in paragraph 16:

> The accommodation presently occupied by the South Australian Health Commission and the Department of Community Welfare in Adelaide is of a high standard but is fragmented.

In other words, their present accommodation is of high standard but is fragmented; that I do not deny, and the committee has made mention of that fact. I am still harking back to the financial times in which this Minister is taking this $5 million for his own and his department's purposes. The second finding was:

> In the interest of efficiency, rationalisation and related activities and the amalgamation—

The Hon. J.R. CORNWALL: On a point of order—

The Hon. C.M. HILL: You asked to hear it.

The Hon. J.R. CORNWALL: The Hon. Mr Hill said directly—did not infer—that I am taking this money for my own purposes. That is a gross slur, of course, and I ask that he withdraw and apologise unequivocally and unreservedly.

The Hon. C.M. HILL: I was referring to the Minister's office.

The Hon. J.R. Cornwall: You said 'his own'.

The Hon. C.M. HILL: I said 'your own and the department's purposes'. I was not being personal about you. You are going into a magnificent office.

The Hon. J.R. CORNWALL: May I make a further submission: on the understanding of the average, reasonable person it is quite clear from what the Hon. Mr Hill said that he is suggesting in the strongest possible terms that I am taking a large amount of money and taking it to myself, for my own purposes.

The Hon. C.M. Hill: I did not intend that.

The PRESIDENT: There is no point of order, but I think—

The Hon. J.R. CORNWALL: Then I think it is quite disgraceful that the Hon. Mr Hill does not withdraw that.

The PRESIDENT: Order! There is no point of order, but a personal explanation can be made at any time that someone does not have the call.

The Hon. C.M. HILL: I am not intending in any way to indicate that the Minister is putting any money in his pocket or making accusations of that kind. I said for the Minister and the Minister's department's purposes this money is being spent, and I said that because the Minister's office suite, naturally, is part of this project.

The Hon. J.R. Cornwall: What is the next recommendation?

The Hon. C.M. HILL: You still want me to go on reading these? The second recommendation is as follows:

> That in the interests of efficiency, rationalisation of related activities and amalgamation of departments, it is desirable to colocate the central office of the South Australian Health Commission and the Department for Community Welfare in the one city building.

The Hon. J.R. Cornwall: 'It is desirable to colocate the offices.' That is what you said as a standing committee.

The Hon. C.M. HILL: Yes, that is right. Recommendation 3 is as follows:

> The new building on town acre 86 being erected by Pennant Properties Pty Ltd is suitable for the purpose.

I might interpose here to say that I thought I had already indicated that if the economic situation in this State were such that it justified Ministers improving their present accommodation I would have no queries with this proposal whatsoever, but the proposal now is that times are entirely different. I understand that the Premier himself has rejected the opportunity to go into the new office building on North Terrace next to the Hyatt Hotel because the costs of relocation and of rental are too high. There at least is a Minister who is cognisant of the economic situation. Finding No. 4 states:

> While the rents being proposed are in the lower ranges on an Australian basis—

and I interpose here that I would like the Minister to listen to this—

> they are still considerably higher than are being paid at present in existing accommodation, and a cost-neutral shift can only be achieved if substantially less area in total is occupied and rationalisation of staff committee conference provisions are achieved as planned.

The Hon. J.R. Cornwall: As planned.

The Hon. C.M. HILL: Yes. It then goes on with nine particular riders. But my simple point is that when the Government and the Minister are faced with demands for public funds to the extent that they are, it is extremely extravagant for the Minister to put up to Cabinet this proposal to give himself more accommodation and such expensive accommodation. Further, some officers of the Department for Community Welfare have said that they do not want this new accommodation; they have said that their work is out in the field, that social workers should be out on a regional basis working amongst consumers and helping those in need and giving assistance to those who cannot help themselves. They see no purpose in having a brand-new centralised office block in Rundle Mall—and yet the Minister is moving the department to such a site. I believe that we have here—and the Minister is totally to blame for it—extravagance of the worst kind. The Minister should be condemned for initiating—

The Hon. J.R. Cornwall: It won't work—you are making a fool of yourself.

The Hon. C.M. HILL: What do you mean 'it won't work'?

The Hon. J.R. Cornwall: This nonsense—you recommend one thing as a member of the Public Works Standing Committee and then you get up here and talk against what you have actually recommended.

The Hon. C.M. HILL: I made some explanation about that.

The Hon. J.R. Cornwall: But the administration is not composed of social workers.

The Hon. C.M. HILL: The buck stops with the Minister. He initiated this extravagance. The Minister wanted this Taj Mahal; he set his sights on this magnificent new building, uncompleted at present. He chose the site down there and he envisages himself up there in his suite, in charge of an amalgamated body. The Minister cannot tell me that community welfare and health will not be amalgamated. All the public knows that they will be and all the departmental officers know that that will occur. The Minister overlooks the school kids who go to schools that need money spent on them; he overlooks hospital patients and the hospitals that need more public funds; he overlooks the motorists who have to put up with bad roads in the country; and he overlooks the arts people who are badly in need of some money being spent whenever it is available. He overlooks all those people, those consumers at the grass roots level, one might say, because he wants to be big and wants to be up on top. The Minister is spending $5 million of Treasury money simply to set up this building for his purpose as Minister and for the purposes of the new department over which he has control.

As a result of this venture, the Minister is being looked on now as a high flying Minister, as an extravagant Minister. He should realise that everyone out there in the streets realises that things are tough. The economy is tough and everyone should tighten up a bit on expenditure and endeavour to reduce expenditure. This move should be held back until better times come in due course, as most certainly will occur. However, I only entered the debate to repeat my denial that I breached any confidence of the Public Works Committee. I again stress to the Council that when the Hon. Miss Laidlaw raised this matter in this place she did so after all the documents had been tabled here and were public property.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

SNAPPER REGULATIONS

The Hon. PETER DUNN: I move:

That the regulations under the Fisheries Act 1982, concerning snapper, made on 14 January 1988, and laid on the table of this Council on 9 February 1988, be disallowed.

My reasons for raising this matter are fairly clear. The fishing industry is very complex, and it will always remain so because it is split into virtually three components. Two of those components are very distinct, namely, the professional fishermen who utilise the resource and the recreational fishermen who use it for sport and enjoyment. Then, of course, there is the tourism aspect of the industry. For a long time the fishing industry has been complex and difficult to administer and I am the first to admit that. However, the regulation put up by the Minister is, in my opinion, making the situation very unbalanced. It deals with the size and amount of snapper that can be caught by recreational fishermen, with due consideration being given to the professional fishermen. Thus, one component of the Act restricts recreational fishermen and the tourist industry, while allowing professional fishermen to continue on their merry way with very few restrictions. I hope that I can prove that what the Minister has done is not in the true interests of what the Act sets out to do and what it stipulates we should do, namely, to keep a balance and to consider all aspects of the fishing industry before imposing such limitations as provided.

As to the limitations involved, I shall quote from material provided by the South Australian Anglers Association. A media release put out by the Minister of Fisheries, Mr Mayes, stated:

> Mr Mayes said that after consultation with all sectors—

and I will prove a little later that he did not talk to all sectors involved—

> exploiting the snapper resource, Cabinet approved the following measures:
>
> The minimum legal length of snapper to be raised from 28 cm to 38 cm total length throughout the South Australian waters.

I believe that is a fairly sensible move. It deals right across the board with professional and amateur fishermen. It continues:

> The number of long line hooks used by commercial fishermen fishing within South Australian gulf and Investigator Strait waters will be restricted to 400 hooks.

That is a restriction of approximately one-third, and it appears to be the only significant restriction put upon the professional fishermen. It continues further as follows:

> That there be a recreational bag limit of five large fish (greater than 60 cm) per boat per day, or two per person per day, whichever applies. Also, a bag limit of 30 small (38 cm to 60 cm) per boat per day or 15 small fish per person per day.

They are very significant restrictions. They apply only to amateur fishermen. The press release also stated:

> 'Cabinet also endorsed the implementation of an aggregate annual catch quota of 20 tonnes for snapper taken by all forms of nets throughout South Australia,' Mr Mayes said.

That restriction indeed applies to professional fishermen because they are the only ones allowed to net snapper. However, some confusion exists in regard to the snapper industry. It has been alleged that fish have arrived on the market with their mouths jagged, although showing all the signs of being caught in a net. The two sides of the industry (that is, the professional fishermen and the amateur fishermen) have made submissions to the Subordinate Legislation Committee putting their views very clearly. I will read into *Hansard* two of the letters that have been put by the two sides in the snapper industry. Before so doing, I will read the part of the Act that the Minister should have noted before introducing the strict conditions on amateur fishermen. Section 20 of the Act provides:

> In the administration of this Act the Minister and the Chairman shall have as their principal objectives:
>
> *(a)* ensuring through proper conservation and management measures, that the living resources of the waters to which this Act applies are not endangered or over exploited;
>
> and
>
> *(b)* achieving the optium utilisation and equitable distribution of those resources.

I do not think that the Minister took cognisance of paragraph *(b)*. However, the submission to the Subordinate Legislation Committee by the Department of Fisheries was that there must be equity, and it states:

> The variance in the responses between sector/interest groups reflects the difficulty in managing finite fish resources when access demands exceed the available stock. Whilst endeavouring to be 'equitable' in the distribution access arrangements, of paramount importance is the need to provide adequate measures for stock maintenance.

It admits that there has to be equity in dealing with the allowance for people to fish this resource, whether they be professional or amateur fishermen or merely tourists travelling through.

I will also read what the South Australian Recreational Fishing Advisory Council stated to the committee in regard to snapper fishing and restrictions, as follows:

> We have been aware for some time that the snapper fishery required an effort reduction to maintain its viability and we have commended the Minister for the speed with which he has acted to introduce new regulations following the release of the latest report on the state of the snapper fishery in June 1987; however, the regulations gazetted by him on 14 January 1988 do not distribute the available resource between the competing sectors with the equity which existed previously; and it is this aspect to which we take exception. These regulations not only contravene the Fisheries Act 1982—

and I have read that section—

> but also are inconsistent with the management objectives under which the Department of Fisheries operates.

It goes on in some detail to talk about the amount of fish required and the component that each part of the fishing industry fishes. I also have a letter from the South Australian Fishing Industry Council. It is a long letter in which it makes submissions and is signed by Brian Jeffriess, Executive Officer of that group. He states:

> 1. As you would know, Cabinet is in the midst of resolving the snapper issue. Below are the points on which we argued the case. I note that we also hold major reservations about the practicality of quotas on net catch but for strategic reasons have not pushed the point. I note also that the issue and solutions have had long exposure in Western Australia. Again we are failing to learn from their mistakes.
>
> The Criteria:
>
> 2. We fully concede that there is a problem with the snapper stock in Spencer Gulf. However, the solution must meet two criteria:
>
> *(a)* The adjustment burden must be equally shared between the recreational and commercial sector—

here is the commercial sector implying that it must be equally shared between the two industries—

> and within that, the line and net permit holders.
>
> *(b)* We must not return to the 'dark ages' mentality in fishing by restricting efficient catching methods. No other State has thought seriously about doing that in marine waters.

I presume that he is referring to net fishing. He goes on to state facts:

> 3. The background facts are:
>
> *(a)* The Government has solemnly committed that there will be no further netting closures implemented before 1988/89 when a full review will take place (page 3 of 'Sharing South Australia's Fish Resources'). That paper goes on to say that 'future proposals for netting closures will be based on accredited biological, economic and sociological data . . .' (page 3).
>
> *(b)* The department is just about to commence an expensive year long study on the relative efficiency of various methods of fishing. This is all part of the review process which should be finalised before any substantial resource reallocations are made.
>
> *(c)* Some of the same people who are asking for a netting ban in Upper Spencer Gulf are promoting the expansion of net use on the threatened lakes and Coorong mulloway resource.

4. The specific facts are:

(a) The commercial sector, who rely on fishing for their living, is reducing in numbers (see table 4, page 5 of report). Their snapper catch is falling: 1984-85, 471 tonnes; 1985-86, 455 tonnes; 1986-87, 405 tonnes.

There has been a reduction of about 64 tonnes in three years, which would be in excess of 10 per cent and close to 15 per cent. It further states:

(b) The actual number of net fishermen targetting on snapper is reducing rapidly.

	1983-84	1984-85	1985-86
Gill net	9	8	4
Haul net	15	20	10

He sets out the problem in the professional fishing industry in that there has been a drop in the total number of fish caught. That demonstrates that the industry is being overfished but that is no excuse for saying that one section of the industry—the amateur fishermen—alone must bear that burden for the reduction of pressure on the industry itself. I would hope that the Minister would take back to his department the regulation he has introduced and ask it to look at it again to give a more equitable method by which to reduce the pressure on the fishing stock, particularly snapper.

The snapper industry is very important for South Australia. Snapper has always been well liked as a fresh fish, although it does not keep, canned or frozen very well. It varies in size, ranging from very large down to a small fish, the flesh of which I am sure is enjoyed by all people. Evidence to the Joint Committee on Subordinate Legislation from both sides of the industry indicated that they will be the losers, and I suppose that is an accepted fact. The industry is being overfished so it must be controlled. However, as a result of these regulations, there will be an enormous loss to the tourism industry and to supportive industries such as hook, line, sinker and bait suppliers. If the regulations are enforced, I believe that the reduction will be so great that it will affect those people not just in the metropolitan area, but also in places like Port Lincoln, Port Augusta, Wallaroo and those towns that border Spencer Gulf, where most of the snapper is caught.

The upper reaches of Spencer Gulf supply most of the fish to the industry. In the past, because the gulf narrows down and the waters are shallow, it has been relatively easy to catch by net those fish that spawn in those areas. Although I cannot confirm this opinion, a number of people who have observed the industry believe that a lot of fish are taken in that area when they are spawning. I maintain that the fish should be allowed to spawn and should not be caught so that the fish stock can be built up. I believe that, if fishing is banned in those northern sections of Spencer Gulf, the fish stock may build up quite rapidly. However, that proposition does not appear to be acceptable to the department or to the professional fishing industry, which maintains it should be allowed to fish that area, although agreeing that some restrictions should be introduced by way of these regulations.

The tourism industry will really suffer, because a number of people travel to these areas to fish, particularly for the large fish in the centre of Spencer Gulf. I refer to places like Wallaroo and Moonta Bay, from which people travel to Tapara Reef. Many people gain a great deal of enjoyment from fishing for these very large fish, which are great fun to catch. I am sure that any honourable member would enjoy indulging in this activity. Fishing in waters off Port Lincoln and the northern coastal towns of Cowell and Tumby Bay is a great drawcard, and people go there to catch snapper at certain times of the year. I think that the tourism aspect needs to be taken into account. The department and the Minister should be cognisant of the fact that the tourism industry is a growing one which needs to be encouraged.

I ask the Minister and the department to send back these regulations, to look at them again and to see whether there is a fairer way of distributing fishing amongst the professional and amateur fishermen. Perhaps they could ascertain whether or not there is a method by which the stock can be raised in number so that we can get back to previous levels. The restrictions are very severe for the amateur fishermen, who are restricted to such a degree that a few have said to me, 'It is not worth travelling the distances when only two fish per person per boat are permitted to be caught, or when the fish, many of which were once a legal size but now are not, must be thrown back.' For those reasons I ask that the Minister and his department again consider the snapper fishing industry to see whether or not there is a better method. This sentiment has been expressed by members in the other place.

I believe that this industry can be regulated on a more equitable basis so that the amateur fishermen are not so restricted and the professional fishing industry is not so regulated. In effect, the professional fishing industry supplies fish to the rest of the community. For those reasons, I have moved that the regulations be disallowed.

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

GAS BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

On 14 April 1987 the premier announced the proposed merger of Sagasco and SAOG which is aimed at strengthening the role both companies have in the State's energy area. This Bill seeks to implement the merger of these two oranisations to form a new company, Sagasco Holdings. This new company will have two subsidiaries to fulfil the existing functions of Sagasco and SAOG. On 18 December the South Australian Gas Company shareholders voted in favour of the merger. To achieve the merger it is necessary to repeal both the South Australian Gas Company Act 1861 and the Gas Act 1924. The repeal of the South Australian Gas Company Act is to allow for the removal of a number of restrictions on Sagasco in its commercial operations. These particularly relate to controls on dividends and share issues and limitations on the scope of its activities.

The new Bill removes these restrictions but still retains significant controls to allow the Minister to ensure that the interests of the consumer are adequately protected both through ministerial control of tariff setting, restrictions on profit and through the direct appointment of a Director of the utility company. The utility company, which shall hold the gas distribution assets of Sagasco, shall be required to maintain appropriate 'arm's length' relationships with the holding company. The activities of the utility will continue to be regulated in the interests of both domestic and industrial consumers.

The second essential feature of repealing the South Australian Gas Act 1861 is to remove a number of limitations

on the shareholdings in the new publicly listed company, Sagasco Holdings. Members will be aware that the existing Act limits shareholding in Sagasco to 5 per cent. This was done to protect the company from an unfriendly takeover. Since Sagasco enjoys a monopoly position, the Government has regarded this protection as appropriate and necessary. The merger arrangements which have been announced now make these restrictions unnecessary as the Government will hold a majority of shares in the new company, Sagasco Holdings Ltd. Such an arrangement removes the need for legislative limitations on ownership of shares. SAOG will continue to be a significant partner in the Cooper Basin and will now have potential to expand its exploration activities into other areas.

As noted above, the Bill also proposes the repeal of the Gas Act which controls the quality and inspection of gas distribution. The important elements of these regulatory powers are now modernised and incorporated in the Gas Bill. The new company, which will be created by this merger and which is facilitated by this Bill, will be an important addition to the business community. It will unlock the potential of both organisations. The new company will be entirely free to act commercially and as such will be subject to, and governed by, the Companies Code and the Stock Exchange regulations.

Clauses 1 and 2 are formal.

Clause 3 repeals the Gas Act 1924, and the South Australian Gas Company Act 1861.

Clause 4 contains the definitions required for the purposes of the new Act.

Clause 5 imposes on a gas supplier an obligation to be licensed.

Clause 6 deals with applications for licences.

Clause 7 deals with the assessment and payment of licence fees.

Clause 8 empowers the Minister to obtain information from a licensed gas supplier.

Clause 9 empowers the Minister to appoint an investigator to inquire into and report on the affairs of a licensed gas supplier or any matter affecting the supply or price of gas in the State.

Clause 10 deals with the acquisition of land by a licensed gas supplier.

Clause 11 empowers a licensed gas supplier to install pipes and apparatus in public streets and roads.

Clauses 12 and 13 confer powers of entry and inspection necessary for the maintenance of a gas reticulation system.

Clause 14 protects the property of a licensed gas supplier in pipes and apparatus installed by the supplier.

Clause 15 restricts dealings with a gas reticulation system which might endanger the interests of consumers.

Clause 16 provides a price-fixing mechanism for reticulated gas.

Clause 17 deals with the cutting off of a gas supply for non-payment of an account for the gas.

Clause 18 deals with the testing of metering equipment.

Clause 19 deals with temporary rationing of gas where the gas supply is restricted for any reason.

Clause 20 converts the South Australian Gas Co into Sagasco (Holding) Ltd.

Clause 21 abolishes the share classes in the holding company and provides for the issue of new shares to SAFA.

Clause 22 provides for the transfer of the Government's SAOG shares to the holding company and for the transfer of the gas reticulation system to the utility company.

Clause 23 deals with consequential changes in employment.

Clause 24 provides that the holding company can only deal with its shares in the utility company in pursuance of a special resolution of share holders.

Clause 25 provides for the transfer of a certain proportion of the utility company's profit to a reserve which must then be applied as the Minister directs.

Clause 26 prevents transactions which might result in the utility company subsidising the holding company.

Clause 27 provides that the Minister will have the right to nominate one director of the utility company.

Clause 28 provides for the Gas Fitters Examining Board and the granting of certificates of competency by the board.

Clauses 29 to 30 create a number of offences related to misuse of a gas reticulation system and unlawful diversion of gas.

Clause 31 protects a licensed gas supplier from civil liability arising from failure of a gas supply.

Clause 32 deals with service of notices.

Clause 33 provides for summary proceedings.

Clause 34 is a regulation making power.

The Schedule contains a number of transitional provisions.

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

HAIRDRESSERS BILL

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Hairdresser must hold prescribed qualification.'

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

Page 2, line 11—After 'hairdressing' insert 'by that qualified person'.

As it stands, clause 5 means that an unqualified person who carries on the practice of hairdressing for fee or reward is guilty of an offence and a person who employs an unqualified person is guilty of an offence. At present, clause 5 (3) provides that the provision does not prevent the employment by a qualified person of a person who is undertaking an apprenticeship in hairdressing. Surely, that was intended to cover a hairdresser employing his own apprentice. That was certainly my understanding of the clause as a result of consultations with members of the existing board and the profession on both the employer and employee sides.

It could be most objectionable for one employer to pirate by employing an unqualified person apprenticed to another hairdresser. In the Minister's second reading reply he said that in the Government's view it was not necessary to make the addition that I proposed to make by amendment to ensure that the unqualified person must be employed by that hairdresser. The Minister said that the relations between employers and employees are comprehensively dealt with in the Industrial and Commercial Training Act. However, that Act does not specifically deal with this situation.

I suggested that the situation should be dealt with and that there was no reason why it should not be dealt with in this Bill. After all, it was found necessary to address the situation of the employment of an unqualified apprentice in this Bill. Therefore, I urge the Committee to accept that the whole position should be addressed in this Bill. It should be made clear that the only exemption should be in the case of an unqualified person, that is, an apprentice employed by his master and not by anyone else.

The Hon. C.J. SUMNER: The Government does not support this amendment for the reasons that I outlined in

the second reading reply. The amendment is not necessary. The Industrial and Commercial Training Act provides a comprehensive scheme of regulation of the relations of principals and apprentices. In particular, section 24 provides that an indenture must provide for the employment of a trainee. The Industrial and Commercial Training Commission, and its disciplinary committee established under the Act, have ample powers to deal with any variations or assignments of indenture or with any coaching of apprentices (sections 21 and 22). It is an offence against section 21 of that Act to purport to train a person in a declared vocation other than a contract of training. Therefore, we do not see that the clause is necessary, as it trespasses on well covered ground in the present Bill.

It is also undesirable in practice, without venturing into arguments about the precise meaning of the word 'employment' in this context. The Industrial and Commercial Training Commission officers are concerned that the amendment could restrict desirable exchanges of apprentices designed to broaden their training and sanctioned by the commission under section 21 of the Training Act. This might be in the form of a group scheme or a one-to-one exchange. I have stated before that the Industrial and Commercial Training Commission is well equipped to draw the line between this sort of situation and poaching.

I am not quite sure what the honourable member is trying to achieve with his amendment, but we do not believe that it is necessary. The situation is covered by the Industrial and Commercial Training Act and should be left there given the rationale. This deregulation is trying to do away with the registration of hairdressers by means of a separate Act and deals with the limited regulation that we now deem desirable through other means that are already in place.

The Hon. J.C. BURDETT: The Minister has asked what I expect to achieve. I expect to achieve the absolute and clear prohibition of any kind of poaching in this Bill because, after all, it was found necessary to include in the Bill clause 5 (3) which deals with the global issue.

The Hon. I. GILFILLAN: I am persuaded that the Attorney is convinced that the misuse of subclause (3) is already covered in other legislation. However, just to reassure me, I refer to a person who is undertaking an apprenticeship but is not employed by a qualified person in relation to that apprenticeship, *per se*, even if it is not his original master. Would that person be exempted by subclause (3)?

The Hon. C.J. SUMNER: You cannot have an apprenticeship to an unqualified person; the commission would not permit it.

The Hon. I. GILFILLAN: I accept that, but I refer to a person who had been doing an apprenticeship somewhere else and then operated in a parlour run by a qualified person who had no relationship to the apprenticeship—in other words, the apprentice went off on his own. Under this subclause an apprentice who says that he is apprenticed to a certain person at, say, Malvern, could turn up at, say, Walkerville and, say that he was exempt from the legislation because he was an apprentice. He could say, 'I am not apprenticed to you but to some other person and therefore I am exempt from any penalty under the legislation.'

The Hon. C.J. SUMNER: You are describing a situation where an apprentice who is apprenticed to one master goes and works for another master. That particular apprentice and presumably the master would run into trouble with the provisions of the Industrial and Commercial Training Act.

The Hon. I. Gilfillan: You're convinced of that?

The Hon. C.J. SUMNER: That is my advice.

The Hon. I. GILFILLAN: I cannot obtain access to better advice than that, so I am prepared to accept it and indicate on that ground that I will oppose the amendment.

Amendment negatived; clause passed.

New clauses 5a to 5c.

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

Page 2, after clause 5—Insert new clauses as follows:

Disciplinary action

5a. (1) The Commercial Tribunal may hold an inquiry for the purpose of determining whether proper cause exists for disciplinary action against a qualified person.

(2) An inquiry may not be held under this section except in relation to—

(a) matters alleged in a complaint lodged pursuant to subsection (3);

or

(b) matters disclosed by investigations conducted pursuant to subsection (4).

(3) Any person (including the Commissioner for Consumer Affairs and the Commissioner of Police) may lodge with the Commercial Tribunal a complaint in the prescribed form setting out the matters that are alleged to constitute grounds for disciplinary action against a qualified person.

(4) Where a complaint has been lodged pursuant to subsection (3), the Commissioner for Consumer Affairs or the Commissioner of Police must, at the request of the Commercial Registrar, investigate or further investigate any matters to which the complaint relates and report to the Commercial Tribunal on the results of the investigation.

(5) Where the Commercial Tribunal decides to hold an inquiry under this section, the tribunal must give to the person the subject of the inquiry ('the respondent') reasonable notice of the inquiry and of the subject matter to which it relates.

(6) If, after conducting an inquiry under this section the Commercial Tribunal is satisfied that proper cause exists for disciplinary action against the respondent, the tribunal may exercise one or more of the following powers:

(a) it may reprimand the respondent;

(b) it may impose a fine not exceeding $1 000 on the respondent;

(c) it may prohibit the respondent from carrying on the practice of hairdressing—

(i) permanently, for a specified period or until further order;

and

(ii) absolutely or except in accordance with specified conditions.

(7) If a person has been convicted of an offence and the circumstances of the offence form, in whole or in part, the subject matter of an inquiry under this section the person is not liable to a fine under this section in respect of conduct giving rise to the offence.

(8) Proper cause for disciplinary action exists if the respondent—

(a) has contravened section 5 (2);

(b) has failed to comply with a code of conduct prescribed by the regulations in relation to the practice of hairdressing;

or

(c) has, in the course of carrying on the practice of hairdressing, acted negligently or been guilty of gross incompetence.

Contravention of Tribunal's order

5b. (1) A person who contravenes an order of the Commercial Tribunal prohibiting him or her from carrying on the practice of hairdressing is guilty of an offence.

Penalty: $4 000.

(2) A qualified person who employs or otherwise engages in his or her business of hairdressing another person, knowing that the other person is prohibited by order of the Commercial Tribunal from carrying on the practice of hairdressing, is guilty of an offence.

Penalty: $4 000.

(3) Subsection (2) does not render a qualified person guilty of an offence if the terms of the tribunal's order are such that the person employed or engaged is not, by virtue of that employment or engagement, guilty of an offence against this section.

Record of disciplinary action

5c. Where the Commercial Tribunal takes disciplinary action against a qualified person, the Commercial Registrar must—

(a) record the action taken in a register established by the Registrar for the purpose;

and

(b) notify the Commissioner of Consumer Affairs and the Commissioner of Police of the name of the person and of the action taken.

I canvassed this amendment during the second reading debate. The crux of the amendment is that there should be a reasonably summary procedure to enable complaints against hairdressers to be dealt with by, I suggest, the Commercial Tribunal. It may be that incompetent or unscrupulous hairdressers will eventually go broke. It may be, as the Minister said in his second reading response, that the Government might make regulations under the Fair Trading Act—but it might not—which would enable a consumer to make an application to the Supreme Court. That is hardly a practical solution having regard to the sort of money involved in this industry.

It may be that a consumer could sue the hairdresser, but what about the damage which an incomptent or unscrupulous hairdresser could do to a number of other consumers in the meantime? During the second reading debate I canvassed cases which people would have heard about from time to time, of people whose hair is turned green or drops out as a result of the incompetence of a hairdresser. Many hairdressers now operate as cosmeticians, so a good deal of damage could be caused to one's personal appearance. In his second reading reply, the Minister said:

> The Hon. Mr Burdett was apparently unable to gather any significant support for his negative licensing proposition.

This statement is quite untrue, and whoever wrote the Minister's response either did not read my speech or was quite mischievous. I said that there was no opposition in the industry, and I went on to say:

> Consumer organisations such as CASA and the Housewives Association strongly supported the idea that there should be some measure of protection for consumers.

So certainly from consumers—and that is where you would expect it to come from—there was a strong measure of support. It is false and untrue to say that my proposition did not have proper support. It had strong support from consumers, and I would have thought that the Minister of Consumer Affairs would have some regard for consumers.

Both the Housewives Association and CASA would have preferred some sort of registration but regarded the negative licensing system as preferable to the Bill, and preferable to no direct summary course at all in the case of complaints. In his second reading response, the Minister referred to the small number of complaints. I am very pleased that there is only a small number of complaints but, however small the number may be, I suggest that there should be a simple procedure for complaints to be dealt with when they arise—and to be dealt with by the Commercial Tribunal. After all, there is no bureaucracy, no registration system, no people employed to administer all this and no board. With the negative licensing system proposed in my amendment it would simply mean that, if there were complaints, they could be taken to the already existing Commercial Tribunal where they could be dismissed or, if a complaint was established, the operator could be restrained from operating, have conditions applied or he could be reprimanded.

If there are going to be very few complaints—and it is pleasing to see that there have been so few in the immediate past—the Commercial Tribunal will not be very worried about this kind of matter coming before it. I believe that there should be a positive reason for imposing any kind of sanction like this. I think there is a positive reason because of the very personal nature of the services of a hairdresser or cosmetician and the damage that they can do to one's person as opposed to one's property. That is a positive reason.

On the other side, when one talks of deregulation, which is a proposition I support, there is no harm done. There is no cost and there is no bureaucracy. If very few applications are made to the tribunal, it will not be hassled. It will be hassled only in the event that there are many complaints and matters brought before it in a proper manner. I urge the Committee to accept that this amendment does have some basis in that, first, it is important that people have some protection in this area and, secondly, if there is not much need for it, fortunately it does not cause any cost and does not do any harm.

The Hon. C.J. SUMNER: The Government opposes this. What we are trying to do is go through a procedure of rationalising the law in this area and deregulating to some extent, but providing that there still remains some control over the qualifications of people who wish to carry on the hairdressing trade, and that we do through the Industrial and Commercial Training Commission. On the other hand, if necessary we have the capacity under existing legislation (the Fair Trading Act) to prescribe codes of conduct with respect to hairdressers. Surely, if we have that in existing legislation we do not want to duplicate it by having it in yet another Bill, when what we are trying to do is rationalise the area.

We have established the Fair Trading Act as a basis for regulation of a whole range of occupations, if necessary, by the preparation of codes of conduct. We prefer that the matter be dealt with in that way—that is, the qualifications aspect of it to be dealt with through the Industrial and Commercial Training Commission and the consumer complaints side of it to be dealt with in the normal way, as they are now, by consumers coming to the Consumer Affairs Department and it carrying out investigations and attempting to negotiate settlements. If the level of complaints is such that we require further protection, that can be done through the Fair Trading Act which is legislation already in place and which does not require this Bill to remain with a procedure which duplicates a procedure already available under existing legislation.

We do not see the necessity for this. The number of complaints is small, as we said. Furthermore, it would be misleading to suggest—if that is what the honourable member is doing—that the amendment offers any great advantage to consumers. There is no direct help for consumers by the honourable member's amendment. All it does is provide that a person can be removed from the trade if he does not comply with certain requirements, but any harm caused to a consumer would mean that the consumer would still have to seek redress in the civil jurisdiction of the courts, and we say that for protecting potential consumers from incompetent practitioners, which is what this purports to do, the foundations of the mechanism already exist in the Fair Trading Act.

The Government, if it believed the need existed or would exist in the future, would prefer to operate under the Fair Trading Act which, in Part XI, provides for a code of conduct and a flexible power to deal with violations of it by an informal procedure of enforceable assurances to the Commissioner for Consumer Affairs. In sections 79 to 82 of the Fair Trading Act we already have the mechanism. It involves, if necessary, recourse to the Commercial Tribunal. Ultimately, recourse could be had to the Supreme Court—usually, one would expect, by the commissioner. It would even be possible to incorporate in those procedures the elaborate alternative penalties proposed in this amendment for the employment of unqualified persons.

This would be done by prescribing the Hairdressers Act as an Act relating to the Fair Trading Act. We believe that

if it is necessary and deemed to be necessary in the future, this is the way it would be done: through the Fair Trading Act, that is, through legislation which already exists on the statute book. That is the method sanctioned by the Parliament last year for dealing with recalcitrant traders in industries where a licensing system is not justified, and it seems that almost everyone, at least, agrees that this is one of those industries. It seems to us that it is not good or rational legislation to tack on to the present Bill a different procedure to achieve a purpose which can already be achieved through an existing piece of legislation passed by the Parliament only 12 months ago.

The Hon. J.C. BURDETT: In regard to the previous amendment I thought the Attorney made a reasonably logical argument. I think that it was a fine balance between whether it should have been in that Bill or in the Industrial and Commercial Training Bill as he said but, in this case, that is not the position. In his second reading reply, the Minister said:

> 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.

Today, in speaking, the Minister suggested that my amendment simply duplicated that provision in the Fair Trading Act. That is not the case, because it is not a duplication. The sanction, in the case of the Fair Trading Act procedure, is an application to the Supreme Court for the exercise of a very wide ranging power to grant injunctions against the trader.

Certainly, in many cases—in commercial cases, in cases involving big business and large amounts of money—that is an excellent procedure and I supported the Fair Trading Act procedure, but in regard to the kind of situation we are talking about of someone who goes to a hairdresser and pays $10, $25 or $50, where there is malpractice or negligence of the kind to which I am referring, to make an application to the Supreme Court for the exercise of a very wide ranging power to grant injunctions is hardly feasible. The Minister suggested that my amendment does not provide a direct remedy. I did not suggest for a moment that it did.

What I pointed out was that if there is malpractice or negligence on the part of a hairdresser, and if consumers are damaged, what they have to do is sue. While the hairdresser may go broke anyway, in the meantime other consumers may be damaged through the activities of that hairdresser. Unlike the Fair Trading Act provision, this amendment does provide in a case where consumers as a whole—not the particular consumer, who can go to the court, to the small claims jurisdiction if that is appropriate—but in regard to consumers generally this provides protection to consumers as a whole, to the public, against unscrupulous or, probably more likely, incompetent hairdressers.

The procedure is a simple one. It is one which, if it is not invoked very often, will not involve any cost. There is no board and no bureaucracy. It simply means that where there is a need for consumers to be protected, there is the ability to go to the Commercial Tribunal.

The Hon. C.J. SUMNER: I am not sure whether the honourable member has studied the Fair Trading Act and, if he has, whether he believes that it cannot do what he is suggesting by his negative licensing proposal. Sections 79, 80, 81, 82 and 83 deal with questions of breaches of the Fair Trading Act and with this question of assurances and prohibition orders and injunctions under the Fair Trading Act. The following provisions are included in sections 79 to 82:

> Where it appears to the Commissioner that a trader has engaged in conduct that constitutes a contravention of, or failure to comply with a provision of the Act or a related Act, the Commissioner may seek an assurance in writing from the trader that the trader will refrain from engaging in such conduct . . . The Commercial Registrar [that is, under the Commercial Tribunal] must maintain a register of assurances. . . A trader who acts contrary to an assurance accepted by the Commissioner is guilty of an offence. . . If the [Commercial] Tribunal is satisfied, on the application of the Commissioner that a trader has in the course of business acted contrary to an assurance accepted by the Commissioner the tribunal may make an order prohibiting the trader from engaging in that conduct.

Section 83 under Division III provides for civil remedies for contravention of the Act, as follows:

> If the court is satisfied, on the application of the Minister, the Commissioner or any other person, that a person has engaged, or proposes to engage, in conduct that constitutes or would constitute a contravention of a provision of this Act or a related Act, the court may grant an injunction in such terms as the court determines to be appropriate.

That is by the time one gets to the Supreme Court. But before getting to the Supreme Court there is the possibility of prohibition orders prohibiting certain conduct before the Commercial Tribunal. However, if one wants to prohibit a person from trading there are the injunctive procedures under section 83.

The Hon. I. Gilfillan: Who imposes that injunction?

The Hon. C.J. SUMNER: The Supreme Court.

The Hon. I. Gilfillan: So, you have to go to the Supreme Court.

The Hon. C.J. SUMNER: In the case of wilful neglect by a trader—by a hairdresser in this case—which the Commissioner for Consumer Affairs or the Minister felt had got to the point of being unacceptable and was not in compliance with the Act then the Minister or the Commissioner would take the proceedings before the court. So, the consumer would not have to take those proceedings to require the trader to desist. So, all we are saying—and perhaps the Hon. Mr Burdett can point out where it does not apply—is that if it is accepted that there is a mechanism which is already in existing legislation which can be used then we do not believe there is a case for establishing a separate procedure, which is what, by his negative licensing proposal, the Hon. Mr Burdett wishes to do.

The Hon. J.C. BURDETT: The difference is that, if the fair trading procedure is to be implemented first the code of ethics has to be established.

The Hon. C.J. Sumner: It has to be under your proposal.

The Hon. J.C. BURDETT: Not necessarily, because one of the grounds of complaint is where there is incompetence, so the complaint can be made anyway under my amendment, whereas under the fair trading procedure there is a condition precedent, setting up the code of ethics.

The Hon. C.J. SUMNER: That has identified the differences: the Hon. Mr Burdett is in agreement that if we do prescribe a code of conduct under the Fair Trading Act then we have similar powers to what is provided for in his amendment and his negative licensing system. The Government thinks that it ought to be left, to see whether there are problems in the industry which require a code of conduct. If there are problems we will prescribe a code of conduct, and then the Fair Trading Act provisions would apply.

We think that that course is preferable to establishing in what is supposed to be a deregulatory measure, in effect, not a direct registration but what the Hon. Mr Burdett

describes as a negative licensing system. In other words, we are taking away the imposition on industry of registration, which exists now. We are dealing with it through existing legislation that is already in place, and the honourable member wants to maintain a separate role under the Hairdressers Act for, in effect, a regulatory regime by way of negative licensing. We are saying that it is not necessary, but if there is a problem during the first 12 months of operation of this legislation, if the Department for Consumer Affairs is flooded with complaints in relation to particular hairdressers, where people are not complying with the Act, where they are doing things that consumers have not asked for, etc., we will take action to prescribe a code of conduct under which we will then be able to deal with the traders.

Why legislate in relation to a problem which does not exist at present? One of the rationales of the Fair Trading Act was to try to give some strength to industry organisations and to get them to prescribe for their members codes of conduct and the like. That might not be entirely satisfactory. Where it is not satisfactory the legislature can move in by way of providing a code of conduct by regulation.

Given that what we are trying to do here is to deregulate to some extent, and rationalise as well, we consider that the preferred course is not to add another level of regulation. We have just got rid of the Hairdressers Registration Board, and the Hon. Mr Burdett seeks to now impose another set of regulations to control the industry. We do not believe that they are necessary. We are saying that if there is a problem the powers exist to do something about it under the Fair Trading Act.

The Hon. J.C. BURDETT: The amendment does not involve a level of regulation. It is simply to provide a summary redress if there is some problem. I agree with the Attorney that we have now identified the difference between my amendment and the procedure under the Fair Trading Act. The difference is that in relation to the procedure under the Fair Trading Act there would have to be a history of complaints; there would have to be consultation and a code of ethics brought into force, by regulation, and we know the regulation making procedure—it would lay on the tables of both Houses of Parliament and go through the subordinate legislation process, and all the rest of it. Then it would be possible to go to the Commercial Tribunal and get the same sort of redress as I am seeking. But the Attorney has correctly identified the difference: it is that in a small and personal matter like this, such as dealing with a hairdresser, the amendment provides a quick procedure, where there is a complaint for incompetence, to go directly to the Commercial Tribunal.

The Hon. C.J. Sumner: The consumer doesn't benefit from that.

The Hon. J.C. BURDETT: Well, the consumer in general, yes.

The Hon. I. GILFILLAN: From what I have heard it seems to me that there is some doubt as to whether the accusation of incompetence itself can be handled through the Fair Trading Act. As I understand the timing involved, a code of conduct would need to be established before any of these actions could be carried through. I do not know whether one can define 'incompetence' any more precisely, but I gained the impression that the Hon. Mr Burdett has claimed that, with his amendment, incompetence could be acted on quite expeditiously, whereas under the Fair Trading Act it would be too nebulous and a code of conduct would need to be established before any action could be instituted under that legislation.

The Hon. C.J. Sumner: A code of conduct includes a code that says you shall carry out hairdressing in a reasonable, competent manner consistent with—

The Hon. I. GILFILLAN: The Attorney is assuring me that with the code of conduct being drawn up, 'incompetence' could be dealt with as effectively under the Fair Trading Act as under the amendment—

The Hon. C.J. Sumner: Once the code of conduct—

The Hon. I. GILFILLAN: Yes. Maybe the Attorney could assure me that if an individual consumer has a complaint against an individual hairdresser in so far as the hairdresser had put an unwanted blue streak through, say the Hon. Gordon Bruce's hair, would such a person have access to effective satisfaction through the Department of Public and Consumer Affairs?

The Hon. C.J. SUMNER: The Public and Consumer Affairs Department will still be available to receive complaints about hairdressers.

The Hon. I. Gilfillan: What action would it take?

The Hon. C.J. SUMNER: It would take the action that it takes now, namely, to negotiate with the hairdresser, as with a trader, to try to achieve satisfaction between the trader and the client. Obviously, if they put a blue streak through somebody's hair and they are not happy with it, getting immediate rectification of that is not particularly easy. That is not any different from any other consumer situation. The Hon. Mr Burdett's amendment would not affect that, anyway. If the hairdresser put blue streaks through every person's hair that went in to have their hair done, one would have to take action through the Commercial Tribunal. However, the individual consumer would have to take their own remedy through the courts if the Department of Public and Consumer Affairs could not resolve the problem for them.

The Hon. Mr Burdett's amendment will not assist consumers in terms of getting their matter before the courts any more than actions taken under the Fair Trading Act code of conduct might do. The Department of Public and Consumer Affairs will still be available. We are not saying that because this area has been deregulated to some extent the Consumer Affairs Department will not receive complaints about incompetent hairdressers. We will continue to receive them and continue to deal with them.

If it appears within the industry that people are carrying out hairdressing incompetently, action will be taken. We must remember, however, that they have to pass an examination and have to be qualified. If they are not qualified to carry out hairdressing, they are subject to prosecution, anyway. We are saying that, if a qualified hairdresser is carrying out hairdressing in an incompetent manner and there are regular consumer complaints, we will take action through a code of conduct to stop that. People have to be qualified in the first place to carry out hairdressing. If they are not qualified they will be dealt with under the Hairdressers Act that we are passing today.

It will be an offence for an unqualified person to carry out hairdressing. First, he must be qualified, which is some protection. Secondly, if after this Act has been operating for a while there are 60 complaints within a week of a certain hairdresser putting a blue streak through everybody's hair (although he will not be in business for very long), that problem, having been indicated, will be addressed. However, we are more likely to receive a series of complaints dealing with a number of hairdressers from which we would know that a general problem exists in the industry requiring remedy under a code of conduct. We do not believe that we have got to that point at this stage. We would certainly be prepared to act if it appeared, after the Act had been

operating for some time, that there were major gaps in consumer protection in this area.

The Hon. J.C. BURDETT: I want to get this point quite straight. I have made clear throughout that, with regard to an individual person damaged by incompetent conduct by a hairdresser, he would have to seek redress through the courts if it is not straightened out through negotiation with the Department of Public and Consumer Affairs. He may be able to take it to the small claims jurisdiction. The difference between my amendment and the fair trading procedure is that the proposed new clause 5a (8) sets out that 'proper course for disciplinary action exists if the respondent'—and various things are listed. That triggers off the ability of the Commercial Tribunal to make orders to investigate the matter if there are some problems. Subclause (8) *(c)* provides:

> Proper cause for disciplinary action exists if the respondent has, in the course of carrying on the practice of hairdressing, acted negligently or been guilty of gross incompetence.

Without going to the consultative course of setting up a code of ethics, which in many cases is a proper and sensible course that I have advocated and supported, and without setting it in place by regulation through the parliamentary subordinate legislation procedure—there is under my amendment the direct ability to take the matter to the Commercial Tribunal (not in an individual case but at large) if it is alleged that the respondent has acted negligently or been guilty of gross incompetence.

The Hon. I. GILFILLAN: Quite obviously we prefer to use the legislation in place rather than encumber it with unnecessary amendments. We have to decide whether adequate safeguard is provided for consumers currently through the Fair Trading Act, compared with what is offered in the amendment. The amendment appears to be more available and amendable to operation, but the Attorney has indicated that there will be no move to establish a code of conduct until substantial evidence exists of misconduct. I feel uneasy about it as it may be some way down the track. Who can determine what degree of misconduct has taken place before a code of conduct has to be drawn up?

As I listened to the Attorney, it appeared that satisfaction in many cases was only to be sought and acquired from the Supreme Court through appeal or injunction. That is substantial action. I would feel more content in accepting the Attorney's assurance if there was an undertaking to set steps in motion straight away to establish a code of conduct. If the code of conduct only embraces such things as acting negligently or being guilty of gross incompetence as defined, I believe good justification exists for saying that the Fair Trading Act offers very similar satisfaction to the amendment moved by the Hon. John Burdett. I feel uneasy about this code of conduct as it stands. It seems that there will not be any redress under the Fair Trading Act until there are a lot of dissatisfied consumers.

The Hon. C.J. SUMNER: The first point I want to emphasise again is that there is not a great deal of evidence of major problems in the industry but, if it satisfies the Hon. Mr Gilfillan, I am prepared to commence discussions with the industry on a code of conduct. The Bill does not come into force until 1 January 1989, so that gives us some time to discuss with industry and the unions an appropriate code of conduct. If that satisfies the Hon. Mr Gilfillan, we are prepared to do that.

The Hon. I. GILFILLAN: What would be the authority that acts on an accusation of an infringement of the code of conduct?

The Hon. C.J. SUMNER: The Commissioner for Consumer Affairs would receive the complaint and deal with it through the Commercial Tribunal or, if it were an injunctive procedure, through the Supreme Court.

The Hon. I. GILFILLAN: As I understand it, the Attorney-General has given an undertaking to take the initial steps and, although without saying so categorically, initial steps usually lead to some sort of achievement of a code of conduct. If I understand his undertaking correctly, then I am prepared to accept his assurance that the consumer will be protected with a code of conduct which will have been drawn up by the time this legislation comes into operation. If I understand the Attorney correctly, I am prepared to support the Government's position.

The Hon. C.J. SUMNER: I cannot say absolutely that it will be in place by then, because it will depend a little on industry, and we have to negotiate and discuss the matter with them. We cannot just draw up a code of conduct off the top of our heads. However, as soon as the Bill is passed, we will take certain initial steps to develop a code of conduct and, hopefully, we can have it in place by the time the legislation comes into force.

The Hon. J.C. BURDETT: In view of the indication by the Hon. Mr Gilfillan, I indicate that, if I lose the amendment on the voices (and it appears that I will), I do not intend to call for a division. However, I do note and take some comfort from the undertaking given by the Attorney-General, namely, that in the meantime, before the Act comes into operation, he will initiate negotiations in order to try to draw up a code of conduct. I look forward to that happening and, if it does happen, I suppose that the pain of losing the amendment will not be so great.

The Hon. I. GILFILLAN: I think that the Hon. Mr Burdett's amendment has some significance. I have to be clear in my own mind at least about what the Attorney-General has undertaken in relation to the code of conduct. I understand that he will consult with the industry and the unions. I believe that he intends to have the code of conduct in place by the time the Act comes into effect.

The Hon. C.J. SUMNER: That is what we will try to do, but to some extent it depends on the industry. We will not sit back and wait for the industry to do it, but it depends on them getting their act together and coming out with some proposal. We now have about eight or nine months, so we do not think that there should be a problem with getting that in place.

New clauses negatived.

Clauses 6 and 7 passed.

Clause 8—'Regulations.'

The Hon. J.C. BURDETT: This clause relates to exemptions and grandfather provisions. In his second reading explanation, at page 3231 of *Hansard* the Attorney-General stated:

> A provision will also be made by regulation so that anyone who is at present legally practising hairdressing but for reasons either of history or geography is not registered or does not have the formal qualifications will be able to continue to practise.

When I first read the Bill and first heard the second reading explanation, I had some doubts about this clause because, generally speaking, I think it is better to put the grandfather provisions in the Bill so that Parliament knows exactly what they are, instead of leaving them to regulation. However, when I consulted with employers and employees in the industry, and in particular with members of the existing board, it was suggested that some flexibility may be needed in regard to these exemptions and grandfather provisions and that, after regulations were made that created some exemptions, it might be necessary to see how they worked. There may need to be the flexibility of regulations as opposed to the Act to enable them to be changed. As a result of the

representations made to me, I was satisfied with the result, and I did not propose an amendment.

However, a number of people in the industry have been concerned about the statement made by the Attorney-General that he intends to use the regulations to exempt unqualified persons who are practising. Some people thought that perhaps the exemption ought to be only for a period to enable them to become qualified. As was apparent from the Minister's second reading explanation and subsequent discussions that I have had, this becomes important because at present it is not necessary for country practitioners to be registered; it is only necessary for practitioners in the metropolitan area to be registered. As the Attorney-General said in his second reading explanation, quite a large number of country practitioners have seen fit to be registered and to be qualified, even though they are not required to be. However, persons who have practised in the country without qualification or registration will qualify under the exemption which the Attorney-General proposes to make under the regulations.

I have explained to most people in the industry who have raised this objection that, in most occupational licensing areas, there is a grandfather provision. I remember very many years ago that there was a grandfather provision in the original Dentists Act and that those people who had practised unregistered and unqualified were able to continue to practise. It is generally recognised that, if people have legally earned a living under a particular set of rules and regulations, if a change is made, those people should be able to continue to practise. In general, I do not object to that concept. In particular, some people with whom I have consulted told me about the situation in the South-East of the State, especially in Mount Gambier (but I have not been able to verify the statements), where Victorian hairdressers who had minimal qualifications (and they were required to have only minimal qualifications in Victoria) had crossed the border and practised. Presumably those people would be encompassed under whatever grandfather provision the Minister has in mind. What does the Attorney-General have in mind in regard to the regulations so that grandfathers can continue to practise? How long will they have had to earn their living in order to qualify?

In his second reading explanation the Minister said that those who were already operating would be able to continue. Surely that would not apply to someone who commenced operating before the Act came into operation. I would like the Minister to state exactly what he has in mind, and for what period he would expect the regulations to require the hairdresser to have been operating in the past in order to qualify for the exemption.

The Hon. C.J. SUMNER: The general principle will be that those who have been practising legally up to the present time, albeit without the appropriate registration or qualifications, will be enabled to continue. At the moment, registration is not required in the country. There are people practising in the country whose livelihood will not be taken away. That is the basic principle.

A working party, involving employers and unions has met to prepare the Act and to ensure its implementation. Obviously, the regulations will need to be discussed with those involved. That is the basic principle: people will be required to establish that they were practising and earning their livelihood, legally, at the time that this legislation was passed. I have not given any specific consideration to the period that they will be required to establish that they had been practising and earning their living as hairdressers. Obviously, however, any individual who commenced practising hairdressing today would not be granted the relevant exemption. Basically, the principle will be that those who have been practising legally hitherto will be 'grandfathered' under the regulations.

Clause passed.

Title passed.

Bill read a third time and passed.

CREMATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 3399.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to support the Bill. As I understand it, it really originated from a request by the Hon. Harold Allison, the member for Mount Gambier, who had a special interest not so much in crematoria generally but in the crematorium recently established at Mount Gambier. As I understand the position, before a cremation can take place a permit must be obtained and, in the case of the Mount Gambier crematorium, permits for deaths that occur in the Mount Gambier district may be issued by the District Registrar of Births, Deaths and Marriages. However, if the death occurs outside that district, a permit must be obtained from the Principal Registrar in Adelaide. That process can take some time and I am informed that the delay has discouraged Victorian funeral directors from using the Mount Gambier facility.

This Bill seeks to allow a district registrar to issue cremation permits for deaths that occur outside his or her district and then there will be no need to obtain a permit from the Principal Registrar in Adelaide. It seems quite reasonable that the provision should be relaxed so that the Mount Gambier facility can provide a service to persons beyond the Mount Gambier district and can then take in business from the surrounding districts in western Victoria. It is for that reason that the Opposition regards this Bill as an eminently sensible one and supports the second reading.

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

EVIDENCE ACT AMENDMENT BILL (No. 2) (1988)

Adjourned debate on second reading.

(Continued from 23 March. Page 3400.)

The Hon. K.T. GRIFFIN: The Opposition gives cautious support to the Bill, but before resolving its final view wishes to raise a number of questions for consideration by the Attorney-General in the hope that some definitive statement on the legal aspects can be presented before the second reading debate concludes; and also that there might be some clear indication of the status of the treaty to which the Attorney-General referred in his second reading explanation and the extent to which constitutionally the courts in South Australia can sit outside this jurisdiction. The Bill seeks to repeal existing provisions of the Evidence Act relating to the taking of evidence by South Australian courts for use in courts of other Australian States and Territories and in courts in other countries; and for courts in other States and countries to take evidence for use in South Australian courts.

In his second reading explanation the Attorney-General indicated that the Standing Committee of Attorneys-General had designed the scheme which will provide for the taking of evidence by Australian courts for use in proceedings both interstate and overseas and for evidence to be taken interstate and overseas for use in Australian courts.

Although these provisions are not uniform, the Attorney indicated that they will have the same effect. I have not had the time or the resources to check the position interstate. In essence, the Bill provides that a court can obtain evidence outside this State either by sitting outside South Australia as a court or by issuing a commission to an appropriate person to take the evidence, or by requesting a foreign court to take the evidence. This will apply to both civil and criminal proceedings.

The Bill provides that subject to any just exception the depositions taken on commission or by a foreign court may be put in as evidence at the hearing of proceedings in South Australia. With the same exception, any documents produced to a commissioner or a foreign court that takes evidence pursuant to a request under the Evidence Act Amendment Bill are admissible in South Australia. According to the second reading explanation, the Bill depends to a certain extent on the Hague Convention on taking evidence abroad, and relates essentially to evidence on commission. One of the questions that I raise with the Attorney-General for detailed explanation is the status of that convention so far as Australia is concerned, whether Australia is a signatory to it, whether Australia is proposing to ratify it, and the procedure which the Commonwealth would propose if it has not yet been ratified and is proposed to be so ratified.

The notation on the copy of the convention which I have indicates that some States—that is, nations rather than provinces—signed the convention on 18 March 1970 and that in consequence of that the convention bears that date. It is some time since I have had to be concerned with the ratification of a treaty by Australia. I think the most recent one that I was involved in was the International Covenant on Civil and Political Rights which required Federal legislation for the ratification process. However, that ratification did not occur until there was a report from each State and the Northern Territory as to the status of their own laws and their willingness to have that treaty ratified by the Commonwealth Government.

I can only presume that a similar sort of procedure would apply with respect to this convention, but I would like to have some information about that. If there is to be a request to the Commonwealth to ratify the treaty, I also ask the Attorney-General whether it is then envisaged that this Parliament will make that request in the form of legislation, or whether it is proposed to be done by way of executive act. If the convention is to be ratified, it would be helpful to know what is to be the central authority which is to receive letters of request from a judicial authority of another contracting State for transmission to the authority competent to execute them within Australia.

Under the convention, each State is to organise the central authority in accordance with its own law. I presume that under this treaty—perhaps it is article 8—the authority is concerned for judicial or other officers in Australia to sit in other jurisdictions, whether interstate or overseas. I understand that Mr Justice von Doussa of the Supreme Court actually went to London prior to Christmas to take some evidence, accompanied by counsel, but in that context I must say that I would be surprised if in fact he went as a judge to sit as a judge to take evidence outside the jurisdiction. It would, again, be helpful if the Attorney-General could give some information as to the context in which that occurred.

It may have been under some special arrangement between South Australia, Australia and the United Kingdom which ensured that that course of action could be pursued without any risk being taken by the judge as to his authority, and without any prejudice to the evidence which was taken. Article 8 refers to a contracting State declaring that members of the judicial personnel of the requesting authority of another contracting State may be present at the execution of a letter of request, and that, I presume, means the taking of evidence on commission. The convention also allows a diplomatic officer or consular agent of a contracting State to take certain evidence in the territory of another contracting State.

In a civil or commercial matter, under article 17, a person duly appointed as a commissioner may, without compulsion, take evidence in the territory of a contracting State in aid of the proceedings commenced in the courts of another contracting State if certain conditions apply. Obviously, certain questions arise. What authority does the South Australian Supreme Court have if it seeks, either as a single judge or as a court of appeal, to sit outside the jurisdiction? Will that court then be recognised by the local Parliament or legislature? What is the authority then of the South Australian Supreme Court or a judge of that court in respect of subpoenas, of contempt and of libel, remembering of course that proceedings in courts in South Australia are absolutely privileged? What is the court's power, when sitting outside the jurisdiction, to deal with witnesses? Also, what is the status of the evidence which might then be taken as a result of the court sitting outside the jurisdiction? What rules of evidence and procedure apply with respect to those proceedings?

Likewise, if a foreign court seeks to sit in South Australia, what is the protection for that court with respect to those same matters of libel, privilege, power to deal with contempt, the status of evidence taken and subpoenas? With respect to the Bill, there is a provision that a commission may be issued to an officer of the court to take evidence. What is envisaged in that description? Is that the Sheriff? Is it a clerk who officiates as a Clerk of Arraigns? I have the view that, if there is a person who is to take evidence on commission on behalf of a South Australian court, that person ought to be at least legally trained. In the new section 59e (2) there is a reference to the provisions of that subsection being subject to any just exception with respect to depositions taken on commission or by a foreign court, and with respect to documents produced to a commissioner or a foreign court.

One must ask some questions about what is encompassed by the description 'just exception'. Is it possible, for example, to raise questions about the status of the court which took the evidence, the nature of the proceedings and the extent to which the court is within a judicial system placing emphasis on honesty, integrity and justice? They are some of the matters which I think need clarification. Unless there is some satisfactory explanation of all those issues, the Opposition will have to consider its position further, because it does not appear that this Bill will enable anything to be achieved which cannot already be achieved by the existing law.

Again, however, the Attorney-General might be able to provide advice to the Council as to the way in which this will achieve results which presently may not be achievable. Subject to an explanation of those matters and further clarification, as I indicated at the outset, we would give some cautious support to the second reading of this Bill.

The Hon. C.J. SUMNER (Attorney-General): I will seek the answers requested by the honourable member and deal further with these matters during my second reading reply. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

LOCAL GOVERNMENT FINANCE AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 March. Page 3500.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this Bill. The authority is a body corporate and is managed and administered by a board of trustees. The main functions of the authority are 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 these organisations as provided in the Act or approved by the Minister of Local Government. The authority is empowered to invest moneys held in such investments as are approved by the Treasurer.

The authority commenced formal operations on 26 March 1984, almost four years ago to the day. Until that time councils had pursued their own investment and borrowing program. In 1982 the Local Government Association recognised that there was an urgent need to improve the management of all available financial resources, particularly as local government finances were under considerable pressure on all fronts. Also, major changes were occurring in the banking system and among other financial institutions that were having an effect on the abilities of councils to attract loan funds. Local government was presented with the option either to improve its ability to compete in the sophisticated and highly specialised money world or to remain disadvantaged in relation to other borrowers and lenders in the market.

In 1983 the Local Government Finance Authority Task Force, chaired by Mr Brian Anders, recommended the establishment of an authority as the best means to serve the borrowing and investment facilities of local government in South Australia. This initiative received the full endorsement of the Liberal Party, for we appreciated that a united and coordinated approach by local government to financial markets would improve the bargaining position and flexibility of local government and therefore, ultimately, be of great benefit to the people whom local government seeks to serve.

Today it is clear that our faith, and also that of the Government, was not misplaced. In 1984-85—the first full year of operation—101 councils, or 81 per cent, used the authority's deposit facilities, in addition to the LGA itself, the Council Purchasing Authority Proprietary Limited, regional organisations, certain community hospitals, and the pest plant control boards. In that year, funds invested grew steadily from $14 million in July 1984 to a peak of $65 million in January 1985. The average level of council deposits was $39 million, which exceeded the authority's estimate by $30 million. The report for the financial year 1985-86—which I understand is the latest annual report ordered to be printed—indicates that the number of councils using the deposit facilities reached 108 (or 97 per cent of all councils), and there were also 24 bodies prescribed under the Act using the fund in that year.

Funds invested reached a peak of $107.7 million in December 1985. The average daily council deposit level was $69.6 million, which represents an increase of 78 per cent over the previous year. The interest paid to councils and prescribed bodies on these deposits totalled $11.69 million. The assets increased by $336 million to $480 million, and the operating profit grew to $2.372 million compared to $851 000 the previous year.

During the 1984-85 financial year the authority was granted the highest credit rating available—triple A. Such a rating has been paired with a commercial paper rating of A1-plus, also the highest available. These ratings are valuable to the authority in raising funds at commercial interest rates. These excellent results in so short a time are a credit to the foresight of the LGA in promoting the establishment of the authority and to the members of the board in terms of their astute investment policies. As a result, councils and prescribed bodies across the State together with the people whom they represent and serve have derived handsome rewards from the authority to date.

The board is constituted of seven members, three of whom are persons holding designated positions—the Secretary-General of the Local Government Association, a representative from the office of the Under Treasurer and a representative of the Director of Local Government. Of the remaining four members, two are appointed by the annual general meeting of the authority, upon nomination of the LGA and two are elected. Currently, the Act provides that the two elected representatives can be elected only by representatives of each council in attendance at the annual general meeting.

All local councils are members of the authority. To provide that all councils have an opportunity to nominate and vote for representatives to the authority, regardless of their ability to attend the annual general meeting, the Bill seeks to allow the authority to amend its rules to enable, subject to ministerial approval, a postal voting system to be adopted for elections. This matter was instigated initially by councils and has the unanimous support of the authority itself.

A further amendment seeks to extend the office of a representative member of the board from a term of one year to a term of two years. As with the earlier amendment, the Liberal Party believes that this is a sound measure. The extension of the term to coincide with the term for which persons are elected as councillors will allow greater continuity in the management and administration of the authority. The Liberal Party believes that this move is in the best interests of local government in general. I support the second reading.

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

[*Sitting suspended from 6 to 7.45 p.m.*]

STATUTES AMENDMENT (COAST PROTECTION AND NATIVE VEGETATION MANAGEMENT) BILL

Adjourned debate on second reading.
(Continued from 29 March. Page 3604.)

The Hon. J.C. IRWIN: The Opposition supports the Bill. Its aim is to remove the requirements for the presiding officer of the South Australian Planning Commission to be the Presiding Officer of the Coast Protection Board and the Native Vegetation Authority. The presiding officer of the South Australian Planning Commission currently has a number of additional roles including being presiding officer of the Coast Protection Board, the Native Vegetation Authority and the Advisory Committee on Planning. Parliament has already recently agreed to an amendment to the Planning Act 1982 removing the statutory requirements that the South Australian Planning Commission's presiding officer should be Chairman of the Advisory Committee on Planning. This Bill additionally breaks the statutory nexus between the South Australian Planning Commission and the Coast Protection Board and the Native Vegetation Authority, and as a result removes the need for the Gov-

ernment to employ a single full-time person to act as presiding officer of all those bodies.

The Opposition is pleased to acknowledge that that provision in respect of the Native Vegetation Authority and the Coast Protection Board has worked well because the Chairman of the South Australian Planning Commission, Mr Stephen Hains, has exercised his chairmanship role in each of these capacities in an exemplary manner which has earned the respect and admiration of those with whom he has worked in each of those three areas. I am very pleased on behalf of the Liberal Party and the Opposition in this House to pay tribute to Mr Hains for his profound and beneficial influence on planning and to congratulate him most warmly on his appointment as Director-designate of Planning in the Department of Environment and Planning.

The Bill provides that a replacement member on the board be the Director-General of the Department of Environment and Planning or his nominee, and it would therefore technically be possible, if the Government wanted and if Mr Hains wanted it—and we believe that he does not—for Mr Hains to continue as Chairman of the Coast Protection Board and the Native Vegetation Authority.

It seems as though that in fact will not be the case, although he will be a member of those two authorities. Whether it is Mr Hains or someone else, it is absolutely essential that the chairperson of those bodies have a very profound knowledge, not only of vegetation on the one hand and coastal management on the other hand, but also of planning generally because each of these issues is inseparable from the whole area of planning. That is why, although the Opposition does not quarrel with the sense of the proposition that part-time chairpersons are quite appropriate for these boards, we do insist that if there is to be a coordinated, cohesive approach to planning in South Australia the people who are appointed chairpersons of those bodies should be acknowledged as having expertise in the area of planning. The Royal Australian Institute of Planners is most insistent upon this, and the Opposition believes it is quite justified in being insistent.

It is so easy to look at each of these issues in isolation without being aware of the way in which each issue impinges on a whole range of other issues, and thus to take a narrow and rigid view of native vegetation, coastal management or indeed any other issue, all of which relate in some way or another to planning. The introduction of this Bill raises the whole question of the Government's administration of planning, be it planning generally, coastal protection or native vegetation management. It therefore provides an opportunity in speaking about the South Australian Planning Commission to talk about the Government's administration of planning, which has come under severe attack indeed in recent weeks.

I make a brief comment about the two boards that are covered directly by this Bill, and I refer in the first instance to the Government's administration of coastal protection. On reading the annual report of the Coast Protection Board, one finds that the board is struggling desperately to fulfil its functions in the face of entirely inadequate resources. The Chairman of the board and its members have had to attempt to administer an Act with totally inadequate resources. A glance at the budget papers over the past four years would indicate just how bad the position is in relation to coastal protection in South Australia. In 1983-84, the actual payments to the Coast Protection Board were $2.057 million. The following year, 1984-85, the reduction was to $1.51 million. The following year we saw a further reduction to $1.105 million, and the following year down to $623 000. The current year shows a figure of $1.137 million.

They are quite puny funds. The actual percentage reduction in dollars from 1983-84 to 1987-88 is $920 000. Nearly $1 million has been sliced off the Coast Protection Board budget at the very time in the State's development when coast protection and coastal management is critical, and when information about the coastal matters is essential for the Government to make vital decisions about the future development of this State. I need only mention the question of marinas and the fact that there are about 40 applications before the Government for the development of marinas in South Australia, many of which have been hotly contested on environmental and social grounds. It is essential, therefore, that the Government be fully conversant with the impact of such marinas upon the coast of South Australia. How can that possibly happen when the body that is supposed to provide this information and advice and give an indication of what is desirable, possible or should not be entertained on any account has its budget slashed over a four year period by almost 50 per cent?

The reduction of the Coast Protection Board's budget over the past four years is in fact in the same dollar terms 57.2 per cent. This is an appalling indictment of the way in which the Government gives a job to the Coast Protection Board under its statute and then ties the hands of that board behind its back by depriving it of the resources to fulfil the obligations it has under the law. The Government has no defence against any inadequacy in the way in which coast protection in this State is perpetuated because the board simply has not been given the proper funds to do the job.

The other matter that I would like to mention briefly which is covered by the chairpersonship is the area of native vegetation. Some of my colleagues in the other place and maybe also in this place will canvass this matter in somewhat more detail. I believe that the Native Vegetation Authority has worked under extraordinarily difficult circumstances because of, amongst other things, the failure of the Minister for Environment and Planning, who is also Minister of Water Resources and responsible for the Engineering and Water Supply Department, and of the Minister of Agriculture. My colleagues in the other place have cited many an instance where the Native Vegetation Authority has not worked as it should, and they are the people that would be most likely to cite these instances because, although I come from a rural area and in fact have some native vegetation of my own, the members of the House of Assembly dealing with rural areas are the ones at the forefront of dealing with the native vegetation problem as it involves some electors in their areas and the board.

They may well cite instances where the authority has not worked well. I draw the Minister's attention to the fact that his Engineering and Water Supply Department and the Department of Agriculture simply do not seem to be getting their act together in terms of land clearance.

It was very pleasing to note recently the use by the Chairman of the Native Vegetation Authority of his vote to beat the deadlock of the other four members of the board in favour of a clearance application from a South-East resident.

The Hon. M.J. Elliott: In regard to the merits.

The Hon. J.C. IRWIN: I know this case reasonably well and I am glad that the Hon. Mr Elliott has brought it up. I am not sure whether he knows of the merits of the case.

The Hon. L.H. Davis interjecting:

The Hon. J.C. IRWIN: Yes, I know.

Members interjecting:

The ACTING PRESIDENT (Hon. T. Crothers): Order!

The Hon. J.C. IRWIN: I know the case in the South-East and the person is well known to me, as he lives not

far from my property. He employed an expert to come onto the property and to advise him and the commission on the merits of the case in relation not only to clearance but also to the heritage agreements.

The Hon. J.R. Cornwall: Was the expert a lawyer?

The Hon. J.C. IRWIN: Which members of the Native Vegetation Commission are lawyers? I think he employed not a lawyer but an expert in native vegetation. That person and the client actually persuaded the board at last to come down with an agreement to do some clearance as well as have something else that would go into the area of the heritage agreement. So, it was not a total clearance but only a small part. I am familiar with the case and the expert witness produced by the applicant for clearing obviously presented a case, *per se*, that is, the Chairman, to grant a clearance application as part of that package. I and many on this side of the Chamber hope that this trend continues under the new Chairperson of the Native Vegetation Board.

A walk-out by the two conservation members was, in my opinion, childish and regrettable. Let nobody forget that the decisions of the Native Vegetation Board have been running against applicants in over 90 per cent of the cases. Spare some thought for the two grower producer members of the board who have had to endure being beaten over and over again. I have not noticed them walking out after the monotonous decisions for no development that have been made by the majority of members.

Another comment worth recording is that not many of the applicants can afford to employ and pay for their own expert witnesses to support the case for some clearing of scrub. In many cases that come before the Native Vegetation Board the properties are non-viable or close to being marginally viable. They certainly need the extra clearing of some land to enable them to become viable or more viable. Some thought should be given to the funding of independent expert witnesses to help in some of these applications by people who are trying to argue before the board for more clearance. As I judge it, the Native Vegetation Act is not working as it was intended; nor is it working as the negotiators—some of whom are members of this House and some members of the UFS representing landholders—meant that it should work. The Act is not working in the way that the negotiations thrashed out.

I hope that it is not too long before the backlog of land clearance applications is dealt with to the satisfaction of landholders, where the three factors of scrub clearing, heritage agreements and scrub retention on broad acre bases are satisfactorily addressed and a good measure of conservation is allowed for.

I conclude by saying that the Government's record and the Minister's record on planning are woeful. If the Minister hopes to escape criticism on this Bill, such criticism will simply be deferred, and not for long. It is now very widespread among many organisations, going way beyond individuals and deep into the planning profession and local government. Indeed, such criticism is being voiced as widely throughout the community. Having checked with the appropriate bodies, I know that the United Farmers and Stockowners organisation has a special interest in the Native Vegetation Authority. Although, that organisation originally supported the concept of the Chairman of the Planning Commission being Chairman of the Native Vegetation Authority, as part of the review process it came to, or agreed with, the conclusion that it would be appropriate to have a part-time Chairman. On that count we cannot disagree. Nevertheless, the Opposition will closely monitor the way in which the changes work and will watch closely to see that there is a coherent and coordinated approach to planning in these three areas—coastal management, native vegetation, and the whole administration of the Planning Act in South Australia. The Opposition supports the Bill.

The Hon. PETER DUNN: In supporting my colleague I wish to make a few points on this matter. The subject has given rise to as much debate in the country as any subject that has come to my notice in the six years that I have been here. The regulations that were introduced into this Council soon after I came into this place were as a result of the arrogance of the Government, which did not confer with anybody but stuck it right up those people who in the past had planned for the future in purchasing some land with native vegetation on it. Right up to the day that the regulations were introduced it was compulsory to clear that land. There were no ifs, buts or maybes—the Lands Department said that they had to clear the land. Instead of telegraphing some of the punches, this arrogant Government sat down and said, 'You will do this.' We now have a terrible hotchpotch.

We finished up with a select committee which got the two parties—the United Farmers and Stockowners and the Government—together, and it was agreed that there would be payment for loss of income and loss of capital value. There was to be an income to the person who owned native vegetation but who was refused permission to clear it. I do not disagree with that. The one million people who live in the city understand native vegetation and how much they want it. If they do want it, they have to be prepared to pay for it. However, sadly, there is very little or no payment.

Let us look at the proposed payments for 1987-88. They are estimates of payments by the Government of South Australia. For heritage conservation in 1986-87 the sum of $1.213 million was paid out to people who would otherwise have cleared that vegetation but who were forced to retain it. If the Government purchased properties that it deemed it needed for other purposes, for example, to proclaim conservation or national parks, it paid $1.213 million. This Act is in full flight now, and not many people are being allowed to clear. Of the 299 clearance applications (as shown in the Auditor-General's Report), 158 were refused and 22 granted, with the remainder being deferred or granted conditional or partial consent—22 out of 299! Financial assistance payments amounting to $46 000 were made to two landholders who received initial instalments in 1985-86, while $1.4 million was paid to 14 landholders previously compensated.

In other words, the Government will pay a paltry sum of money to these people so that they will retain native vegetation. The message came loud and clear from the select committee some four years ago that, if the public wanted to keep native vegetation, they had to pay for it. In the 1987-88 Estimates, the Government has set aside a total of $249 000 to pay for heritage agreements, in other words, to pay farmers to keep that land. That would not buy even a third of a viable farm. The Government is not fair dinkum about vegetation clearance; it is just playing around at the edges with it. Really, this Bill does not deal with the amounts; rather, it deals with the Native Vegetation Authority and changing the composition and chairmanship of the board, and I think it is good in that respect.

In the past, there have been problems about a new broom perhaps sweeping a little cleaner but, if this Government is fair dinkum about this matter, over the next 10 to 15 years it has to look at something between $40 million and $50 million. A lot of country people are the best conservationists I know. They, rather than city people, set up their farms through planting, and they leave the vegetation. From my observations, after walking around the city, that is the case

and city people know that. The Democrats are bloody experts when it comes to such matters. One of them lives on Kangaroo Island and not a lot of sticks are left on his property, and the other bloke, who does not own any land, seems to be the spokesman in those matters.

The Hon. L.H. Davis: Doesn't Mr Gilfillan have any trees?

The Hon. PETER DUNN: There is some vegetation there, but his property looked rather bare to me. I maintain that, if you want it, you have to pay for it. If people are being disadvantaged because they cannot clear their land and as a consequence they cannot make a reasonable living, if the rest of the community says that country people cannot clear that vegetation, the rest of the community should have to pay for that.

Previous problems are gradually and slowly being resolved. This whole problem should last for only one generation, or perhaps 25 years at the most, because anybody from the next generation who purchases a property will understand that they will not be able to clear that property. The Government will not need to compensate those people but, in the meantime, those people who must retain vegetation on their property because of regulations and as a result of a decision by Parliament should be compensated. If the rest of the community believes that that should be the case, then they should have to pay for it. The disadvantages associated with this Bill should not be placed on those people who, in all good faith, initially purchased properties and land with the intention of clearing them for themselves, or perhaps later for their sons.

I am very disappointed to note that only $249 000 has been set aside for heritage agreements. That is a paltry sum, and it is an insult. If it is not corrected in the budget next year, then do not expect the rural community to desist from their complaints about regulations concerning clearing vegetation. I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I do not think very much was said that was relevant to the Bill to which I need to respond, so I think that the sooner we move into the Committee stage, the better.

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

BRANDING OF PIGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 3732.)

The Hon. PETER DUNN: The Opposition supports this Bill, which really rectifies an administrative problem that in the past has broken down, namely, the slap branding of pigs. That is a process by which the pig is tattooed using an indelible ink, and the effect is that the pig is branded for the rest of its life. In the past, this practice has not been policed as rigorously as perhaps it should have been.

As I understand it, brands have been exchanged from person to person without the Department of Agriculture being notified, so we have had pigs without brands coming from different areas. I also understand that relatively young pigs sent for slaughter were not required to be branded. However, this Bill now provides for that, except that pigs under a weight of 20 kilograms need not be branded but can be sent straight for slaughter. There is one other situation where a pig does not have to be slap branded, that is, if a pig is to go to slaughter but is delivered to a third person not more than seven days beforehand.

This measure tidies up the exchange of pigs and, if you sell pigs, barter them or offer them as an exhibit for sale, they must have a slap brand. This is really a trace-back method for the control of disease. We have seen how effective tail tagging of cattle has been in the control of tuberculosis and brucellosis in particular and other not so exotic diseases that are common amongst animals. Slap branding will facilitate the control of those diseases and will have a result similar to that achieved by tail tagging cattle.

Under proposed section 10 all brands will be withdrawn and will have to be reregistered and, as a result, the authorities will know who owns each particular brand. It will be illegal to transfer a brand from one person to another by sale without notifying the authorities. I point out that there is a fairly stiff penalty of $2 000 for selling or offering to sell or consign a pig to slaughter which does not have a brand. Some years ago, in the early stages of its introduction, there was some objection to this type of branding in that it is a metal base brand with a number of very small pins. The brand is dipped into indelible ink or some other type of ink and the pig then has the brand simply slapped on its forequarters. Those objections have now fallen away because that type of branding does not appear to affect the pig in any way. I think it is a very effective way of controlling disease. For the reasons I have given, I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Dunn and the Opposition for their very constructive contribution to this Bill. It is not a controversial Bill, but it is important, and I hope that it has a speedy passage through the Committee stage.

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

ABORIGINAL LANDS TRUST ACT

Consideration of the following resolution received from the House of Assembly:

That pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1966, block 1219, out of Hundreds (Copley), be vested in the Aboriginal Lands Trust.

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

That the resolution of the House of Assembly be agreed to.

The Nantawarrina lands have traditional significance for the Adnjamathanha people of Nepabunna, in that they represent part of their traditional tribal territory, and also contain two known sites of cultural importance: Moro Gorge and the Yalpunda veri painting site. The land is also seen as having some proprietary value and utility for the Adnjamathanha people as it is seen as a means of deriving some degree of independent financial support for the Nepabunna community.

Pastoral lease No. 2378A to Nantawarrina block 1219, out of Hundreds (Copley) was purchased by the now defunct Nantawarrina pastoral company, with Commonwealth funds provided through the Commonwealth Department of Aboriginal Affairs. In 1976 it was agreed that the title be vested in the Aboriginal Lands Trust, which in turn would lease the area back to the Nepabunna Aboriginal community, which at that time controlled the Nantawarrina pastoral company. In order to effect the transfer it was necessary for the pastoral lease to revert to Crown lands. A form of absolute surrender of pastoral lease 2378A was approved by His Excellency the Governor in Executive Council on 31 August 1978. From that time it has remained unallotted Crown land.

Negotiations to execute the transfer of Nantawarrina have been frustrated by lengthy delays brought about by factors

such as complications arising from existing mining leases, and protracted legal negotiations to obtain agreement to the appropriate procedures for the transfer. Crown law opinion suggested that the transfer of Nantawarrina to the Aboriginal Lands Trust should be executed pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1966-1975. This section provides that the Governor may, by proclamation, transfer any Crown land to the trust for an estate in fee simple, provided that no such proclamation shall be made except on the recommendation of the Minister of Lands and both Houses of Parliament.

The Aboriginal Lands Trust has formerly advised that it has approved the above course of action. The Minister of Lands has recommended that titles to Crown lands block 1219, out of Hundreds (Copley), exclusive to all necessary roads be vested in the Aboriginal Lands Trust.

The draft proclamation in respect of the rights of entry, prospecting, exploration and mining of block 219, out of Hundreds (Copley) exclusive of all necessary road, was drawn up in consultation with the Department of Mines and Energy, the Nepabunna people and the Aboriginal Legal Rights Movement. The Aboriginal Development Commission is anxious that the title to the Nantawarrina land be transferred to the trust because it is unable to assess its economic potential for the benefit of the Nepabunna community until the matter of the land title is settled.

The transfer of the land is in accordance with the long established policy of this Government to give the Aboriginal community the title and rights to their land. The sooner the title to the land is transferred to them, the sooner the Aboriginal community benefit. In accordance with section 16 (1) of the Aboriginal Lands Trust Act, the resolution of both Houses of Parliament is required to vest Nantawarrina in the Aboriginal Lands Trust for an estate in fee simple.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition is prepared to ensure that this message has speedy passage through this Chamber, so we will not take the normal course of action of adjourning the debate. My understanding is that this will make legal what has been a fact anyway, that is, that the Nepabunna people have controlled this land for some time since the purchase of the property for the purpose of providing these people with the benefit of the property. The Opposition, of course, has a long and very worthy record in the matter of land rights for Aborigines. In fact, we have led the Commonwealth and any other State in this matter, in relation to the Pitjantjatjara lands, and we have played a very large role in the other area of land that was passed over to Aborigines in recent times.

I understand that the Aboriginal Lands Trust will lease the area back after this transfer to the Nepabunna people, and that is a proper course of action. It has been somewhat long winded in its resurrection in that this land has been unallotted Crown land since it was first purchased by the Nantawarrina Pastoral Company with funds provided by the Commonwealth Department of Aboriginal Affairs, and that has not been proper from the point of view of Aboriginal people. It is quite proper now that this land is transferred in this way to the Aboriginal Lands Trust which will, in turn, lease it to the Aboriginal community to whom it has significance. The Opposition supports this motion.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2) (1988)

Adjourned debate on second reading.

(Continued from 30 March. Page 3733.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill. It has arisen purely because of a decision in the courts of this land that the form of taking analyses of blood samples had a problem, and that would mean, if we did not pass this Bill, that analysts performing tests on blood alcohol samples from people over 14 years of age would be required to appear in court to give evidence. That situation would be unacceptable because it would mean that the Forensic Science Division, which does not have very great resources, would have to appear and spend time in court, which is totally unnecessary and would not add to the deliberations of the court. I do not want to reflect in any way on the courts. It obviously has been a deficiency in the legislation which has been referred to by the courts, and it is essential for the proper working of this legislation that this matter be rectified as soon as possible.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Cameron for his contribution and commend the Bill to the Committee.

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

IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 3734.)

The Hon. J.C. IRWIN: In the good spirit of cooperation which is reasonably evident tonight, I will be quite brief. The purpose of this Bill is to remove the restrictions on borrowing imposed on irrigation boards by the Irrigation on Private Property Act 1939. The amendments will allow boards to make commercial financial arrangements in the same way as other corporate bodies. In 1986 the Sunlands Irrigation Advisory Board approached the Hon. Peter Arnold (member for Chaffey and shadow Minister of Water Resources) concerning difficulties arising out of the provisions of the Irrigation on Private Property Act. He made representations to the Minister at that time, which have led to the proposed amendments being prepared to overcome these difficulties. The Opposition certainly supports this measure. The matter has been outstanding for quite some time and considerable problems have existed for people operating under the Irrigation on Private Property Act.

The problems go back as far as 1983, when the State Bank indicated to the Sunlands Irrigation Advisory Board that it considered that securities required by the board were not adequate and not adequately covered under the Irrigation on Private Property Act and a number of objections were raised by the bank. In his second reading explanation, the Minister set out the objections raised by the bank. The bank was forced into a position of advising boards operating under this Act that in the circumstances, because of the inadequacies of the Act, it would not be in a position to make further financial assistance available until the position had been clarified.

As a result of that, the Sunlands Irrigation Advisory Board made representations to the member for Chaffey in 1986. On that occasion it was in relation to the fluctuating interest rates, which have a bearing on this Bill. As a result of that representation, the Hon. Mr Arnold took up the matter with the Premier and received an explanation from him. Many of the problems highlighted by the irrigation boards, particularly the Sunlands Irrigation Advisory Board, will be corrected, we believe, by this Bill. In conclusion, I

am again pleased to acknowledge the work done by the Hon. Peter Arnold (member for Chaffey) in his own electorate and with his shadow responsibility in this area, and commend the Government for having these amendments drawn up to facilitate better arrangements for borrowings by people in this area.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Irwin for his contribution and I commend the Bill to the Council.

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

ELECTRICITY SUPPLY (INDUSTRIES) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 3585.)

The Hon. L.H. DAVIS: The Liberal Party supports the Bill. It provides for a simple amendment in seeking to ensure flexibility in the setting of electricity tariffs in South Australia. At present the Electricity Trust of South Australia can offer electricity concessions to industry provided the industry is established more than 42 kilometres from the GPO. No doubt this concession was fashioned at a time when there was a conscious policy of regional development. However, we now live in a State where we are fighting very hard to attract new industry and to encourage existing industry to expand. In giving the Department of State Development and Technology the prime governmental responsibility for attracting investment, it is important that it be given maximum flexibility in its operations.

It is quite clear that this amendment is designed to enable the department to use, amongst a package of incentives, the price of electricity as an inducement to new industry or to existing industry wishing to establish in South Australia. Indeed, the working party reviewing energy pricing and tariff structures in its final report argued very strongly for more flexibility in this area. New industry establishing in South Australia may locate within the metropolitan area or elsewhere, and recently we saw Boral establishing a major plant in the Barossa Valley with financial assistance recommended from the Department of State Development and Technology. But there should be no differential in terms of offering packages of concessions in respect of metropolitan and country areas if such packages of concessions will ensure that the new development takes place.

It is quite clear that Departments of State Development throughout Australia are increasingly using financial incentives, whether they be land packages, holidays on rates, or concessions on electricity tariffs, as a means of attracting industry. It is a very competitive business, and the South Australian Government more so than most recognises how difficult it is to attract new industry to South Australia. The Opposition supports this Bill. The removal of the 42 kilometre reference is a positive move and will ensure that tariff concessions in respect of electricity can be negotiated with industry anywhere in South Australia.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Davis for those constructive comments, and I commend the Bill to the Council.

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

ROYAL COMMISSIONS ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendment:

Page 3, after line 36—Insert new clause 13 as follows:

13. Section 25 of the principal Act is amended by striking out '(not being indictable offences)' and substituting '(not being punishable by imprisonment)'.

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

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

The Hon. K.T. GRIFFIN: The amendment is to insert a new clause 13 dealing with summary proceedings for offences. I must confess I omitted to have a look at the principal Act to see what section 25 does. What the amendment seeks to do is to delete from section 25 the words 'not being indictable offences' and substitute the words 'not being punishable by imprisonment'. On the face of it it looks okay, but it would be helpful if the Attorney-General could indicate what section 25 does and what the significance of the amendment might be.

The Hon. C.J. SUMNER: Section 25 of the Royal Commissions Act provides:

All proceedings in respect of offences against this Act (not being indictable offences) shall be disposed of summarily.

The amendment deletes the words in brackets 'not being indictable offences' and inserts the words 'not being punishable by imprisonment'. The effect of that would mean that any proceedings in respect of offences against the Royal Commissions Act which do not have imprisonment as the ultimate punishment would be dealt with summarily, but where there is a term of imprisonment laid down then the matter would have to be dealt with in court on indictment. I am not sure what the basis of the amendment was in the Lower House, but it has obviously been accepted.

A number of offences set out in the Royal Commissions Act have terms of imprisonment attached to them. This amendment would mean that all those matters would now have to be dealt with by way of information with a trial before judge and jury. I am not sure whether any offences are left that would still be disposed of summarily. I suspect not. It does seem a little odd because under the Summary Offences Act offences providing up to two years imprisonment are dealt with summarily.

The standard that has generally been adopted is that for up to two years imprisonment it is not inappropriate for matters to be dealt with summarily. That is certainly the standard in the Summary Offences Act. This amendment basically means that anything that could lead to a term of imprisonment would have to be dealt with by way of information and therefore dealt with by judge and jury in the superior courts. That is the explanation, and I suggest that in the circumstances the amendment be accepted.

The Hon. K.T. GRIFFIN: I will not oppose it but, as the Attorney-General said, it seems a bit odd when some offences provide for imprisonment not exceeding three months under section 11, and other offences provide for imprisonment for 12 months all being tried on indictment.

Progress reported; Committee to sit again.

SUPPLY BILL (No. 1) (1988)

Second reading debate adjourned on 29 March. Page 3858.)

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

SHOP TRADING HOURS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 3570.)

The Hon. K.T. GRIFFIN: When the Government circulates the media with an eight page document which, amongst other things, picks up statements by members of the Opposition and quotes them out of context, it is clear that the Government is desperate on this issue. In the last few days it has circulated that document, misrepresenting the views of individual Opposition members on the question of shop trading hours. The Liberal Party will not support the second reading of this Bill. We did not support it in December 1987, and nothing has changed since then to require the Liberal Party to change its attitude.

When the second reading was defeated in the Legislative Council in December 1987, Minister Blevins immediately subverted the will of the Parliament by issuing proclamations on a month by month basis to allow Saturday afternoon trading. It is acknowledged that that was within the law, but quite obviously it was not in accordance with the will of the Parliament. Yet, on so many occasions when it suits it, the Government endeavours to shift responsibility for something going wrong with legislation on to the Parliament where it has passed with only a majority support. On this occasion, because the Bill did not pass, it did not suit the Government to acknowledge that it was not the wish of the majority of the elected representatives in the Parliament to continue with Saturday afternoon retail trading. Three weeks ago Minister Blevins threatened that if the Bill was not passed he would grant exemptions to any trader who wanted them, provided that trader had a deal stitched up with the union. He threatened chaos with 24 hour trading, seven days a week.

Last week the Government turned on its collective heel. The Government is not prepared to continue Saturday afternoon trading by proclamation and it will not consider the issuing of individual permits of exemption on a mass scale. That was the observation made by the Minister when moving the motion that this Bill be now read a second time. It demonstrates that the hot-headed threat by the Minister of Labour, the Hon. Frank Blevins, was the subject of a decision by the Government not to go down that path of chaos. So, the Government backed away from the brink and saw the error of Minister Blevins' ways. That threat of chaos has been removed.

The issue of Saturday afternoon trading has stirred emotions in the community. Amongst consumers were those who were for it and those who were against it. A petition was presented to the Legislative Council with some 70 000 signatures—not 100 000, but 70 000—in favour of extended trading. That petition was promoted by the Coles-Myer group. On the other hand, a series of petitions from 150 000 people, gathered by representatives of small business, opposed extended Saturday afternoon shopping. Amongst traders were those who were strongly opposed and others who were strongly in favour. Many of the large retailers were in favour, but some of the large retailers were opposed. Most of the small business community was opposed to it.

A survey that was conducted around shopping centres only several weeks ago showed that in the Central Market Arcade 100 per cent of traders were opposed to extended trading hours on Saturday afternoon. In Victoria Square 100 per cent were opposed. In the City Cross 100 per cent were also opposed. In the Da Costa Arcade 100 per cent were opposed. In the Regent Arcade 95 per cent were opposed, and in the Adelaide Arcade 95 per cent were also opposed. In the Twin Plaza 95 per cent were again opposed. In The Gallerie shopping area 100 per cent of small traders were opposed to extended Saturday afternoon shopping. In Rundle Mall itself 90 per cent of traders were opposed to extended trading. In Rundle Street east of Rundle Mall 90 per cent were opposed. In the Renaissance Centre only 75 per cent were opposed to extended hours. One could say that in that complex there are a lot of new traders with no previous figures with which to compare the limited Saturday afternoon trading that occurred since Christmas.

In the suburbs, the West Lakes shopping mall contains 50 shops and 100 per cent of owner operated shops opposed the extensions. In the Arndale shopping centre six were in favour of extended Saturday afternoon shopping, with 79 opposed and two undecided. At Colonnades two were in favour, 45 against, six unknown and one undecided. In Tea Tree Plaza 10 were in favour, 112 were opposed and one was undecided. In the Marion shopping centre 32 were in favour and 116 opposed. In some of the smaller suburban centres such as at Reynella two were in favour and 19 were opposed. At Mitcham 100 per cent were opposed; at Ingle Farm 90 per cent were opposed; and at Blackwood 95 per cent were opposed. So, a substantial body of small traders were opposed to the extended shopping hours.

All traders are trying to make a dollar, and it is well recognised from the figures that have been published from time to time that South Australia has the worst retail sales of any State in Australia. Obviously, some of the big retailers want extended hours of trading to enable them to try to increase their market share. However, the small retailers are more concerned about cost pressures and about the pressures on their own personal lives because, under current wage conditions, they will not be able to afford to engage staff for the Saturday afternoon and would have to work themselves, thus removing them even more from the family pursuits which they are just as much entitled to enjoy as any other citizen. It is all very well to say that this is the spirit of competition, but there has to be some balance between the large retailers' interests where anything will go and, on the other hand, those of the small trader who is gradually being stifled by cost pressures.

In the *Advertiser* of 26 March an opinion poll was conducted of 450 people who were questioned during that week about shopping hours. When asked if they wanted Saturday afternoon shopping, 48 per cent said 'No'; 40 per cent said 'Yes'; 5 per cent said 'It depended'; and 7 per cent said that they did not know. The 40 per cent in favour of Saturday afternoon trading compares with the 61 per cent who said in an *Advertiser* survey in February last year that they wanted extended trading and 60 per cent in favour of it in August last year.

It is obvious that, even within the community, there is a changing perception of Saturday afternoon shopping and a growing lack of enthusiasm for that venture. As I have indicated, costs are a major concern. However, notwithstanding the concern about costs, the relevant union, the Shop Distributive and Allied Employees Association, made an application to the State Industrial Commission for increases in salary which, if granted, could be expected to result in an average increase in prices of goods of about 8 per cent to cover extended trading and a wage deal. Those price increases were variable, but the figures available suggest that they could be as little as 3 to 4 per cent for large supermarkets and up to 15 per cent or more for some specialty stores. Whilst I have said 'as little as 3 to 4 per cent', one has to remember that the inflation rate is about 7 or 8 per cent, so the price increases that would flow from

extended trading would undoubtedly create further burdens for ordinary consumers.

With respect to that application to the State Industrial Commission, the State Government took the unprecedented step of supporting the union in the Industrial Commission. Instead of standing aloof from the claim and letting the Industrial Commission make the decision, the Government stepped in and said, 'We support the application by the union.' That was an unprecedented step. Of course, it was part of a deal to keep the union on side in the current Trades Hall faction power battle, but that wage deal which was supported by the Government, as I understand it, involves time-and-a-half penalty rates for all day Saturday, a $25 per week wage increase across the board and 3 per cent superannuation, regardless of whether or not the employee works on Saturday afternoon. So, all employees in the retail industry would benefit by the Government supported union application, regardless of whether or not it relates to Saturday afternoon work. So, all consumers would pay the additional costs for Saturday afternoon trading.

When the matter came on for hearing in the Industrial Commission, Judge Stanley said that he would not hear it until he knew whether or not Parliament passed the Bill, and he adjourned the matter, again with Government support. However, the problem with that is that there already is some Saturday afternoon trading, particularly in relation to convenience type stores and hardware stores. For a period of about three months there was trading during Saturday afternoons, and it seems to me that the basis upon which Judge Stanley said that he would not hear the case really had no substance at all and that he could have proceeded to hear the case and to determine the matter. It is all very well for him to say, 'We will wait on Parliament' when in fact, in my view, he could have made a judgment on the facts which were available to him to determine whether or not the union should be granted the claim which it made. I suggest that, in effect, that is writing a blank cheque.

If the Government supported wage demands of the union had been successful, the wage costs would force up the average family's shopping bill by at least $160 per year, or about $3 per week. According to the Amalgamated Shopkeepers Association of South Australia, Coles-Myer would be the big beneficiary of Saturday afternoon trading. Its aim was to increase its market share by 3 per cent which, if translated into the consequences for small retailers in the current economic climate and retail trading environment, would have meant bankruptcy for some 600 small South Australian retailers. We know and have constantly said on both sides of politics that the small trader or small business is really the lifeblood of not only this State but also this nation. Matched against the economic might of Coles-Myer, some 600 of them would have gone to the wall.

As I said when this Bill was before us last year, the Liberal Party has a general sympathy for extension of hours, but not at any cost. However, the Government sought to provide for those extended hours at any cost. We have to remind ourselves that the small business community is hurting; that bankruptcies are up; that WorkCover costs have increased dramatically; that land tax has increased dramatically; that council rates and labour costs have increased; that costs overall for small business have increased substantially; and that their gross takings are stagnant, if not declining in real terms; and that, as a consequence, profits are down.

In that environment, it would be quite unrealistic to impose upon them yet another cost burden as a result of extended Saturday afternoon shopping. Small business proprietors are struggling. As I said, they are the lifeblood of this nation, and I do not believe we can afford to kick them while they are down. The proposal for an extended trading period on Saturday afternoons would have the consequence of kicking them while they were down.

I think it is important to remind members that, while the Minister of Labour, Mr Blevins, seeks to throw brickbats at the Liberal Party and individual members, only 10 years ago he was very much of a different point of view with respect to extended trading hours. In November 1986, when a Bill was introduced which dealt with some extension of shopping hours, he stated:

> Clearly, there will be an increase in costs, and at this time I do not see how the Government could be party to any action that would result in increased costs.

In that same debate he also stated:

> When the shop assistants, the employers and the public come to the general consensus that this is what they want, I will be only too happy to support it.

What an about face he has now made in relation to this issue. In 1977 when a Bill was before Parliament to extend trading to one evening a week the present Minister, as a backbencher, said:

> I hope that the Bill now before us is the final Bill in a long and unhappy history of legislation on this matter.

The Minister is determined to go down in history as the Minister who at any cost to the community at large deregulated shopping hours. That is quite contrary to the view that he held only 10 short years ago. In all the circumstances, as I said initially, the Liberal Party sees that there has been no change in the community position in relation to Saturday afternoon trading. In fact, there has been a hardening of the attitude against it among the community, and particularly among small traders. There is no reason at all why we should now, only some three and a half months after we last expressed a view on the Bill and opposed the second reading, change our view. Accordingly, I indicate that we will oppose the second reading of the Bill.

The Hon. I. GILFILLAN: The Democrats will oppose the second reading of the Bill on similar grounds to those argued when a similar Bill was before us last year. I think it is interesting to observe at this stage of the debate that the Government has gone through what I would consider some agonies on how to deal with this issue. It surprises me that there has not been more misgiving of conscience in relation to this issue, because in years past it was cited as a major achievement of the Labor Party actually to abolish Saturday afternoon trading. In fact, it is interesting to read about a famous old Labor member and Public Service Commissioner, L.C. Hunkin, and one of his major achievements as an industrial advocate for the Storemen and Packers Union. I quote an extract from a biography about him, as follows:

> In some of the cases he fought and won he had future Supreme Court judges like the late Sir Mellis Napier and the late Sir Angas Parsons pitted against him. He led the successful union fight for 6 o'clock and Saturday afternoon shop closing.

It is ironic that we now have a Government which purports to represent the same people and with the same ideology actually fighting strenuously to extend the hours of shop trading on Saturday afternoons.

The Democrats are pleased that the Government at least did not demean itself so much as to insult Parliament by avoiding Parliament's wishes by way of extending shop trading hours by proclamation or exemption. I believe that the Attorney-General played a large part in that. I would like to think that he at least would not tolerate the management of a State in which an executive group cocked a

snoot at Parliament in some continued form of devious devices. I am glad that the State and the Government has been spared that embarrassment.

The Liberal Party, in my opinion, is in a strange fix. I shall be very interested to see whether it takes up the challenge I issued several weeks ago to its parliamentary Leader, John Olsen, to give an undertaking that if his Party is in Government after the next election it would not extend shop trading hours to include Saturday afternoon. It seems to me that, although the rhetoric includes various arguments espoused by the Democrats—such as the social cost of extending shop trading hours—it is very much underpinned by a so-called cost factor and a temporary cost factor. The Liberal Party bases its argument—and I heard it echoed by the Hon. Trevor Griffin—on the fact that this is a particularly bad time to extend shop trading hours as it would produce great economic pressure on small stores, and it is a poor time economically in relation to volume of trade. Of course, that could easily change, and one hopes that it does. If that is the case, what can we expect from the Liberals? Where then will small businesses be left? Allegedly they have been given an assurance that the Liberals will defend their position.

There is some argument—and the Democrats believe that it is a spurious argument—that the costs are not so significant and the wage rises are not specifically linked to the extension of shop trading hours, and that we will show an upturn in profitability and volume of trade through retail stores. Will we then see an about face by the Liberal Party? I offer an opportunity in this place, if it is possible for anyone here to represent the Liberal Party as it looks down the track at a State election, which is not too far away. Many people have counted on the Liberal Party being successful when it votes on this Bill to carry that position through for some years, if not indefinitely.

The Democrats can see no argument, under any circumstances, that will change our view in relation to extending Saturday afternoon trading. However, in my opinion that is not the case with the Liberals. There is no doubt that, if we eventually have the abandonment of an award which specifically gives increased penalties or increased wages related to Saturday afternoon trading (if it comes in), increased costs would be inevitable. Even if they were not specifically attributed to a penalty loading for working on Saturday afternoon, wages generally in the retail trade would go up, and so they should. The Democrats believe that in general terms wages are not high in the retail area and there is a very good argument for a revision of wages there, anyway, regardless of Saturday afternoon trading. However, if Saturday afternoon trading did come in, it is as inevitable as night follows day that the wages and cost impact would filter through and would be amortised over wages generally so that all wages in the retail area would go up, and that would inevitably flow through into goods with the additional overheads as well as the wages involved.

There is no doubt that there is already an assumption among small stores and enterprises by three major retailing empires in Australia of whom the Coles Myer group is by far the largest. It has a voracious appetite for any business that it can acquire, including those overseas. Honourable members will realise that the Coles Myer group has now ventured into New Zealand, having already operated in Hong Kong and Taiwan. Many members of the public do not realise how close we are to a semi-monopoly in the retailing area simply because Coles Myer markets through such a diversity of names. In fact, I have a large list of names before me. I will not read them all but there are at least 20 completely separate individual names including Grace Bros, Boanes, K-Mart, Fosseys, Ezywalkin, and Fays. The general public do not realise that they all come under one single retailing enterprise. We have already seen the large absorption of small, large and medium size businesses into one conglomerate. That will proceed at a faster rate if we have extended trading hours on Saturday afternoon.

I think there is one other point that has not received enough emphasis. It is argued that it is inevitable that the weak will fall and the fair trading market forces will ensure that the efficient and well managed survive. One of the problems of losing the small cluster shopping centres and the individual delicatessens is associated with these 10 or 15 per cent of our population who are not mobile. They do not have motor vehicles. Many of them may be elderly or find it difficult to move about. To shop with any degree of comfort and convenience they depend on these small shopping centres, which are usually within walking distance.

As we proceed—if we do, and the Democrats will fight fervently that we do not—to the extended hours with the eventual reduction of these smaller conveniently placed shopping centres, there will be a hidden and probably not very vociferous group in our community which will be very severely disadvantaged. I think that anyone going gung ho for the extension of shop trading hours, saying that the healthy, the strong and good marketeers will survive, ought to realise the social cost that that move will bring to a relatively defenceless and less mobile section of our community.

Finally, I repeat that the Democrats have a strong conviction that, as well as the previous arguments I have put forward, Adelaide does have a unique lifestyle which is enjoyed not only by its own residents but by others who come and visit us and, although it is harped on that for some it is a disadvantage that they cannot shop 24 hours of a day every day of the week, for many thousands of others it is a blessed relief that the city does change pace and does take on a different character at the weekend. That is important, and for the thousands of Adelaideans who would be locked into job contacts over the weekend—because Saturday afternoon, once taken, would inevitably lead to Sunday—their lifestyle and ability to enjoy a weekend would be lost. For those reasons the Democrats remain staunchly opposed to any extension and will vote against the second reading of this Bill.

The Hon. C.J. SUMNER (Attorney-General): I suppose that this debate at this time could only be held in a Parliament such as the South Australian one. It seems to be that we are dealing with a peculiarly Adelaide situation and having a peculiarly Adelaide debate, because the reality is that outside of Adelaide, at least in a number of country centres, there are unrestricted trading hours. But I suppose only in Adelaide, of any place in the world, would we spend the best part of 20 years agonising over whether or not shops should be opened on an extended basis. We had a referendum on the topic in the early 1970s, we had a Royal Commission on the topic in 1977, and now we have had this rather extraordinary debate over the past few months in this Parliament and in the community.

The reality is that we have had the chance as a community and as a Parliament to grasp the nettle during this period and to recognise what, in my view, is inevitable, and extend trading hours to some extent. While the Democrats are unlikely to be in Government in this State at any time in the immediate future, there is little doubt that, were they to be in Government at some time in the future, they too would preside at some stage over extended shopping hours. There is nothing more inevitable than that there will be extended shopping hours.

The Hon. I. Gilfillan: Will the Liberals preside over it?

The Hon. C.J. SUMNER: I am not sure whether the Liberals will or Labor will or whether it will be next year, the year after, or in three, five or 10 years time, but the reality is that at some point in time Adelaide will become part of the world. I suspect that what we will be faced with now, after this peculiar debate, is a situation where every other capital city in this country will have shopping on Saturday afternoon. They will have it in accordance with the awards that have been handed down by industrial authorities which, again, will be uniform or very similar throughout Australia, and which would have been the situation in South Australia. What we are basically saying in this, as I said, peculiarly Adelaide debate is that we want to shut ourselves off from the rest of the world. We want to shut ourselves off from the rest of Australia by not having any extended trading hours, despite the fact that every other State in Australia will probably have them and will have them under the conditions that were offered in South Australia with respect to wage rates. On this topic the Liberal Party really has done some amazing contortions.

The Hon. I. Gilfillan: I agree with that.

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan agrees with that. The Hon. Mr Griffin apparently was critical of the Minister of Labour (Hon. Frank Blevins) for distributing a 7½ page document containing statements by Liberal spokesmen in favour of extended shopping hours.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member says it is out of context. Let us go back and see what Mr Olsen said about the matter in 1977 in evidence before the Royal Commission. I will only quote one portion, to remind honourable members. In answer to a question in the Royal Commission in 1977 this is what the then President of the Liberal Party, Mr Olsen, said:

> I do not believe that the basis of whether or not prices would rise as a result of the lifting of restrictions in trading hours was a matter that was given due debate during that course. More, the factors of the quality of life, the freedom of the individual are principle and philosophy which the Liberal Party upholds.

In other words, to Mr Olsen in 1977 there was not a problem with respect to a potential increase in price.

The Hon. T. Crothers: That is in context, is it?

The Hon. C.J. SUMNER: Absolutely. He made it quite clear in that evidence that prices and those sort of things did not matter, that they would find their own level once shopping hours were there. He supported, on behalf of the Liberal Party, unrestricted trading hours. On 30 November 1987 the Federal Opposition Leader, John Howard, had this to say during the Vincent Smith program. Vincent Smith says:

> What about the issue of shopping hours, I mean that . . .

Mr Howard replied:

> I . . . well the shopping hours . . . I mean I am . . . I am an unabashed deregulationist on shopping hours, but it's mainly a State matter, and my general philosophy is that you should have freedom.

Howard goes on:

> . . . and they have a fairly narrow minded view, which doesn't help the consumers.

He is talking about the Shop Distributive and Allied Employees Association at that time. He stated:

> They [the SDA] have a fairly narrow-minded view, which doesn't help the consumers of Adelaide or, indeed, any other . . . the reality is that we, by and large, in this country have shopping hours that were more appropriate to an age when virtually no married women worked, and they have been designed in many ways around the industrial convenience of people rather than anything else, and I think, by and large, we should have a more liberal approach.

So, we have the Leader of the Opposition in the State Parliament, the Leader of the Opposition in the Federal Parliament and numerous Liberal spokespersons supporting extended trading hours. There does not seem to be any equivocation about it, at least in those statements although, to be fair, in the debates in the Parliament they have equivocated and have said that they would support extended shopping hours under some circumstances. The only excuse they really have for not supporting extended shopping hours is that there has been no award determination to cover the wage rates of persons working those extended hours, and the fact that the Government supported the SDA's application for some improvement in conditions. As I understand it, the reality is that those conditions will probably be available to all workers in this industry working those extended hours in other States of Australia.

The Hon. T. Crothers: Did the Liberals support it in Victoria?

The Hon. C.J. SUMNER: They supported the issue, yes, and in New South Wales, as I understand it. It is operating in Queensland, it will operate in Western Australia, and I understand that it already operates and has not been a problem in the Northern Territory. I am not sure about the situation in Tasmania. With the defeat of this Bill here, as appears likely this evening, of all the mainland States it appears that in the not too distant future South Australia will be the only State in Australia that does not have extended shopping hours—and this is despite the fact that on many occasions and as a matter of principle, at least, the Opposition supports the measure.

So, as I we have a peculiarly Adelaide debate in this matter, members of the Opposition have failed to grasp the nettle and have opposed extended trading hours on quite spurious grounds. Their statements of principle have been supportive but they have used the excuse of the award and the fact that the cost structure has not been determined to say that they will not support the measure at this time, but knowing full well that the cost structure that will exist in other states would have existed in South Australia—and that is what would have come out of any industrial arbitration.

A national standard is being developed for shop assistants, in conjunction with the extended trading hours. It has occurred elsewhere and it would have occurred here. So, members of the Opposition could have reasonably anticipated what would happen. The introduction of extended trading hours in New South Wales, for example, has not had a devasting effect on small business. The Small Business Corporation in South Australia did not believe that it would have a devasting and detrimental effect on small business in this State. But despite those facts members of the Liberal Party and the Democrats at this time say that they will not support extended trading hours. I would like to put the issue into some kind of broad context.

The Hon. I. Gilfillan: Grant exemptions.

The Hon. C.J. SUMNER: Well, the honourable member has just made a speech saying that we should not grant exemptions and now he interjects and says, 'Grant exemptions'.

The Hon. I. Gilfillan: I want the Attorney to explain why he will not do that.

The Hon. C.J. SUMNER: Clearly, that was not a tenable position in the light of the Parliamentary debate and decision on the matter. But I would have thought that sitting in this parochial place, the State Parliament of South Australia—and in looking at the broad issues that face the community and at what the Federal Government has attempted to do in deregulating the financial system, in

deregulating the exchange rate, and in trying to make Australia more competitive and more related to the international economy, we would be in a situation here where in a small way we could participate in that process of bringing South Australia into the Australian economy, of bringing Australia generally into the world economy, but we simply fail to play our part.

Federal Government policy over the past five years has been designed to produce a more productive economy from all sectors. That has meant changing work practices for employers, and at present there are inquiries into the reductions in tariffs, for instance, so that our manufacturing industry does not continue to exist inefficiently behind tariff barriers. As far as employees are concerned, we have had—

The Hon. C.M. Hill: do you think they are moving too fast?

The Hon. C.J. SUMNER: I am not sure whether they are moving too fast. All I know is that until recent times Australia has lived behind tariff barriers as far as manufacturing is concerned and has relied on exports of its primary produce and its minerals. But we are left now with a very inefficient manufacturing sector. The Federal Government is trying to make the Australian economy more productive.

The Hon. I. Gilfillan: You're right out of context.

The Hon. C.J. SUMNER: Just a moment. In the case of employers and tariff barriers the Federal Government is attempting to make Australian industry more competitive—by devaluation, by making Australians more competitive in that sense, and by the reduction of tariffs.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Well, the honourable member can make that stupid sort of statement.

The Hon. I. Gilfillan: It has nothing to do with shop trading hours.

The Hon. C.J. SUMNER: One of these days the honourable member will realise that what I am trying to say to him now is that the issue should be put into the context of the Australian economy as a whole—if the honourable member will just bear with me it will not take very long. First, tariffs for employers is just an example. Secondly, what is the 4 per cent wage case all about? It is trying to get a more productive approach out of Australia's work force. What moves have been undertaken to do away with the myriad of unions and to try to reduce demarcation disputes and, again, as far as workers are concerned, to try to change work attitudes to get a more productive community? All I am saying is that in that context what we are doing here tonight is really to turn our face against those general issues that the Federal Government is trying to push.

The Hon. I. Gilfillan: Nothing to do with shop trading hours.

The Hon. C.J. SUMNER: It has everything to do with it. It is absolutely central to the issue. Whether one is talking about work practices for small business with respect to bread baking hours, with respect to petrol resellers or with respect to extended shopping hours, it is all part of a policy designed to try to make the Australian economy more productive. So, in the broad sense, that is the context in which this issue is being discussed. That is why I say that whatever happens today will be seen to be somewhat of an irrelevancy in two, three or five years time—whenever he nettle is grasped. There is no question that it will be, no matter what Government is in power—Democrat, if they get into Government, or otherwise. At some time this extension to shop trading hours will happen; because it has to happen because of the imperatives that are driving Australia at present. They are driving Australia by necessity to become more productive.

The Hon. M.J. Elliott: You don't become more productive by opening on Saturday afternoons.

The Hon. C.J. SUMNER: You do.

The Hon. M.J. Elliott: You are not productive by opening for longer hours to sell the same amount of goods.

The Hon. C.J. SUMNER: You do become more productive because it opens up the economy to greater competition and to tourists or whatever. If the Democrats think that they can live in South Australia as the only State that does not have extended shopping hours then they are living in a dream world, I am afraid. When the Hon. Mr Elliott first entered this place he pontificated about Parliament and debate and all the rest of it and, in relation to what I have put to him, in due course he will understand that it is probably a central issue in the debate. Apart from all the politicking and the toing and froing of who said what five or 10 years ago or last week or this week, the reality is that what I have said is in fact the crux of the matter in terms of South Australia's long term economic objectives. That is why I find the debate somewhat sad. Essentially, the head is in the sand—

The Hon. I. Gilfillan: Are you going to Sundays?

The Hon. C.J. SUMNER: Sunday at this stage is not part of the debate. Many issues pertaining to the Australian economy must be attacked. If the Democrats do not realise that then they are really living in a dream world.

The Hon. M.J. Elliott: What about having Government departments open on Saturdays—if it makes them more efficient?

The Hon. C.J. SUMNER: Maybe, sure, I am not suggesting that that may not happen as well. The reality is that as time goes by we have to become a more productive community. This is just one small part of the process. The honourable member may not see it at this moment but because it is part of a social and economic process that is hapening in our community, whether he likes it or not, we will at some point in time see the introduction of extended trading hours. I will not debate it.

The Hon. I. Gilfillan: We used to have extended hours before 1931. The Labor Party moved to have them reduced.

The Hon. C.J. SUMNER: Absolutely, in different economic circumstances, different social circumstances and different situations in respect to wages. The situation, whether the Democrats realise it or not, is that the world happens to have changed just a little bit, and indeed the Labor Party has changed, since 1931.

At present many shops open on Sundays and Saturdays. They have seven days a week trading. So the people who are opposing it do have a vested interest in opposing extended trading hours. They are the ones who have made the point. I come back to the central point which at some stage will be realised. This is the end of the matter as far as the Government is concerned. That has been made quite clear. There will be no exemptions and no proclamations, except for special occasions such as the Grand Prix and Christmas, as has happened before. The practice on exemptions and proclamations will not change in the future.

As far as the Government is concerned this is the end of it for the moment. Whether members agree or not is I guess of no particular consequence to me, but I say that at some point the issue will be addressed in this Parliament, and I suppose we will have to go through this peculiarly Adelaide parochial sort of debate again.

The Council divided on the second reading:

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

Noes (11)—The Hons M.B. Cameron, L.H. Davis, H.P.K. Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. J.R. Cornwall. No—The Hon. J.C. Burdett.

Majority of 3 for the Noes.

Second reading thus negatived.

TECHNICAL AND FURTHER EDUCATION ACT AMENDMENT BILL (1988)

Adjourned debate on second reading.

(Continued from 22 March. Page 3337.)

The Hon. BARBARA WIESE (Minister of Tourism): I thank the Hon. Mr Lucas for his contribution to this debate. In reply I would like to answer two questions he raised during his second reading speech. The first question he asked was, 'What is the precise nature of the legal anomoly between regulations existing and no authority in the Act for there to be regulations?' My colleague the Minister of Employment and Further Education in another place has advised me that section 28 (3) of the Act states that a council shall consist of such members not less than five in number as may be determined by the Minister. No specific power to make regulations concerning college councils has been provided in section 43. Therefore, regulations which prescribe certain members such as the principal, staff and student representatives, or which fetter the Minister in the use of his discretion in this matter are at variance with the Act. The anomoly is to be removed by amending the Technical and Further Education Act to allow regulations prescribing the membership and then amending the regulations as required.

The honourable member also asked what procedure would be followed if a college council went through the required procedures for appointment of members and the Minister then objected to the nomination of one person or perhaps all nominations. My colleague has advised that nomination by the Minister of replacements of unacceptable nominations made by a council will not be an option, since the regulations will provide that members are appointed by the Minister on the nomination of the council, with the exception of elected staff and student members and two members appointed directly by the Minister. I hope that those answers will satisfy the queries that were raised by the Hon. Mr Lucas in his second reading contribution. Should he require further information, I am happy to take on notice any questions that he might have and seek replies from my colleague.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Establishment of College Councils.'

The Hon. R.I. LUCAS: I thank the Minister for the response that she provided to the second reading. I do not wish to delay passage of the Bill beyond tonight. In relation to the first question as to the precise nature of the legal anomoly that exists between the regulations and there supposedly being no authority in the Act, the reply that the Minister has given from an officer of the Department of TAFE to my mind does not answer the question in relation to the general regulation making power provisions that exist under the parent Act. On my reading, it would have allowed the Minister and the Government to enact all regulations which it has enacted in relation to college councils or which it might seek to enact at any stage in the future. It is not a matter that I feel is so important as to delay passage of the Bill in this Chamber. I thank the Minister for her response to my second question.

Clause passed.

Title passed.

Bill read a third time and passed.

CORRECTIONAL SERVICES ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to effect changes to the provisions of the Act dealing with the segregation of prisoners and the interviewing of prisoners by the Parole Board. It is considered necessary that additional grounds for segregation be incorporated into section 36 of the Act.

The current situation concerning segregation is that, pursuant to section 36 (1) of the Act, prisoners alleged to have committed an offence may be ordered to be segregated for a maximum period of 30 days whilst an investigation is carried out. No extension of this period can be effected. Pursuant to section 36 (3), prisoners may be ordered to be segregated for an initial period of seven days upon the grounds of their own welfare, or that they are considered likely to injure or harass another prisoner. This period may be extended by periods of one month subject to the approval of a visiting tribunal which must first allow such prisoners to make representations concerning each proposed extension.

Last year a prisoner who was then in Yatala Labour Prison challenged his continued segregation within the prison. The Supreme Court found that indeed the prisoner had been unlawfully segregated. On the basis of this ruling it is apparent that the grounds upon which a prisoner may be segregated are too limited and that there are a number of grounds on which segregation clearly should be available to prison management, in particular, where a prisoner is likely to attempt to escape from custody or in some other way poses a threat to the security of the correctional institution or to good order and discipline within the institution.

Further, the seven day time limit in subsection (3) of section 36 has proved to be impractical and an inadequate period in which to complete the administrative steps necessary to comply with the requirements of subsections (4) and (5) of section 36. Accordingly, the Bill proposes that this initial period of segregation be 14 days. It is further proposed that the initial period of 14 days may be extended by periods of up to and including two months.

The Government has always been very much aware of the need to ensure that the power of segregation is not abused. Currently subsections (4) and (5) of section 36 provide that any extension of the initial period of segregation by the permanent head is subject to a power of 'veto' by a visiting tribunal appointed under section 17 of the Act and, before making a decision, the tribunal must grant the prisoner the opportunity of making such representations as the prisoner wishes. The Bill proposes further statutory

safeguards, firstly by removing from the permanent head the power of extending segregation in those cases where a special segregation review committee has been set up for the prison. In relation to Yatala Labour Prison, where a special segregation unit is currently under construction, the Minister will establish a committee entitled the 'Segregation Unit Review and Assessment Committee', which will be chaired by a senior officer of the Prisoner Assessment Committee and include other members such as the manager of the prison or his nominee, and one or more Assistant Chief Correctional officers, and any other persons nominated by the manager. The power of 'veto' is retained by the visiting tribunal.

The second safeguard is that any direction given concerning segregation must be in writing, must specify the grounds upon which it is given, and must be served personally on the prisoner to whom it relates within 24 hours of the direction being given. The Bill proposes no change to subsection (1) and, accordingly, prisoners alleged to have committed an offence may continue to be segregated by the Permanent Head for a maximum period of 30 days with no extension possible.

Currently the members of the Visiting Tribunal who fulfil the duties contained in subsections (4) and (5) of section 36 are also those members of the visiting tribunal who undertake the hearing of charges laid against prisoners under section 43 (1) of the Act. There has never been any suggestion that any members of the visiting tribunal who have in the past fulfilled both sets of duties have in any way been compromised by exercising that dual function, or have failed to be objective in exercising their power of 'veto' concerning extensions of segregation. However, in order to ensure that no such suggestion might ever be made in the future, the department will seek the appointment of additional members to the tribunals for the metropolitan area prisons, so that some members will deal exclusively with segregation cases.

The other object of the Bill is to limit the Parole Board's statutory obligation concerning the interviewing of prisoners. Currently any or all prisoners can seek an interview by the board, but the board is not obliged to interview a prisoner on his or her request more than once a year. In the 1986-87 financial year the board interviewed 133 prisoners and parolees. On several occasions prisoners requested interviews before their release on parole. The Board is concerned that such requests could escalate and, if this were to occur, the Board would be unable to fulfil its other obligations under the Act concerning mandatory interviews pursuant to section 64 (2) of the Act. The Bill accordingly seeks to limit the classes of prisoner who may request an interview to those seen as 'long term' prisoners, that is, life prisoners, those serving sentences of indeterminate duration (Governor's pleasure) and those serving sentences of more than one year where a non-parole period has not been fixed.

Clause 1 is formal.

Clause 2 provides extra grounds on which the permanent head can direct that a prisoner be segregated from other prisoners, that is, if the prisoner is likely to attempt an escape or is a threat to the security, good order or discipline of the correctional institution. The initial segregation of a prisoner pursuant to subsection (3) may be for a period of up to 14 days and may be further extended by periods of up to two months. The decision to so extend the segregation of a prisoner will be made by a segregation review committee if one has been established in respect of the prison in question. If such a committee has not been established, the decision will be made by the permanent head. The decision of either body of course still requires the approval of a visiting tribunal. All directions for the segregation of a prisoner must be in writing and be served on the prisoner within 24 hours. The Minister is given the power to establish segregation review committees.

Clause 3 limits the obligation of the Parole Board to interview a prisoner on his or her request to prisoners who are serving life sentences, sentences of indeterminate duration or sentences for a term of more than one year where a non-parole period has not been fixed.

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

ADJOURNMENT

At 10.3 p.m. the Council adjourned until Thursday 7 April at 2.15 p.m.