LEGISLATIVE COUNCIL

Wednesday 12 October 1988

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

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

QUESTION ON NOTICE

The PRESIDENT: I direct that the following answer to Question on Notice No. 3 be distributed and printed in *Hansard.*

HOMOSEXUAL IMMIGRANTS

The Hon. DIANA LAIDLAW (on notice) asked the Attorney-General: Further to the letter to the Minister from the President of the National Council of Women (31.3.88) does he agree with the Commonwealth Government policy that homosexual immigrants and their partners be allowed entry into Australia without medical blood tests for AIDS?

The Hon. C.J. SUMNER: The screening of homosexual immigrants and their partners would be discriminatory; public health authorities currently advised that it would be difficult to implement and of little practical efficacy as there would be many other persons at risk of infection who enter Australia as visitors and students.

REGISTER OF INTERESTS

The PRESIDENT laid on the table the Registrar's statement of members' interests for June 1988.

Ordered that statement be printed.

PUBLIC WORKS COMMITTEE REPORTS

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

Nangwarry Sawmill Re-equipment,

Whyalla Institute of Technology Academic Building Construction.

PAPERS TABLED

The following papers were laid on the table:

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

Annual Reports, 1987-88:
- Commissioner for Public Employment;
- Department of Personnel and Industrial Relations;
- S.A. Department of Housing and Construction;
- South Australian Housing Trust;
- Department of Marine and Harbors;
- State Supply Board;
- Department of Services and Supply;

Supreme Court Act 1935—
- Supreme Court—
- Rules of Court:
  - Companies Code Injunctions;
  - Discovery and Evidence.

Road Traffic Act, 1961—Regulations—Reversible Lane Flow.

Workers Rehabilitation and Compensation Act 1986—Regulations—
- Appeals.
- Prime Bank Rate.
- Definitions and Registrations.

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

Reports, 1987-88:
- Department for the Arts;
- Electricity Trust of South Australia;
- Office of Energy Planning;
- Department of Mines and Energy;
- Nurses Board;
- Veterinary Surgeons Board of S.A.

Teachers Registration Board—Report, 1986.

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

Outback Areas Community Development Trust—Report, 1987-88.

South Australian Waste Management Commission—Report, 1987-88.

District Council of Lower Eyre Peninsula—By-law No. 6—Animals and Birds.

QUESTIONS

CORRUPTION

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

Leave granted.

The Hon. K.T. GRIFFIN: On the *Page One* program last Thursday evening, Mr Chris Masters, the program's presenter, said:

> There is another far more sinister explanation for why some senior public officials may be reluctant to tackle the issue of public corruption . . .
>
> Inquiries in Queensland and New South Wales are spending millions searching for the blueprint of the city's corruption. In Adelaide the task is far simpler. Here the corruptors survive on blackmail.

Masters then went on to interview a prostitute, and an operator of an Adelaide brothel. The prostitute said that in the brothel where she worked there was a camera in a room and that the manager had told 'us that his boss liked to get film on particular clients'. She said that she saw that a camera was there, that there were 'high level clients, people like politicians, lawyers, policemen', and that such tapes were 'good protection'.

That this was occurring was confirmed by a person who said he had been an operator of brothels in Adelaide for the past 15 years. The following is a transcript of the audio portion of the video tape:

> Operator: And there are certain operators that videotape clients with ladies because of their virtual background or because they are—could be an asset to that particular operator.
>
> Q. Have you done this yourself?
>
> A. No, I haven't.
>
> Q. How do you know that it is done?
>
> A. I have been among some of the biggest operators here in South Australia.
>
> Q. What do they do with this information?
>
> A. They use it to blackmail because they have to.
>
> Q. Do they blackmail?
>
> A. If they want to get somebody, yes, they do.

Masters then went on to identify the premises, which were the subject of the specific allegation of secretly videotaping clients, as premises known as Bluebeards, a property operated at the time at which the allegations were made by a Giovanni Malvaso. Masters went on to say:

> When we raised the issue with the Police Commissioner, he not just acknowledged the practice but revealed that at the same time another figure in the vice industry appeared to be up to the same tricks.

My questions are:

1. Have there been any investigations at any time into the establishment once named Bluebeards and its operator?

2. Did the investigations uncover any information or evidence suggesting that people in high places such as politicians, lawyers, and policemen have been videotaped or otherwise recorded for blackmail purposes in this establishment or any other?

3. Does the Government have any evidence that such blackmail has in fact occurred?

The Hon. C.J. SUMNER: I am not in a position to answer the specific questions raised by the honourable member, and I will have to seek information on those matters from the Police Commissioner. However, the Police Commissioner provided the following information in relation to this allegation at the time of his interview with Mr Masters, which was subsequently made available to the media last week. Mr Masters question to the Police Commissioner was:

Any knowledge of a reputed practice within the South Australian vice community of secretly taping influential clients for potential blackmail purposes?

The Police Commissioner answered:

There is no evidence to hand that would suggest this practice exists. However, there was an isolated incident about three to four years ago when tapes were found on the premises of a brothel. There was some evidence on these tapes which could have been used for blackmail purposes. I have been advised, however, that there have been no reports to the Police Department for investigations in this matter, and there are no holdings in intelligence files which indicate such a practice.

That is the information that Mr Hunt, the Police Commissioner, gave to Mr Masters in response to his specific question at the time that he was interviewed for the television program. That information was handed to the media last Friday by the Police Commissioner at a press conference, at which I was also present.

That is the evidence as far as the Police Commissioner is concerned. When Mr Masters put this allegation to me during an interview in relation to the program, I said that I did not have any knowledge of that matter, and that it was the first time that I had heard of a suggestion of that kind. All I can go on is the Police Commissioner's response which I have just read to the Council. The honourable member's question is a little more specific, and if I can give any more information I will bring back a reply.

POLICE CORRUPTION ALLEGATIONS

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General a question on the subject of corruption.

Leave granted.

The Hon. L.H. DAVIS: The following specific allegations were made on the *Page One* television program shown in South Australia last Thursday night:

That other police officers had knowledge of and supported the corrupt activities of the former head of the Drug Squad, Moyse;

That Moyse and the informant against him, Mr X, organised the importation of drugs from Sydney and, in doing so, Moyse had to alert other police officers to some of the details of the operation;

That between December 1985 and March 1986 two other members of the Drug Squad stole money and supplied drugs to one Peter Panagiotidis; and

That one of these officers also gave heroin for sale to one Kerry McDowell, this particular transaction taking place, it was alleged, in interview room 2 at police headquarters.

In view of these strong allegations, my question is: are any of these specific allegations currently being investigated by the NCA and, if so, which ones?

The Hon. C.J. SUMNER: As to whether Mr Moyse operated alone, Mr Masters put the following question:

The Moyse affair, i.e., were there any warning signals and are there any doubts about the proposition he operated without the knowledge of others?

Police Commissioner Hunt's response, which was provided to the media last Friday, was as follows:

In discussing the case of Mr Moyse, let me remind you of the offences with which he was charged and to which he pleaded guilty, and his responsibilities as officer in charge of the Drug Squad. This is important because when the nature of these offences is coupled with his responsibilities one can assess the scope for any 'warning', and his ability to act alone and undetected. Essentially, there are two separate issues relating to the offences he committed. The first is that he stole and disposed of drug exhibits. The second is that he conspired with others to grow a crop of marijuana.

I will deal firstly with the matter of drug exhibits. One of the responsibilities of the officer in charge of the Drug Squad was to audit the receipt and authorise the destruction of drug exhibits seized by personnel under his command. The officer in charge was in a special position of trust, as reflected by the functions he was required to discharge. In essence, the procedure was reliant on the officer in charge being honest. In the case of Mr Moyse, as officer in charge of the Drug Squad, my trust was betrayed. Mr Moyse was not honest and took advantage of the flaw in the drug handling procedure to commit these offences. As Mr Moyse was solely responsible for ensuring that drug exhibits were correctly audited and destroyed, it was possible for him to misappropriate drugs and, further, to conceal his activities from others both within the Drug Squad and the department as a whole. In view of this deficiency in the procedure of handling drugs, I directed that a thorough review of such procedures be undertaken and any shortcomings rectified. It is hoped that the additional safeguard—of now having a justice of the peace to also monitor the destruction of drug exhibits will thwart any further attempts to abuse this procedure.

I now turn to the charge relating to the crop of marijuana. As was demonstrated in relation to the destruction of drugs, Mr Moyse, as officer in charge of the Drug Squad, clearly had the capacity to act alone and to conceal his actions. Indeed, throughout all the investigations concerning Mr Moyse, absolutely no evidence has been forthcoming as to the awareness or complicity of other police officers in his criminal activity. The conduct of investigations concerning Mr Moyse were the responsibility of the NCA, being part of an authorised reference from this State. As at this time, all avenues of inquiry relating to defendants currently appearing before the court have been exhausted.

In relation to the specific matters that the Hon. Mr Davis has now raised, I am not in a position to comment on what the NCA may or may not be investigating. The honourable member is probably aware that the NCA does not act by giving out public information about what it is or is not investigating. However, I can say that the Police Commissioner has written to Mr Masters and asked for his cooperation in bringing forward any evidence that he may have which backed up his program. Indeed, I have written to Mr Masters in the same vein. The reality is that, if the NCA agrees to establish an office in South Australia, presumably the NCA will have access to Mr Masters' program and any other material that Mr Masters might wish to make available to the NCA.

If the NCA does not decide to establish in South Australia, obviously these matters would be the subject of any further investigation by any anti-corruption unit that might be established. For the time being, the Police Commissioner has indicated that he is prepared to pursue any further outstanding matters and he has written to Mr Masters to request him to cooperate in those investigations.

The Hon. L.H. DAVIS: As a supplementary question, can the Attorney-General advise the Legislative Council whether he has referred these serious allegations to the NCA and, if not, why not?

The Hon. C.J. SUMNER: The program was only broadcast last Thursday. I have not specifically referred matters to the NCA. The NCA is fully aware of the Masters program. When I spoke to Mr Justice Stewart, Chairman, and Mr Robards, one of the members, prior to the program coming out, they were fully aware that the program was

due to go to air, and I assume that they or one of their officers would have monitored the program. So, it is not a matter of whether or not I have referred it to the NCA. The NCA is aware of the program. As I understand it, there are continuing discussions between the Police Commissioner and the NCA on what further action is required in this area. I make it quite clear again that any matters that are brought forward will be investigated by the Police Commissioner. He has made that quite clear in his public statements. If, however, matters are not resolved and the NCA decides to establish an office in South Australia, I am sure that these matters will become the subject of consideration by the NCA.

BROTHELS

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Attorney-General a question on the subject of brothels.

Leave granted.

The Hon. M.B. CAMERON: On the *Page One* program, the Police Commissioner admitted that the laws relating to brothels were being selectively enforced. In answer to the question whether some brothels were investigated while others were not, the Police Commissioner said:

> I am not sure whether I can give an answer other than a qualified answer to all of that. It may or may not be true. It depends on whether or not we see a need to be able to keep an eye on and monitor what businesses are going on though we don't have the evidentiary provisions to make a prosecution in those cases. There is always a tendency, I suppose, to know your enemy.

My questions are: does the Government have a policy on the enforcement of laws relating to brothels? If so, does the policy allow the selective enforcement of those laws? If it does not have such a policy, does it condone the selective enforcement of those laws?

The Hon. C.J. SUMNER: It is not a matter of Government policy with respect to the enforcement of the State's laws. That matter is within the province of the Police Commissioner. No directions have been given to the Police Commissioner under the Police Regulation Act in relation to any enforcement policy that the police might adopt. I suggest that that would probably be inappropriate in this case. The question of the enforcement of the State's criminal laws and the policing of them is a matter for the Police Commissioner. If members have any criticism of the Police Commissioner's actions in this aspect of his duties, I suggest that they make them, and I am sure that he would then be in a position to respond to them.

ROCCO SERGI

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the Attorney-General and a Mr Rocco Sergi.

Leave granted.

The Hon. R.I. LUCAS: On 9 September, Mr Rocco Sergi, an illegal immigrant, pleaded guilty to a charge of having cultivated cannabis at Penfield Gardens. The crop was alleged to be valued at around $4 million. Mr Sergi was originally charged with Mr Moyse and four other men with having conspired to supply cannabis at the same place. The charge against Moyse was subsequently dropped. The other four men, of whom one is a South Australian businessman, have been committed for trial in the Supreme Court. Mr Sergi was sentenced to six years gaol and a four year non-parole period which means he will be out in two years and eight months.

On 29 September the shadow Attorney-General, the Hon. Trevor Griffin, called for the Attorney-General to review the sentence with a view to appealing against its apparent leniency. Thus far there has not been any indication publicly as to the Attorney-General's intention. I notice also from yesterday's *Advertiser* that Mr Sergi has indicated that he is appealing against the sentence. Is the Attorney-General instituting an appeal against the sentence on the ground that it is lenient?

The Hon. C.J. SUMNER: I will seek the Acting Crown Prosecutor's views on this matter. My recollection is that the decision on whether or not to appeal in this matter has not yet been taken. However, I will discuss the matter with the Acting Crown Prosecutor and advise the Council when a decision is made.

GUARDIANSHIP ORDERS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Community Welfare, a question about temporary guardianship of children.

Leave granted.

The Hon. DIANA LAIDLAW: One of a number of distressing child sexual abuse matters that has come to my attention in the past fortnight involves a 15 year old girl who sought and obtained the temporary guardianship of the Minister of Community Welfare. The mother of the child contacted my office in a highly distressed state because her daughter had been able to place herself under the temporary guardianship of the Minister for a period of four weeks without the knowledge of her mother or other family members, let alone any consultation with them. Subsequently, I have checked the Community Welfare Act and have found that, in respect to section 28, it is, indeed, possible for the Minister to take such action. Subsection (1) of the Act, provides:

> The Minister upon receipt of a request by a guardian of a child, or by a child of or above the age of fifteen years, may place the child under his guardianship for such period of time not exceeding four weeks as the Minister thinks fit, where the Minister is of the opinion that it is in the interests of the child to do so.

Subsection (3) provides:

> Where the Minister has placed a child under his guardianship under this section pursuant to a request of the child, the Minister shall give written notice of the placement to the guardians of the child, personally or by post, at their addresses last known to him.

It is clear from that that in respect of temporary guardianship of the Minister, the Minister is not obliged to consult or confer with the guardians of that child, but only advise by post of that action at a later date. However, in respect to section 27 of the Act, which relates to guardianship—not temporary guardianship—of a child 15 years and older, I note that subsection (7) provides:

> The Minister shall not place a child under his guardianship pursuant to an application by a child 15 years of age or above unless the Minister has consulted with the guardians of the child.

Does the Minister believe that there is an anomaly between the provisions in respect to consultation with a parent in relation to an application by a child 15 years and over to be placed in the guardianship of the Minister? If so, will the Minister consider addressing this matter at an early stage, or at least when the forthcoming Bill to amend the Community Welfare Act come before this Parliament?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

BROTHELS

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

Leave granted.

The Hon. K.T. GRIFFIN: In answer to the question asked by the Hon. Martin Cameron about the selective enforcement of the law relating to brothels, the Attorney-General indicated that it was not a matter for the Government to have a policy on that question, and he did not say whether or not, if there was such a policy, the Government condoned the selective enforcement of those laws. Because the question of selective enforcement of any legislation provides the opportunity for corruption, whether it be in the area of prostitution or anything else, but particularly in the area of criminal law, this is an important question to raise yet again with the Attorney-General.

My questions to the Attorney-General are, first if the question of selective enforcement of the laws relating to brothels is, as the Attorney-General suggests, a matter for the police, does the Attorney-General know—and, if he does not know, can he find out—what is the policy of the Police Department? Secondly, if the policy is one of selective enforcement, will he indicate the reasons for such selective enforcement and the criteria employed? Thirdly, does the Attorney-General, as the chief law officer of the Crown, condone the principle of selective enforcement of this or any other law? Finally, does not selective enforcement of the criminal law open the opportunity for corruption?

The Hon. C.J. SUMNER: With respect to the answer to the last question, it depends, I suppose, which particular laws you are talking about. I have not conceded that there is selective enforcement of the law in this area. If the honourable member wants a statement of police policy in this area, I will attempt to obtain it and bring it back. It is probably fair to say that there is selective enforcement of the laws by Police Forces in South Australia, in Australia and throughout the world. It is just one of the facts of life that police sometimes give priority to the enforcement of certain laws over others. Even in the road traffic area, they enforce particular aspects of road traffic behaviour at particular times. That is a normal part of policing. One should not get too carried away with the words 'selective enforcement'. Of course there may be circumstances in which—

The Hon. K.T. Griffin: It depends on the context.

The Hon. C.J. SUMNER: Of course, that is what I am going on to say. There may be circumstances in which selective enforcement is not satisfactory as far as police are concerned. Just because the words 'selective enforcement', are used, people should not get the impression that somehow or other there is a problem in that general sense, because the police are involved in setting priorities for law enforcement, and they pick particular areas for attention every day of the week.

The Vice Squad, for example, may decide that it wants to do some special work on illegal pornography so it will have a blitz on that. The traffic squad may decide it wants to have a blitz on drink driving, and so on. In a sense, that is deciding on priorities. It does not mean the police treat people differently in their attempt to use discretion to enforce the law in a particular way at a particular time. So, if the honourable member is talking about selective enforcement in that sense, it is a practice that Police Forces are engaged in in South Australia, in Australia and, indeed, throughout the world.

The Hon. K.T. Griffin: That is not what Masters had in mind.

The Hon. C.J. SUMNER: I am not sure what Mr Masters had in mind. However, I will ascertain the Police Commissioner's policy and his comment on the matter, because it appears that the Police Commissioner did not formally respond to that issue when it was raised. Obviously, he did not do it formally before the interview, as was the case with the other matters to which I referred today. All I can do is ask the Police Commissioner to state his policy in this area. Whether or not the Government agrees with it—

The Hon. Carolyn Pickles interjecting:

The Hon. C.J. SUMNER: The Hon. Ms Pickles has had some experience in this matter, and the Hon. Mr Griffin probably also knows about it because, when the decriminalisation of prostitution was debated in this Council last year, questions relating to police attitudes to the possibility of enforcement of prostitution laws were also raised. The question of the police attitude to enforcement of prostitution laws is not a new issue. I think that on at least two previous occasions (when a select committee produced a report in the House of Assembly and when the Hon. Ms Pickles introduced her Bill relating to the decriminalisation of prostitution) the matter was debated. I will ascertain the police policy about enforcement in this area.

ENVIRONMENTAL CONTAMINATION

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Environment and Planning, a question about environmental contamination.

Leave granted.

The Hon. M.J. ELLIOTT: Since I have been in this Council I have raised a number of questions concerning environmental contamination. Not long after I came here I asked a question about organochlorins and, in particular, at that time I asked what organochlorins were being found in food and what farms had been closed. The response from the Government was that basically there was no problem with organochlorins. Subsequently, our meat products were banned in the United States for some time.

I asked some questions about cadmium, and the Government responded by saying that there was no major problem. It indicated to me that it had conducted a recent survey of 10 beef and 10 sheep kidneys, and that it did not see any significant problem.

About six months ago I wrote a letter and stated that I still believed that the Government had not addressed some major problems with cadmium. Late last week I received a response from the Minister of Health that indicated that there may be a problem and something may need to be done. The letter further indicated that the Government had looked at the question of voluntary restraints on the use of kidneys from older sheep and cattle and that some other investigations were proceeding.

I have raised two other matters in this Council: first, tributyl tin, which has been used in anti-foulant paints and which has been banned overseas, but not in South Australia; and, secondly, heavy metals in the water near Port Pirie. I have been told informally that some further work has been done. As I have received no substantial responses on those latter two matters, I ask the Minister the following questions: first, what is being done about tributyl tin; what investigations are proceeding; and what action is planned? Secondly, has any work been done in the ocean near Port Pirie relating to the question of heavy metals and, if so, what are the results? Thirdly, in general, will the Government react more quickly to questions and not treat them

in a seemingly offhanded manner as has occurred in the past?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

INDUSTRIAL LAWS

The Hon. J. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General a question about the Industrial Code and the new Act.

Leave granted.

The Hon. J. STEFANI: Recently, the Minister of Labour authorised the drafting of a Bill to amend the Industrial Conciliation and Arbitration Act 1972 and to repeal the Industrial Code. The proposed legislation was described by a Labor backbencher in another place as being a 'snake in your bed', and he suggested how one might deal with it. The Bill contains 33 clauses which, individually and collectively, increase the protection available to South Australian workers, including absolute preference of employment to unionists. The Bill also reduces some powers of employers.

The Bill further provides that private sector employers will be required to pay time off to employees so that they may cash pay cheques, which is a practice that has existed largely only in the public sector. From information I have received, I understand that up to one hour of paid time was available to Government employees, including public servants working for the South Australian Health Commission.

The Hon. Peter Dunn: One hour off?

The Hon. J. STEFANI: One hour off.

The Hon. Peter Dunn: To cash their cheques?

The Hon. J. STEFANI: That is correct. My questions are: How many Government departments and statutory authorities still grant employees paid time off to cash their pay cheques; who are they; how much time is granted by each department or authority; how many employees are involved; and what is the monthly cost to each department for granting paid time off to cash pay cheques?

The Hon. C.J. SUMNER: I do not know anything about that practice. If it does exist, I assume that it has existed for many years and that it was probably in existence during the term of the previous Liberal Government.

The Hon. Peter Dunn: Come on!

The Hon. C.J. SUMNER: Why would it not have been?

The Hon. Peter Dunn interjecting:

The Hon. C.J. SUMNER: I am not blaming anyone. I just say that, if the practice exists, I assume that it goes back to the time of the previous Liberal Government. However, I will try to obtain the information and bring back a reply.

COALESCENCE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Community Welfare, a question about coalescence.

Leave granted.

The Hon. DIANA LAIDLAW: When the Premier announced the appointment of Ms Lenehan as Minister of Community Welfare and Mr Blevins as Minister of Health, he stated that coalescence was an ongoing issue, and that the coalescence, restructuring or growing together of the Health Commission and the Department for Community Welfare, was not a dead issue. During the Estimates Committees the Minister of Community Welfare was asked questions by the Hon. Ms Cashmore about coalescence and the possibility of amalgamation between the department and the Health Commission. In reply, the Hon. Ms Lenehan stated that an earlier submission proposed to the Government by the former Minister of Health and Community Welfare on the question of amalgamation (as proposed by the Minister at the previous Estimates Committees) had not been taken to Cabinet. She stated:

> In fact, it was decided after wide consultation within the department and within the Health Commission not to proceed with the coalescence or amalgamation along those lines. In arriving at that decision, a wide range of people was consulted. Most of them wanted closer local and regional coordination, increased collocation of agencies, and greater opportunities for regional staff and consumers to contribute to resource allocation decisions.
>
> At the same time, scepticism was expressed about amalgamating the central offices of the Health Commission and DCW into one administration.

Of course, that collocation exercise is to go on later this month. I also note that the Minister stated:

> It is important to note that the Government accepted those findings along with the results of inquiries in other areas including the disability services and mental health and social and primary health, which have all confirmed the need for closer working relationships between health and community welfare sectors.

However, the Government has rejected the amalgamation and coalescence proposals pushed by the former Minister. The closer working relationships to which the Minister of Community Welfare referred in the Estimates Committees are as follows:

> That a white paper outlining strategies for further improvements to the coordination of the services will be considered by Cabinet later this year.

My questions are: when will the white paper be considered by Cabinet? Is it envisaged that the white paper will be circulated for public comment—

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: Well, there was so little—

The Hon. J.R. Cornwall: You don't understand.

The Hon. DIANA LAIDLAW: Yes, I do understand; there was so little—

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Will the Minister confirm that that amalgamation and coalescence will not be pursued by this Government?

The Hon. BARBARA WIESE: First, a white paper is a Government policy document, and normally it would be the practice that such a paper would not be circulated for comment or discussion. If the Government wished to receive comment or discussion on a policy issue, it would be the practice to circulate a green paper, upon which comment would be invited, prior to the preparation of a white paper, which would then become the official Government position on any issue. Whether or not it is the intention of the Ministers of Community Welfare and Health to circulate a green paper prior to the preparation of a white paper in relation to this question, I do not know, but I am happy to seek the information requested by the honourable member and bring back a reply as soon as I am able.

WAR CRIMES

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

Leave granted.

The Hon. K.T. GRIFFIN: I am sure that the Attorney-General is aware of the proposals before the Federal Parliament to amend the War Crimes Act to allow prosecution in Australian courts of residents of Australia alleged to have

committed war crimes. A number of controversial aspects of the legislation have been publicly referred to over recent months, not the least of which relates to the quality of the evidence likely to be provided by witnesses in eastern bloc countries, particularly if the opportunity is not afforded to investigators and defendants to examine those witnesses and there is a requirement to provide corroboration.

In addition, concerns have been expressed about the availability of legal aid, questions of representation, compensation, and a variety of other matters. The Captive Nations Association of South Australia has been particularly vocal in its representations for amendments to ensure that civil liberties questions, which are reflected in Australian and State laws, are embodied in this legislation.

Several areas will impinge directly upon the States. The first is in relation to the availability of legal aid. Obviously, if a prosecution is launched which involves a resident of South Australia there is likely to be the requirement that legal aid be made available and this is likely to be a considerable burden upon the Legal Services Commission if that legal aid is granted, particularly in the nature of the prosecution contemplated by Federal legislation.

The other area which is likely to impinge upon South Australia relates to the courts because under the Commonwealth Bill the prosecution is able to be brought in any State court under the provisions of the Federal Judiciary Act. That means that there are attendant costs relating to the time for which a judge is tied up and all the incidentals needed to maintain a court, such as court reporting and court orderly costs, and the fact that other cases will not gain any priority for hearing before that court. Therefore, the cost to the State may be quite substantial. My questions are:

1. Has the Attorney-General given any consideration to the possible costs which would be involved for the State of South Australia with the passing of the Commonwealth War Crimes Amendment Bill and the consequent issuing of proceedings in South Australia?

2. As Attorney-General, has he made any representations to the Commonwealth with respect to some cost-sharing arrangement or other reimbursement of costs, not only of making courts available for these purposes but also the cost of providing legal aid if it should be required in respect of a resident of South Australia?

The Hon. C.J. SUMNER: I have not made any representations to the Federal Government on the question of costs to the South Australian courts or the potential cost of legal aid in such a case. At this stage, there are no such cases. If there were to be any such cases—and if it appeared to the Government that this would create problems above and beyond those covered by the normal Federal/State agreements with respect to the operation of the courts—I would obviously take up the matter with the Federal Government. I do not know at this stage whether there will be any such cases, but if there are I will deal with the matter at that time.

In relation to the general question of this legislation, I understand that the Liberal Party has indicated in the Federal Parliament its support for the legislation, subject to some amendments, and I have sent the representations received from the Captive Nations Association to the Federal Attorney-General for consideration.

The Hon. K.T. GRIFFIN: I ask a supplementary question: has the Attorney-General made any other representations to the Federal Government with respect to this legislation?

The Hon. C.J. SUMNER: No, not specifically. There have been some discussions between Mr Greenwood—who has also seen me on one occasion—and some of our officers, but that was at the early stages of the preparation of this legislation. I have sent the concerns of the Captive Nations Association to the Federal Government for consideration.

WORKCOVER

The Hon. R.J. RITSON: I understand that the Hon. Ms Wiese has an answer to a question on apparent overcharging by Government institutions for medical services of WorkCover patients which I asked on 18 August.

The Hon. BARBARA WIESE: The Minister of Health has advised that the general policy in respect of compensable patient costs is one of cost recovery. Charges are set by regulation on the basis of average cost for outpatient or inpatient service for the previous financial year. The $90 fee is the current charge for any non-patient (casualty and outpatients) compensable medical attendance at a teaching hospital.

NATIONAL ARTS WEEK

The Hon. L.H. DAVIS: I direct my questions to the Minister Assisting the Minister for the Arts. Can the Minister advise what major functions or activities have been organised in South Australia for the first National Arts Week? Is she aware that there has been strong criticism in the arts community about the general confusion and lack of leadership by the Government, the Minister for the Arts (Mr Bannon) and the department in organising and spearheading a high profile, well publicised National Arts Week in this the Festival State, which is in sharp contrast to many other States?

The Hon. BARBARA WIESE: Invariably, there is criticism in the arts community in one area or another about the Minister, the department or various sections of the arts community itself, so I suppose that is to be expected in this instance as in most others. However, by and large, the arts community supports the work of both the department and the Minister for the Arts with respect to the things that are conducted here in South Australia. As to activities during National Arts Week, I will seek a report and provide detailed information for the honourable member.

EYRE PENINSULA FARMERS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Agriculture a question on the South Australian drought.

Leave granted.

The Hon. PETER DUNN: The drought that has developed in South Australia—and I say that because it is rapidly spreading to areas other than Eyre Peninsula—is becoming quite dramatic.

The Hon. T.G. Roberts: The South-East is flooded.

The Hon. PETER DUNN: That might be a wet drought. A wildfire story is going around Eyre Peninsula that a number of farmers may declare themselves bankrupt, and that would have drastic implications for the future. Should that happen, there could possibly be a dramatic drop in all land prices within the State, sending a lot of banks running for cover. Since the present Government deregulated the banking industry, the conditions of term loans offered to primary industry have had some effect on the ability of farmers to pay back those loans. If the shortening of those

terms is combined with low commodity prices and seasonal conditions, particularly on Eyre Peninsula, where there have been seven rather unusual seasons—not exactly drought years but unusual starts, middles or poor finishes to the seasons—people in that area have had a very rough time.

That has not only happened on Eyre Peninsula. The Murray-Mallee had a very rough time in the 1970s but, since that period, farmers have had good seasons and have managed to exist in that area. The people on Eyre Peninsula are really looking down the barrel. One day last week the temperature rose to 40 degrees Celsius and, on another, it was 36 degrees. Yesterday the temperature was roughly 36 degrees and, later this week, temperatures of that order are expected. That will also have an effect on South Australia's primary production and it has been said by a lot of commentators that this State's and this nation's economy will be pulled out of the fire by primary industry, and I do not wish to comment whether it will be through land use, mining or forestry. However, water shortages have been caused through these long, dry spells. There is also a need for agistment yet, last week, the Government flatly refused to offer any help for that. My questions are:

1. Will the Premier now visit Eyre Peninsula?
2. Will the Minister offer some assistance for agistment?
3. Will the Minister offer some assistance for freight on hay or the transport of fodder of some type or another?
4. Will the Minister urge the banks to lengthen the term loans that are now being offered to farmers in the light of the very severe conditions that are occurring?

The PRESIDENT: Before calling on the Minister of Tourism, I point out that the first question was hardly directed to the Minister of Agriculture. More correctly, it should have been directed to the Attorney-General representing the Premier.

The Hon. Peter Dunn: You can make up your mind whom you want to direct it to.

The PRESIDENT: The honourable member sought leave before asking a question of the Minister representing the Minister of Agriculture, that is, the Minister of Tourism. His first question was not correctly addressed to the Minister of Agriculture.

The Hon. BARBARA WIESE: In response to the honourable member's questions, I say initially that the State Government is very concerned about the plight of farmers on Eyre Peninsula and, as the honourable member would be aware, the Premier has already visited people in the farming communities in that area and has learnt at first hand some of the problems that they have. In the meantime, both the Minister of Agriculture and the Minister of Water Resources have visited Eyre Peninsula and have discussed with people in the rural sector some of the problems that they are experiencing as they relate to those portfolios. The honourable member would also be aware that a package of assistance has already been put together with the cooperation of various Ministers who have responsibility in this area.

Extensive discussions have been held with banks about loan repayment provisions and other financial matters, and considerable progress has been made in that area and in many other areas. There will continue to be considerable discussion, liaison with and assistance given to people in that part of the State, as is appropriate. If there is any further information that would be of assistance to the honourable member, I am happy to seek that information from the Minister of Agriculture and bring back a reply.

SELECT COMMITTEE ON THE AVAILABILITY OF HOUSING FOR LOW INCOME GROUPS IN SOUTH AUSTRALIA

The Hon. CAROLYN PICKLES: I move:

That the select committee's report be noted.

In moving that the Council note the select committee's report, I thank all honourable members who served on the committee: the Hons Peter Dunn, Mike Elliott, George Weatherill, Terry Roberts, and Murray Hill, who was a member of the committee until his retirement in July of this year.

I am sure I speak for all committee members when I place on record my appreciation to Helen Hardwick, from the Office of Housing, who acted as research assistant to the committee. Helen's assistance and expertise were invaluable. The select committee received verbal evidence from 42 people, including representatives from 16 organisations, with written submissions and correspondence being received from 15 organisations and three individuals.

The committee also visited metropolitan housing developments undertaken by the South Australian Housing Trust and local housing cooperatives. The report and recommendations were unanimously supported by all members of the select committee, whose findings will come as no surprise to anyone familiar with housing programs for low income groups in this State.

The Select Committee was established to inquire into the availability of rental and purchase housing for low income groups in South Australia. The committee found that there is a serious problem of availability. In other words, there is not enough affordable housing, either rental or purchase, for the number of low income people seeking it. This situation has several contributing factors. First, in South Australia, as in the rest of Australia, there has been an increase in the number of pensioners, beneficiaries and other low income households since the mid-1970s. Secondly, housing costs have risen dramatically in that period. Thirdly, as a result of these two factors, there has been an increase in the number of people living in housing related poverty—that is poverty after paying out their housing costs.

Evidence presented to the committee revealed that more and more people are experiencing problems with housing costs. Rising costs of home purchase and private rental are causing financial stress for many low income households. The consequence is that a large number of these people are having to turn to the State Government for assistance. However, the Select Committee found that this increasing need for housing assistance comes at a time of declining housing funds. Commonwealth funds available to South Australia have been reduced substantially during the past several years. In 1982 the Federal Government made a welcome increase in funds available to the States, through the Commonwealth State Housing Agreement (the CSHA) and the Loan Council. All funds available through these sources were taken up by the Bannon Government and used to provide additional assistance to low income earners. This involved assistance to home buyers, private renters, public tenants, people with special needs, and those living in shelters and refuges.

During the past several years, however, the Commonwealth has been reducing the funds available to South Australia for housing. Unfortunately, this cutback in funds bears no relation to the numbers of people who need assistance. On the contrary, Commonwealth cutbacks coincide with an apparent increase in the number of low income households needing assistance. This situation has major implications for the State Government—implications that

are akin to an exercise in loaves and fishes. Put simply, people on pensions and benefits are having difficulty affording current housing costs. As a consequence, many of them are turning to the State Government for assistance. However, funds available to South Australia for housing assistance are being reduced. In other words, the State Government is being looked to to solve a problem that is not of its making.

The report of the select committee examines this situation and identifies the several major factors contributing to the problem. Based on the evidence presented, the committee's report outlines the effects of high housing costs on low income earners and describes those groups within the community that are most likely to be experiencing hardship. The report also outlines the effects of Commonwealth policies on State Government housing programs and analyses the State Government's response to this situation. The report raises questions of equity as well as need, and makes recommendations aimed at improving availability. In presenting this report, I wish also to make several observations.

First, the committee was unable to assess the real extent of availability problems experienced by low income groups. Disappointingly for the committee, it was not possible to deduce from the evidence the true extent of housing need in South Australia. The committee sought from witnesses a measure of the actual number of low income households experiencing housing affordability problems. In particular, the committee sought some indication of hidden homelessness. None of the evidence of witnesses, however, was able to provide a total picture.

Individually, witnesses were able to detail the demand for assistance from their particular agency, or for their particular services. However, the committee was unable to get any reliable measure of the total effect within the community. Nevertheless, those indicators of need that were provided to the committee are cause for concern. The committee took evidence about long waiting lists for Housing Trust accommodation and growing demand for Emergency Housing Office services. Witnesses outlined the plight of young people, women, Aboriginals, victims of domestic violence and people with disabilities. Repeatedly, the evidence presented to the committee called for the Commonwealth to improve income security measures and to increase funding for housing.

Secondly, it was gratifying to note that witnesses to the committee strongly endorsed the housing policies and programs developed by this Government and previous State Governments. In particular, most witnesses strongly supported the State Government's public housing strategy as being the most effective means of providing assistance to the community. According to the evidence, the problem for South Australia does not require a fundamental change of policy direction. Rather, the problem relates to the amounts of assistance available relative to the numbers of people needing it.

Thirdly, I wish members to note that, despite the seriousness of the situation, the evidence available to the committee also gives reason for optimism. In South Australia today, we have one of the most effective and innovative housing programs in Australia. It was evident to the committee that people working in the housing area understand fully the current funding problems. This understanding is reflected in their search for new and innovative ways of expanding affordable housing options for low income households.

The initiatives being developed seek to do more with the funds that are available. The combined resources of Commonwealth, State, local government, community and private sector efforts are all being utilised to provide a more diverse range of housing assistance. For example, joint venture schemes are readily pursued between the Housing Trust and local government, and between the Housing Trust and charitable organisations. Similarly, the Housing Co-operatives Program successfully combines private finance and public subsidy with the considerable voluntary efforts of the tenants themselves. These and other initiatives provide encouragement about this State's ability to meet the housing problem.

Fourthly, related to this innovation is the real understanding in South Australia of the issues involved and the willingness to tackle them. In August last year, when the establishment of this select committee was being debated, I argued that the State Government already understood well the issues relating to low income housing needs. I also said at the time that the State Government was addressing these issues in the most positive ways possible. The evidence presented to the select committee supports my statement of last August.

During the course of the committee I was impressed by the level of scrutiny applied to housing assistance programs. At all levels—Commonwealth, State and community—there are systems in place to review, evaluate and improve housing assistance policies and programs. At the Commonwealth level, two recent examples include the National Inquiry into Homeless Children and the National Review of Housing Programs. At the State level, the 1987 Inquiry into Youth Housing, and the current work on housing and support needs of people with disabilities, are providing valuable guidance to efforts to assist these particular needs groups.

More recently, the Minister for Housing and Construction, (Hon. Terry Hemmings) announced a review of the Housing Co-operatives Program. The initiative for this review came not only from the State Government but also from the most directly affected by the program: the tenants of the housing associations and their umbrella organisation, the Community Housing Assistance Service of South Australia (CHASSA). In this instance, tenants and Government alike have joined together to identify ways of improving this program of assistance to low income people. These and similar initiatives are positive indications to the community that funds available for housing are being constantly monitored to ensure that they are being used to best effect.

I am also pleased to note that the Adelaide City Council is looking at ways of providing student accommodation in the city. The select committee was concerned at the lack of accommodation for students, young people and itinerant workers.

Last, but not least, I would like to record my own admiration for the many people involved in developing and delivering housing services to low income groups in South Australia. The State Government's housing program—and therefore the community—benefits enormously from the efforts and commitment of Government and non-government housing workers, community organisations, and of the tenants themselves. The work of these people is considerable, and all their effort is geared towards improving affordable housing opportunities for low income groups within our community.

In making its 12 unanimous recommendations, the select committee hopes that the State and Federal Governments, councils and private enterprise, will further look at ways in which housing can be provided to low income earners. In the latter part of the twentieth century, shelter should be a basic right of all people, and it is incumbent on all of us as citizens and legislators to seek ways to address the problems of homelessness in our society. I hope the select committee

has gone some small way in seeking a solution to the problem.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

PRIVACY COMMISSION BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to establish the South Australian Privacy Commission; to make provision to protect the privacy of natural persons; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Legislation in the areas covered by this Bill is long overdue and this should be seen as only a first step with many important areas yet to be covered. There have been inquiries at both the Federal and State level on privacy matters. To this date their reports have gathered dust while technological developments have made action increasingly urgent.

At the Federal level, Robert Ellicott, the then Attorney-General, in April 1976 instructed the Law Reform Commission to inquire into privacy matters. The commission finally issued a comprehensive, two volume, 900 page report in July 1983. When the ill-fated ID card legislation was before the Federal Parliament there were also cognate Bills which dealt with privacy. With the demise of the ID card the Government did not proceed with the privacy Bill. Now that legislation on the tax-file number is imminent, the privacy Bill may be revived. The privacy issue has been a major sticking point with the Democrat senators throughout the ID card and, now, the tax-file number debate.

The State Government set up a working group on privacy in 1978 which lapsed with a change of government in 1979. On 18 December 1983 Cabinet set up a privacy committee to complete the work of the working group. The privacy committee reported in May 1987. The State Attorney-General announced in a press release dated 13 August 1986:

> The Government supports freedom of information in principle and is currently working on a package incorporating FOI and privacy principles . . .

My advice to anyone is: 'Don't hold your breath while you are waiting. Meanwhile, most countries in Western Europe, Canada and the USA have legislated for privacy. What is the need for privacy legislation? The State privacy committee noted:

> The major concern in recent times, in discussions on privacy has concentrated on the inability of the individual to exert control over the use by others of his or her personal history in a manner which might prove detrimental to his or her interests. The principal dangers to privacy in this context are:
> - innaccurate, incomplete or irrelevant information;
> - the possibility of access to information by people who should not or need not have it;
> - the use of information in a context or for a purpose other than that for which it was collected.

Where there is a loss of privacy, people become vulnerable to the power of others. It does not matter whether or not that power is used overtly. These points can be demonstrated by example. The Law Reform Commission's report states:

> An officer of the Department of Social Security in Adelaide recently [this is in 1983] pleaded guilty to 13 counts of illegally providing information taken from departmental files; three counts of accepting bribes totalling $1 380 and one count of conspiring to provide confidential information illegally. The officer is alleged to have been blackmailed into providing the information by an employee of a finance company. His liability to the company arose under a guarantee executed in favour of a friend in support of a loan. Approximately 400 checks of departmental files were made by the officer who supplied information which concerned people in receipt of social security benefits. He was allegedly paid $20 for each check made and this money was set off against his debt to the finance company. Computerisation can allow the mass movement of such information from contexts where there are less stringent safeguards for privacy than exist in the case of information held by social security departments.

The same report states:

> There is some evidence that computerisation provides a temptation to employer groups to share employee blacklists based on political affiliation, industrial activity, or some other characteristic which employers in a particular area consider undesirable. A recent proposal from the Private Hospital and Nursing Homes Association of New South Wales is illustrative. It was to set up a data bank for use by members of the association, containing details of employment history of applicants for positions in the private nursing sphere. The data bank was to contain reasons why applicants left past positions. The aim of the scheme is to 'crush dissent and silence nurses who participated in union activities'. The employer's association argued that 'the radical militancy of the nurses association left the association with no option but to adopt radical methods'. Nurses were not to have access to information contained about them in the data bank.

While I have just quoted an example of the way files can be used against unions, they can of course be used for them. Who can forget the furore when a previous South Australian State Government instructed the departmental payroll sections to prepare a list of all unionists and non-unionists?

The issue in the last two cases is not unionism. In the first instance the question may be: is the keeping of such a database legitimate; and, even if it were, should the employees not have had access to ensure that the information was accurate and not malicious? In the second case, information was being used for other than the purpose for which it was collected. Union membership status information was collected to allow payroll deductions and was not intended for political purposes. European census data about religious affiliation collected in the 1920s and 1930s was innocuous at the time of collection, but it became a matter of life and death during the second World War and the Nazi occupation of Europe.

Increasingly, access to data is being sought for research purposes. Where 'depersonalised' information is used, no threat to privacy arises. It is only where information from which persons can be identified is used that threats to privacy are possible, especially if the results of the research are published in such a fashion that the subject is identifiable. I cite a case study of the Law Reform Commission. A woman had been treated for a sensitive condition by a medical practitioner who was then a student in his field of specialisation. The case was written up as a case study for examination purposes and the woman was identified both by description and by name in that study.

Of the 13 454 complaints received by the New South Wales Privacy Committee between 1975 and the end of 1981, only 229 have been considered not to raise privacy issues, or to raise issues which are of such a minor nature that no action was called for. Something less than two per cent were found to be trivial, or not involved in privacy issues.

The South Australian Ombudsman expressed concern a few years ago about information held by public sector computers. He said:

> As Ombudsman I am reminded daily about the vast amount of personal information contained in Government files . . . Files which contain information on prisoners, medical records, and on students, which have passed through my office in relation to complaints by individuals have, on occasion, been found to contain inaccurate or misleading information. I am sure this represents the tip of the iceberg.

There are more inaccuracies in personal information systems than is probably generally recognised. Seventy-five per cent of respondents to this question in a survey reported discovering mistakes in their manual files when these were

automated. In the United States, in a field where accuracy would be expected, the conversion of a police information system from print to machine-readable form disclosed errors in nearly one third of the files.

There is ample evidence of abuse of personal information to demand action—not that evidence was necessary. I would argue that the real potential for abuse would be sufficient. Rapid change in technology has greatly amplified the potential for abuse. In the words of the Australian Law Reform Commission:

> . . . there are profoundly practical reasons for strengthening protection of privacy interests. Through technological change, breakdown of existing controls on invasions of privacy threatens grave injustices to individuals, particularly as the result of the misuse of information, even where it is true, in criminal, health, employment, credit or other records. Databanks may become the repository for wrong or misleading information about persons and provide the basis for incorrect, unfair or insensitive decision making. It is virtually impossible for an ordinary person to discover precise details of all the information stored about him, and of its use and abuse. Much vital decision making in both public and private sectors, affecting entitlement to welfare benefits, credit, economic advancement, educational placement, and promotion at work, takes place in secret. Decision making affecting individuals is thereby made more remote than once was the case.

The report of the Ontario Commission on Freedom of Information and Individual Privacy (known as the Ontario report) states:

> The broad range of government activity impinges on so many aspects of personal life that the extent of the total personal information holdings of the government vastly exceeds the amount which could conceivably be collected by any single private organisation. Further, there is some public anxiety about the prospect of government ministries and agencies engaging in data sharing or data linkage—drawing personal information from a variety of government databanks and building comprehensive personal files or dossiers on individual citizens.

It is worth noting that this appears to be happening in the South Australian Justice Information System, where five Government departments store files on one computer system.

Privacy interests under threat include, first, development of computers to handle personal information, thereby allowing record keepers involved in traditional relationships with clients, customers, patients, research subjects and others to increase the volume of information held about their record-subjects, and encouraging them to allow that information to flow in directions never envisaged by the existing legal and ethical framework governing those relationships; and secondly, extensive and expanding use of computers in public and private administration. The most obvious development in South Australia in this regard is the Justice Information System. This triggered my acting at this time, but I think that the arguments stand and that they do not need a particular case to prove them.

Nowhere is the effect upon privacy interests of new technology more apparent than in the area of information processing. Whereas most of its effects are positive and beneficial, the 'computer revolution' and its marriage with improved and expanded telecommunications systems, the era of 'computications', is marked by new dangers for privacy.

In relation to privacy concerns generated by the informatics industry and the amount, computers can store vastly increased amounts of personal information and can do so virtually indefinitely, so that the protection which formerly derived from the sheer bulk of records disappears. The computer can retain indefinitely vast quantities of information about every member of society. In relation to speed, recent technology has increased enormously the speed and ease of retrieval of information, so that material which was once virtually inaccessible because it would take too long or be too difficult to get to is now retrievable, virtually instantaneously.

With regard to cost, the substantial reduction in the cost of handling, storing, and retrieving personal information has made it possible to keep vast amounts of personal information indefinitely. 'Living it down' becomes much more difficult. Updating accessible old records and reviewing their current relevancy becomes much more important.

In relation to linkages, the establishing of cross-linkages between different information systems is perfectly feasible. The capacity to 'search' for a particular name or particular personal features and to 'match' identified characteristics was generally not possible in large-scale manual record systems.

With regard to profiles, it is now readily possible to build up a composite 'profile' which aggregates the information supplied by different sources. Yet, unless the data which is aggregated is uniformly up to date, fair and complete, the composite may be out of date, unfair and distorted. If decisions are made on the basis of this information, they may be erroneous or unfair.

I now refer to the new profession. The new information technology is very largely in the hands of a new employment group not subject to the traditional constraints applicable to the established professions nor yet subject to effective regulation by a code of fair and honourable conduct.

In relation to accessibility, the very technology, and the language, codes, and occasional encryption used, made unaided individual access to the information difficult if not impossible. In some circumstances, these features act as a privacy protection. If proper safeguards are built in, information held in the computerised office can be more secure from unauthorised access than the conventional office, but proper safeguards are not always provided, and establishment of cross-linkages between different information systems increases the vulnerability of information systems to technologically sophisticated attack.

With regard to centralisation, although, technologically, computerisation linked with telecommunication may facilitate decentralisation of information, it is prone, by linkages, to ultimate centralisation of control. This development has obvious political as well as legal implications. Technologically, there is little to prevent State authorities gaining access to intimate personal details about everyone in society. Our present defences against this happening are political and cultural. There are few legal inhibitions.

It is worth looking at the findings of a report dated March 1982 by the Federal Auditor-General, who evaluated nineteen computer sites. I am afraid that it is the only report I could find, and I could not find any equivalent report for South Australia. However, it gives some indication of the sort of problems found.

Amongst these nineteen computer sites the Auditor-General found that 10 had failed to establish controls which would adequately reduce the risk of computer facilities being used for other than management-approved purposes. Only seven periodically reviewed the contents of computer data files to ensure that only information related to the organisation's functions was held.

Four failed to set up their computer in such a way as to ensure that only authorised programs could be used. However, in those organisations which had established this control, two failed to use the essential additional control of periodically checking the integrity of the authorisations stored in the computer.

In seven, the computer software either did not provide the facility to record all jobs and programs executed, or such a facility was not used when it was available. At nine

sites there was failure to record any attempts to use unauthorised programs. At 10 sites there was no adequate review of a reliable log of machine operations supported by investigations of unusual events. Controls needed to minimise the likelihood of unauthorised access to data processing and related assets were inadequate at five sites.

Two failed to make satisfactory arrangements to minimise the risk of physical attack on their computer equipment and to protect it from intrusion and disruption by outsiders. Two failed to dispose of computer waste in a secure manner.

Controls such as staff rotation, audit of application systems, and enforcement of leave schedules were either not used or inadequately applied at six sites. At six sites the opportunity existed for unauthorised persons to use unattended, activated, remote equipment. Files, documents, and reports, remote from the computing equipment, were at risk at eight sites.

Eleven sites had deficiencies in manual authorisations of jobs, password use, software checks against authorised programs and program versions, and a general lack of security at computer terminals. Password facilities were used ineffectively at 13 sites. Effective use of passwords involved their being cryptic, unique, and private, changed at intervals and when staff ceased employment, and capable of associating an individual to a function, terminal, or time.

The objective of having only authorised versions of application software used for processing was not met by 12 organisations. The accuracy of data files was considered to be at risk in seven of the sites. I could have expanded each of those points, but it is worth noting that many of those deficiencies were substantial rather than minor.

A manual filing system inevitably exerts its own controls through its inherent physical limitations. First, there was the inconvenience of searching for a record in a manual filing system. All but the most determined privacy invader was deterred by the trouble involved in obtaining unauthorised information. If the information can be obtained instantly, at the press of a button, requests for information from third parties may be more readily accommodated by those working inside the system, and the outsider may more readily obtain unauthorised access.

Secondly, manual systems were decentralised, so that a person seeking unlawfully to obtain information would often be deterred by his distance from the agency responsible for its collection and storage. A centralised and computerised system might more readily be tapped by a decentralised agency in close proximity to the person intent on privacy invasion. Indeed, the fact that information may be carried long distances by landlines and other telecommunications equipment means that it may be tapped at great distances from the centralised location where it is ultimately to be stored.

Thirdly, where items of information concerning particular individuals are stored separately in the files of many Government agencies and departments, and where the privacy invader does not know in which of many agencies the information concerning the subject in which he is interested is stored, the privacy invader is faced with the daunting prospect of making many separate searches in order to obtain the information that he requires. The centralisation and interconnection of computer files will gradually, unless checked, negate this restraint—by making it possible for one individual to obtain all of the information held by Government authorities about another through a single unauthorised access, disclosure, or wiretap.

Fourthly, it will be impossible in most cases to use it for a purpose beyond that which will have been obvious to the subject at the stage where information was collected about him. There will be limits placed on the amount of information collected, dictated by the sheer physical difficulties of handling more information than absolutely necessary to meet the immediate and obvious purposes of the system. The introduction of the computer removes those physical difficulties and allows personal information to be collected not only for the obvious and immediate purposes of the system, but also for additional purposes. There is the risk that those additional purposes will not be obvious to the data subject, and, indeed, will be known only to the managers and the computer experts with whom they consult.

As an example of the latter, a manual filing system kept by a pharmacist concerning his patients will obviously be limited in its aims to the recording and servicing of their immediate needs, as prescribed by the doctor. It is an inherently 'open system'. The introduction of computerisation, possible now in even small pharmacies through the development of the minicomputer, encourages the ascription of further functions to the system; in particular, the functions of research, cooperation with Commonwealth and State health authorities and agencies, and policing of individual patients' drug usage. In other words, introduction of the computer into personal record keeping provides the incentive, and the means, to invade the information privacy interests of the data subjects.

By comparison with card filing systems, computerisation offers a number of dangers. First, with computers, there is the danger that for any single piece of information stored, the number of persons who will be able to gain unauthorised access, or who will be able to persuade a record-keeper to make an unauthorised disclosure, will be increased. Secondly, there is the danger that the person who is able to gain unauthorised access or who succeeds in obtaining unauthorised disclosure will receive a far greater quantum of information than would be possible under manual filing systems. An unauthorised individual may bribe or otherwise induce an unauthorised person to obtain information, and communicate it to him. This kind of danger is unavoidable in any filing system manual or computer, centralised or decentralised, but the arrival of computers has increased the risk.

An understanding of what is encompassed in the concept of privacy can therefore be gained by seeing privacy in the context of human rights. Basic to all the human rights identified in the ICCPR, and other international human rights instruments, is respect for individual autonomy. Claims to privacy are part of the claim that the autonomy of each individual should be protected and his integrity respected. Privacy claims involve a number of aspects: that the person of the individual should be respected, that is, it should not be interfered with without consent; that the individual should be able to exercise a measure of control over relationships with others. This means that a person should be able to exert an appropriate measure of control over the extent to which his correspondence, communications, and activities are available to others in the community; and he should be able to control the extent to which information about him is available to others in the community.

Government officials and commercial enterprises are now armed with a more generous range of intrusive powers and invasive equipment and techniques than was available when the existing framework for protection of privacy interest was being developed. In particular in relation to official powers—in part, the need for changes to the existing framework of protection of privacy interests arises from the larger powers claimed by public officials, including powers of

arrest, entry, search, seizure, inspection, summons, interrogations, and surveillance.

As society has become more interdependent, and the role of government has expanded, people have come to expect more from government. To satisfy their demands, the Government's claim to intrusive powers increases. But it cannot be unlimited and there must be proper checks and impartial scrutiny if privacy is not to be unduly eroded. We in the Democrats are only too mindful of the indirect implications of our call for an Independent Commission Against Crime and Corruption. We believe that it is necessary that it be set up; however, our concern for civil liberties remains undiminished.

Commercial practices: commercial activity has become increasingly intrusive. This is particularly marked in two areas: a growing reliance on unsolicited communications to invade 'privacies of attention', and the use of new information-processing technology to closely define the market for various goods and services, and to create black lists and information brokerage systems.

Secret surveillance: the availability of increasingly sophisticated secret surveillance and communications interception equipment makes possible more extensive monitoring of, and interference with, activities and communications that were formerly private.

Computer and communications technology: the development of computer and communications technology has created a vast increase in the amount of information held about every individual in society and made possible an ever-expanding range of ways in which that information can be assembled, swapped, matched, and turned into comprehensive profiles on individuals.

At the international level, partly as a response to these developments, a number of statements of principles, including privacy-related principles, have been formulated in the interests of protecting human rights. The review of the existing protections for privacy, both in Australia and overseas, reveals an extensive network of common law and statutory rules, tribunals, professional and industry bodies and associations, Government agencies, and consumer protection groups, providing incidental, and to some extent effective, privacy protection.

But there are important gaps in the existing framework that need to be filled. There are isolated instances, often well publicised through the mass media, of harm flowing from invasion of privacy. As noted above, there has been a sustained level of complaints about invasion of privacy in New South Wales over recent years, where there is a complaints receiving body, the Privacy Committee.

We have the problem of balancing the increased efficiency attributed to computing systems against the increased likelihood of privacy invasion, and determining whether in the particular context, the administrative gain justifies the privacy loss. The Law Reform Commission noted that 'an institutional guardian is needed for privacy interests'.

Developments affecting privacy have been sponsored by powerful public and private sector groups in a wide variety of areas; for example, banking, insurance, law enforcement, and health and welfare administration. While these interests have been powerful and well organised, there has been no institutional advocate of privacy interests. The result has tended to be that, when decisions are being made about a new information system or a new form of intrusive conduct, the advantages of the proposal from the point of view of increased efficiency to areas such as health administration and law enforcement are fully considered. The extent to which the proposal may interfere with privacy, on the other hand, is not. That is not to suggest that privacy interests have been ignored entirely, but they have been underrepresented. Institutional arrangements need to be made to redress this imbalance.

It is appropriate to note that the South Australian Privacy Committee did not seek legislation to protect privacy, and this is the line that is being adopted by the Attorney-General as I understand it. Of course the Privacy Committee was comprised of four public servants.

I do not deride the fact that they are public servants, but they are the keepers of the files, and I do not think that they can also be the watchdogs as to how the files are being used. They cannot help but have an institutional perspective. I believe that the arguments brought forward by the Australian Law Reform Commission are far more powerful and that there is the need for legislation. The Law Reform Commission further noted:

> While the commission has given careful consideration to those submissions which urge that no privacy legislation should be enacted, it cannot agree with them. . . . legislation is needed to set standards, to establish administrative mechanisms for their review and to provide for carefully designed coercive sanctions in areas where these can be efficiently and productively applied. There are serious problems in rejecting completely any form of legislative response. The need is present, and can best be met by a judicious mixture of judicial and administrative mechanisms, provided within a legislative framework.

While Federal privacy legislation is being discussed at present—once again because of the tax file number system—constitutionally it cannot affect South Australian public sector databases nor can it affect most private databases. The question arises as to uniformity, between the States and with the Commonwealth. Administrative mechanisms do not need to be uniform. What needs to be uniform are the privacy guidelines. I suggest that the OECD guidelines are the most appropriate. They are consistent with what has already been enacted in the majority of Western nations. The principles are widely expressed and in general terms. They are statements of principle and aspiration. It is up to the commission to give them an interpretation in the context of particular information (database).

The Parliament should declare them to be the basis for the protection of privacy in the information processing context. This would provide a short legislative statement of basic principles by reference to which information practices could be assessed, and complaints of interference with information privacy could be investigated by the Privacy Commission and other agencies.

A legislative statement of the principles for privacy protection is clearly desirable. Wherever practicable, mechanisms to give legal force to the principles should be provided. Under many jurisdictions, licensing occurs for private databases. That is not envisaged in the Bill before us. It is mainly aimed at public databases. By that I do not mean just files kept on computer; it just as readily applies to cardfiles. The primary emphasis of the Bill is on the storage, retrieval, availability and use of personal information. The Bill is only secondarily related to intrusion, that is, surveillance and communication interception. Until the Australia Card debate, much of the argument about privacy had related to intrusion. However, for the first time, Australians began to question the use of personal information by Governments.

I will briefly go through the main clauses of the Bill. Under clause 5, the commission is set up. It will be composed of a presiding Commissioner, who will be a judge of the Supreme Court nominated by the Chief Justice of the Supreme Court; one person nominated by the Minister of Consumer Affairs; one person nominated by the South Australian Council for Civil Liberties; and two persons nominated by the Attorney-General, of whom one will be

appointed from the Public Service, the other being a member of the public. Although it is not stated in the Bill, I expect that some of those people will be computer literate in the true sense of the term.

Clause 6 provides for the functions of the commission. Its first function will promote compliance with OECD guidelines in the operation of public and private sector databases. To promote compliance does not necessarily mean having to use legal levers. Compliance can also be encouraged by advertising, particularly with respect to private sector databases, and education. The second function of the commission will be to monitor and undertake research into the application of technological advances in the storage and retrieval of information. Computers and communications generally are changing very rapidly, and the ramifications of those changes need to be studied constantly. If there is a need for a change in the law, we must be prepared for that.

The commission's third function will be to publish information protection guideines for the protection of each public sector database and to monitor compliance with those guidelines. This is a most important function: each Government sector database will need slightly different guidelines. It is obvious that a file held by the Health Department may need different guidelines from a file held by the Police Department. Under the principle of openness, which is one of the OECD principles, one would not expect that a person could walk into the Police Department and ask what information was held on that person's marijuana crop. That would be ludicrous. The principle of openness will vary from case to case because privacy principles and other valid considerations must be taken into account. The important thing is that, as far as practicable, privacy principles are enforced. As I said, each public sector database will have its own set of rules, which will be set up by the commission and complied with.

The final function of the commission will be to investigate complaints concerning the operation of public or private databases in accordance with this Act. That role will be similar to that of the Ombudsman in relation to privacy. Clause 10 concerns the commission's power to delegate. That power is similar to that of the Ombudsman who can delegate his powers to others. Clause 11 provides for the use of the services of the Ombudsman or the Department of Public and Consumer Affairs. For reasons of efficiency, both financial and administrative, I expect that the commission will work hand in hand with the Ombudsman and the Department of Public and Consumer Affairs and that there will be a sharing of resources and personnel. Complaints will be directed to the Ombudsman that should properly go to the Privacy Commission, and I expect them to be referred directly to the commission and vice versa. By working in close cooperation, a highly efficient operation can be developed, whilst recognising the different roles.

The provision for an annual report is similar to the requirement on the Ombudsman. Because this Bill concerns the way in which the Government keeps files, it is important that Parliament be kept informed as to how the privacy principles are being adhered to. Clause 13 details the setting up of guidelines for public sector databases. As I have already explained, each database will need its own particular set of rules, consistent as far as practicable with OECD guidelines. Two questions may need clarification. One is whether the commission must publish in the *Gazette* information protection guidelines for each public sector database. I have had an argument with myself as to whether that should be effected by regulation. If absolute guarantees about the enforcement of guidelines and their suitability are wanted, it could be done by regulation. There is also a question whether 90 days is sufficient for existing files to have their guidelines in place. They may need to be given slightly more time. These rules are to apply to new databases and to existing databases.

Clause 14 relates to annual inspections. It will be required that the commission inspect each public sector database to ensure that it complies with the information protection guidelines published in respect of that database. That sort of inspection will not be dissimilar from the inspections that the Auditor-General makes in relation to the financial affairs of Government departments. The next clauses provide the sort of powers and procedures applying to similar bodies and, at this stage, I will not spend any time discussing them.

Clause 31 concerns mailing lists and represents the one point in this Bill where particular powers will be given to the commission. Mailing lists are the bane of many people's lives. Unsolicited mail is often received from groups wanting to sell things and get money. It is clear that mailing lists are sold by various bodies. A person should be able to ask that his or her name be taken from a mailing list, that that be done properly and that, where a person gives his or her name to a particular organisation, that organisation should not pass that name on to other organisations without that person's consent. It would be very difficult for anybody to argue against having such requirements in relation to mailing lists. That is the only power that the commission will have with respect to private sector databases, other than its power to make general inquiries about matters which have been referred to it by the Department of Public and Consumer Affairs. However, I expect that, in its annual report, the Privacy Commission will make mention of matters affecting private sector databases and report on how well they are progressing in terms of securing general compliance with OECD guidelines and, if necessary, making recommendations regarding amendments to the legislation.

The final question concerns cost. The Justice Information System was set up to save money. It is not satisfactory to set up such a system, which has privacy ramifications, simply to save money and to refuse to spend money to guarantee the privacy of individuals.

The Hon. Diana Laidlaw: Hasn't that budget blown out?

The Hon. M.J. ELLIOTT: It may turn out that the Justice Information System has not saved money, but that is not my problem. The important point is this: if it is not justified on the basis of cost, what other justification did it have? Cost is no reason at all not to give the citizens of South Australia a guarantee in terms of their own privacy, and 1984 is past but the machinery necessary for the society foreseen by all in 1984 is well and truly in place. At some time in the future we can never be certain what may happen unless we have safe, secure legal safeguards for the people of South Australia. I urge all members to support the Bill.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

The Hon. CAROLYN PICKLES: Madam President, I draw your attention to the state of the Council.

A quorum having been formed:

SELECT COMMITTEE ON CHRISTIES BEACH WOMEN'S SHELTER

The Hon. G.L. BRUCE: I move:

That it be an instruction to the select committee that its terms of reference be amended by adding the following paragraph:

(iv) Should the committee determine not to disclose or publish any evidence taken by the committee, the Council will not require such evidence to be tabled in the Council.

In speaking very briefly to the motion, I am very aware of Standing Order 190, which provides:

No reference shall be made to any proceedings of the committee of the whole Council or of a select committee until such proceedings have been reported.

I do not intend to canvass anything that the committee has gone into, but it is the belief of members of the committee that we should be able to give any assurance of confidentiality to witnesses who wish to appear before that committee. It is our belief that some people who would want to appear before and give evidence to the committee fear that some of their evidence could be detrimental to them and that they could be placed in jeopardy if that evidence was made public by being tabled in the Parliament. So, we seek such a commitment from the Council.

We are very mindful of the fact that the Council is master of its own destiny and that it can determine at any time what it wants to do with evidence. We would expect that an assurance given in such an atmosphere as has been requested by the committee would be honoured by the Council. At no time has the committee sought to take away powers from the Council by making this request. I urge members to support the motion.

The Hon. J.C. BURDETT: I support the motion. As the Hon. Gordon Bruce said, the possibility has been considered—and this is nothing to do with any consideration within the committee—that there may be people who fear recrimination if they give evidence. It has been suggested to some members outside the committee (not within the meetings or deliberations of the committee) that there are people who feel intimidated in coming forward and giving evidence. That is the reason for this motion. In supporting the motion, I realise its difficulties. Under Standing Orders, the Council has the power, anyway, to call for any evidence presented before the committee to be tabled, and that it is the Council and not the committee which is the custodian and in charge of evidence that is presented to the committee. It is for that reason that we seek this statement of intention from the Council. I also realise that there is no guarantee that the Council could change its mind tomorrow.

The Hon. C.J. Sumner: It is unlikely.

The Hon. J.C. BURDETT: Unlikely, yes, because I certainly believe that what this Council gives as a statement of intention will not be changed except for very good reason.

The Hon. C.J. Sumner: They never go back on their word.

The Hon. J.C. BURDETT: They wouldn't. Members may recall that, in relation to a select committee of the House of Assembly on the subject of prostitution, because that practice is illegal, it was found necessary to pass a Bill to protect people who gave evidence before that committee. It does not seem necessary to do that in this case but, as the Attorney-General has indicated through interjection, it is very unlikely that a statement of intention made in the form of this motion by the Council would be gone back on except for very good reason. Madam President, you can rest assured that witnesses who do seek the protection of this motion will be acquainted with the possibility that they cannot receive an absolute guarantee, and that the evidence may be tabled.

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

The Hon. J.C. BURDETT: I think they ought to be told of the limitations of the protection, as they have been told all through about the possibilities. We cannot lead them up the garden path and let them give evidence—

The Hon. C.J. Sumner: We won't tell them it's unlikely.

The Hon. J.C. BURDETT: Yes, indeed—certainly.

The Hon. C.J. Sumner: It would depend on the Democrats repudiating—

The Hon. J.C. BURDETT: I don't think so. I am quite happy about the Democrats' stand in this situation. It is important that in this delicate situation—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. J.C. BURDETT: It is important in this inquiry which the select committee of the Council is undertaking that there must be no impediment—that we must be able to get at the whole truth from all sides. It is for that reason that this motion was moved by the Hon. Gordon Bruce, and it is for that reason that I support it.

The Hon. T. CROTHERS: I rise also to support the motion and, in so doing, I will be fairly brief. It is my own view that if a select committee is to effectively discharge the commission that is bestowed on it by this Chamber—or indeed, by any other Chamber of any Parliament that operates under the Westminster system—then, like the Hon. John Burdett, I believe that there ought to be no impediment put in its way in respect of getting at the truth.

As I understand it, that is what select committees are all about—being in pursuit of truths that have been difficult to establish by any other means. It has been put to me by people who know that I am a member of the select committee that there may well be people who want to present evidence to that committee but who, for reasons of fear for their own physical wellbeing, will not come forward to the committee.

As I said, I will be mercifully brief. I believe that there was fairly solid support for the matter, and I will only add that we are not seeking to suborn the powers of the Council but, rather, we are seeking to have a mechanism whereby there is no barrier to ascertaining any truths that are yet to be told. I ask members to support this motion.

The Hon. M.J. ELLIOTT: I also support the motion. This matter was first introduced in order to ascertain the truth and, if we need to pass such motions for that to occur, then I fully support that. However, I must add that I find it difficult to imagine circumstances in which a person would be given such an assurance. However, the point of the motion is that, if a person is given that assurance, the Council will stand by it.

The Hon. C.J. Sumner: You'll abide by that?

The Hon. M.J. ELLIOTT: There was never any question of that. There are, indeed, two questions: first, whether or not a person will actually be given the guarantee. That will have to be looked at in individual cases. I cannot imagine the circumstances, but they may arise where it may be necessary. However, should that assurance be given, then this Council should be giving its assurance that it will abide by the committee's promise.

Motion carried.

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the committee's report be extended until Wednesday 30 November 1988.

Motion carried.

SELECT COMMITTEE ON EFFECTIVENESS AND EFFICIENCY OF OPERATIONS OF THE SOUTH AUSTRALIAN TIMBER CORPORATION

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

That the time for bringing up the committee's report be extended until Wednesday 30 November 1988.

Motion carried.

SELECT COMMITEE ON THE ABORIGINAL HEALTH ORGANISATION

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

That the time for bringing up the committee's report be extended until Wednesday 30 November 1988.

Motion carried.

SELECT COMMITTEE ON CHRISTIES BEACH WOMEN'S SHELTER

The Hon. G.L. BRUCE: I move:

That the time for bringing up the committee's report be extended until Wednesday 30 November 1988.

Motion carried.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 845.)

The Hon. C.J. SUMNER (Attorney-General): The Government opposes this Bill. The policy that this Bill is directed at deals with equal opportunity in sport in our schools. The current policy of open involvement between girls and boys in school sport was adopted on an interim basis for a 12 month trial period. That 12 month trial does not end until the end of this year. Therefore, the legislation is not necessary at this stage, if at all. It is probable that, if necessary, policy adjustments can be made within the existing legislation following assessment of the policy at the end of this year.

The intention of the law in relation to competitive sport for children of primary school age is to ensure equality of opportunity for girls and boys. I hope that that policy will receive universal support in this Chamber. The SAPSASA interim policy, to which I have referred, is a trial of one method of reaching this goal via mixed sport. In the years before the Equal Opportunity Act sports for girls and boys were separate. There is documented evidence that under this system girls were disadvantaged. They played fewer sports with fewer resources and they dropped out of sport at a younger age than boys and in greater numbers. To change the law in line with the Hon. Mr Lucas's Bill would mean, in effect, permanently entrenching separate competition for boys and girls in the legislation, thereby returning to the discrimination which occurred in the past. Proposed section 48 (1) *(b)* of the Bill provides:

> This part does not render unlawful the conducting of separate competitive sporting activities for boys or girls of or below primary school age.

The reality is that separate competition for boys and girls can already be conducted under the existing provisions of the Equal Opportunity Act, and therefore the Government does not believe that at this stage amendment to the legislation is required. That separate competition for boys and girls being conducted under the existing provisions can occur in circumstances where strength, stamina and physique are relevant. Whether strength, stamina and physique are relevant can only be determined on the information available from and about each sport.

If the evidence (including evidence gathered during the trial of the SAPSASA interim policy) indicates that, in some sports, strength, stamina and physique are relevant, the policy can be changed to take this into account. The law, as it stands, makes this possible. If the present SAPSASA policy is shown by its inbuilt review monitoring system to be unsuccessful or counter-productive to girls or boys in certain sports it can be altered in those sports. In essence, if it can be demonstrated that separate competitions are the best method of attaining equal opportunity for girls where strength, stamina and physique are relevant, there is no barrier under the existing provisions for separate competition, provided that girls are given equal competition, resources, training and support to that which is given to boys.

Reference has been made to a so-called 'review' of primary school sport by SAPSASA. This was not a review as such, but a collection of impressions put together after only seven months following the gazettal of policy. The understanding was that the matter would be reviewed after 12 months of operation. SAPSASA's conclusions in that so-called 'review' of primary school sport may or may not be borne out in a properly conducted and researched review, but the appropriate time for change, if one is required, is after 12 months, as was agreed at the start of the trial period.

So, the Government's position is that the interim policy is on 12 months trial. That was agreed to by SAPSASA when the policy was introduced, and the best course of action is for the Parliament to await completion of that trial period and then assess the effects of it, in terms of the primary objective in this area, which is to ensure equality of opportunity for girls and boys in sport at school. That is the primary objective. The policy which is in effect will be measured against that objective at the conclusion of what was agreed as a 12 month period of trialing the policy. If at that stage a policy change is necessary, or if it is found that amendment to the legislation is necessary, then that can be considered by the Government and by the Parliament at that time.

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

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 September. Page 662.)

The Hon. C.J. SUMNER (Attorney-General): On 7 September 1988, and apparently in response to representations concerning the collapse of Leader Builders, the Hon. I. Gilfillan introduced in the Legislative Council a Bill to amend the Builders Licensing Act. The existing section 25 of the Act protects the position of owners by requiring that progress payments under domestic building work contracts can only be demanded in respect of work under the contract which has already been performed. The Gilfillan Bill proposes to repeal that section entirely and to replace it with a new section 25 which is intended to establish a system of trust accounts through which builders would be required to handle payments akin to the present progress payments.

Payments out of the trust account would be permitted to meet the builder's obligations to suppliers, to subcontractors, and to employees, and for payments to which the builder would be properly entitled in respect of work done by the builder. A breach of any of the proposed trust account rules would be an offence with a penalty of $20 000.

The Government opposes the Bill for three main reasons. First, the Bill would not work. It would do nothing for consumers that is not already done by the existing provisions, and it would not do for subcontractors what is claimed. Secondly, the trust account scheme proposed in the Bill would be cumbersome to comply with and prohibitively costly to administer and supervise.

Thirdly, it is, at two levels, an inappropriate amendment to the Builders Licensing Act. It is inappropriate to tack onto what is essentially a consumer protection piece of legislation provisions for regulating the relations between traders. It is also inappropriate, because it is indirect, to attack a problem in the relations between builders and subcontractors by trying to control a quite different relationship, namely, that between builders and owners.

It should be recognised from the outset that this proposal was supported by alarmist statements involving a good deal of exaggeration and simple error. In introducing his Bill, the Hon. Mr Gilfillan referred to the difficulties experienced by Leader Builders Pty Ltd, which left a considerable number of owners with partly completed homes. He pointed out that this had led to delays for those owners, not least through the registration of workmen's liens. Nobody denies this. He went on to say that home owners were left with debts not covered by the Housing Industry Association Indemnity Insurance Scheme which covers the completion of such homes.

It is true that there may have been delays, because the insurance scheme was not activated until the building company went into liquidation, but it is quite wrong to suggest that the HIA Indemnity Insurance Scheme would not operate in the situation to which he was referring.

It is also true that there are delays and difficulties when builders do not pay their subcontractors and workmen's liens are imposed, but it is wrong to suggest that the result is that the owner pays twice for the subcontractor who has not been paid by a failed builder. In no case which has come to the attention of the officers of the Department of Public and Consumer Affairs in this or any other such difficulty has an owner had to part with more than the original contract price in order to get a home completed.

The central point is that, when a business gets into trouble, those who have been dealing with it will, regrettably, always experience delays and inconvenience. No amount of legislation can stop that, nor will some rules about trust accounts. It is all very well if the builder obeys the rules, but a business that is conducted in such a way that it goes into liquidation with surplus liabilities of $750 000 is unlikely to be deterred by a $20 000 fine for disobeying the trust account rules. In short, despite the exaggerated claims made about the situation in which home-owners were left in the recent collapse, the existing mechanisms are proving effective for consumers to retrieve the position.

Alarmist statements were made at another point. In support of the Bill, considerable play was made of assertions that, in the collapse of Leader Homes, a ceiling fixer subcontractor was left being owed something like $30 000. In fact, in the statement of affairs filed by the liquidator in the Supreme Court, the only acknowledged debt remotely resembling this is a debt of $23 000 owing to Trend Ceilings Pty Ltd. The liquidator reports this morning that Trend Ceilings Pty Ltd has submitted a proof of debt for about that amount, and that at this stage no other creditor has come forward making a claim for moneys owing for ceiling fixing services. It is of course possible that one of Trend Ceilings' own subcontractors is owed a considerable amount, but that is a matter entirely between the two of them and is unaffected by Trend's claim against the assets of Leader Homes.

No-one doubts that these situations can cause difficulties for subcontractors, although a sense of realism suggests that any subcontractor whose turnover was large enough to enable an accrued debt of $20 000 or $30 000 to accumulate would be overwhelmingly likely to take out bad debt insurance on a private basis.

There is in existence an indemnity insurance scheme for subcontractors. It is available to small subcontractors who are members of the Housing Industry Association. It is an automatic benefit of their membership. It insures 80 per cent of an insured loss up to a maximum pay-out in respect of any one loss of $5 000, and a maximum pay-out in any one insured year of $20 000. There is a downward sliding scale of cover for subcontractors whose gross annual turnover exceeds $150 000.

The Housing Industry Association has made a preliminary announcement of enhanced trade indemnity insurance cover for its members. I have the permission of the chief executive of the Housing Industry Association to say that the enhanced trade indemnity cover will be available to larger subcontractors, manufacturers, suppliers, consultants, and engineers who are members of the HIA; that it will be available in units from $5 000 of cover to $30 000 of cover per year; and that the HIA expects to have the scheme in operation later this month.

Earlier this year, Judge A.V. Russell, QC, in the Industrial Commission, submitted a report to the Minister of Labour on issues affecting the position of subcontractors that had been referred to the commission as a result of an earlier collapse of Heritage Homes. He acknowledged difficulties with the Workmen's Liens Act. He explicitly rejected the proposition that trades people who operated as subcontractors should receive comparable legislative protection to that given to employees. He endorsed the mechanism of trade indemnity insurance.

It is generally acknowledged that the mechanisms provided by the Workmen's Liens Act are not entirely satisfactory and can be disruptive for all parties and are not completely effective in protecting the interests of subcontractors in the building industry.

I am informed that, since the report by Judge Russell, officers of the Department of Labour have been investigating this issue. The Government has decided that officers of the Department of Labour, with assistance from officers of the Department of Public and Consumer Affairs, should prepare a report on the prospects of developing broader indemnity insurance for building subcontractors for consideration by Cabinet. Mechanisms of this sort that deal directly with the relationship affected are preferable to the attempt in this Bill to approach the problem through a different commercial relationship.

There are other fundamental criticisms of the Bill. First, it abandons the tangible protection given by the existing section 25, which requires that no progress payment can be demanded until the work for which payment is being made has actually been done. No doubt, financiers would seek to enforce a similar condition before making advances, but the statutory protection would be lost.

Secondly, the Bill, as it must for the purposes of its structure, gives owners absolute property in any materials bought with the trust money. This puts the owner at risk

in relation to those materials despite the fact that it is the builder, and not the owner, who is solely in a position to control that risk. It is a risk against which builders customarily insure themselves.

Thirdly, the trust account system in itself does nothing, apart from sanction after the event, to prevent a severe cash flow crisis from eventually catching up with a builder and causing difficulties for others. The reporting and monitoring systems that would be necessary to supervise the account in respect of each domestic building contract would be prohibitively cumbersome and expensive.

It is also relevant that the commercial reality of building contracts is significantly different from that applying to other areas where trust accounts are required, such as legal practitioners and land agents and brokers. In those areas, the trust moneys are devoted largely to one or two major payments, along with a handful of disbursements for fees and charges. By contrast, even a quite modest building contract for household additions—

The Hon. L.H. Davis: Do you believe this?

The Hon. C.J. SUMNER: Yes—represents an aggregation of a very large number of smaller individual contracts.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: If you want to support the Hon. Mr Gilfillan's Bill, you can have your say and we will hear from you.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: It is my speech, yes.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: That's right, members opposite can have their fun. We will wait and hear what they have to say.

The Hon. I. Gilfillan: We are very riveted by what you are saying.

The Hon. C.J. SUMNER: I am very happy about that.

Members interjecting:

The ACTING PRESIDENT (Hon. J.C. Irwin): Order!

The Hon. C.J. SUMNER: Before the Hon. Mr Gilfillan—

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT: Will the Hon. Mr Davis come to order.

The Hon. C.J. SUMNER: —gets into the act, I suggest that he waits to see what members opposite have to say about his Bill—he may be in for a surprise.

The bookeeping requirements on a builder in respect of each client would be much more onerous than in any other case. Apart from these defects, the Bill as introduced has a considerable number of significant technical flaws. For example, it does not have some of the routine provisions for payment out of the trust account upon court order, and it establishes no regime for audit inspection and supervision. It is not necessary to detail these shortcomings, however, because the main problem is with the basis principle.

In summary, the Government opposes the Bill. The arguments in support of it are based on misconceptions, and the mechanisms it proposes would be ineffective in terms of its purpose.

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

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 483).

The Hon. R.I. LUCAS: I rise to support the second reading of the Bill introduced by the Hon. Mr Cameron. It is hard to remember on how many occasions I have now spoken to this Bill; it must be at least three—or possibly four—occasions during my brief span of six years in the Legislative Council. Of course, that does not detract from the importance of the legislation that is before us again. I hope that it will have a speedy passage through the Legislative Council with the support of the Australian Democrats who, at least on this issue, have in the past shown good sense to support the legislation and get it down to the House of Assembly. We hope that on this occasion we will see some debate and formal consideration from the Premier and the Government in the House of Assembly.

I enjoy speaking on Freedom of Information Bills, even though I have done so on three or four occasions because, apart from the issue of the NCA, this is the one matter on which the Attorney-General (Hon. C.J. Sumner) has considerable difficulty coping with discussion or debate. I think it has a lot to do with the Attorney-General's previous statements, which date back over some years, in relation to the importance of and the need for freedom of information legislation. For the benefit of the newer members of this Chamber—of whom there are one or two—during my contribution I want to quickly trace through the history of the promises made by the Australian Labor Party and, more importantly for this debate, the promises made by the Attorney-General in relation to this matter.

The Hon. R.J. Ritson: When we were in Government.

The Hon. R.I. LUCAS: Well, for a period of years. The Attorney-General must be absent from the Chamber on important matters—I accept that. According to the 1985 edition of the State Labor Party's platform (that is the most recent edition that I was able to track down in the Parliamentary Library), under the section 'Legal Reforms'—and the Honourable Mr Crothers, as the outgoing president of the ALP, will be able to tell me whether or not this is relevant—it states:

> In particular, Labor is committed to the enactment of laws ensuring freedom of information.

I repeat that that is in the 1985 edition of the document. Just looking quickly at the Labor members in this Chamber, it does not appear that that statement has been removed in recent debate over the past three years by the conventions of the ALP. So, we can accept that that remains as a key political plank of the legal reform section of the State Labor Party platform. All members of the Labor Party, whether they be of the Left—as with the Hon. Mr Roberts and the Hon. Ms Pickles—the convenor and one of the key movers and shakers of the left faction in the State Labor Party, or whether they be of the Centre Left—

The Hon. L.H. Davis: The three wise persons.

The Hon. R.I. LUCAS: There are more than three. They are up around 45 per cent, struggling ever onwards and upwards towards that magical figure of 50 per cent, stacking branch meetings in February, March and April of each year. However, that is not a matter for this debate. The Left representatives tell me that they are going to make a personal explanation on that matter. I would be delighted to talk about some recent sub-branch meetings in the north of Adelaide and the western suburbs and one or two on the Fleurieu Peninsula.

An honourable member interjecting:

The Hon. R.I. LUCAS: All right, not with the Left. We also have in the substance of the Hon. Mr Crothers a substantial figure of the Centre Left faction—substantial not only in physical appearance but also in number crunching ability of the centre left faction of the Labor Party. They

have made it clear that that is a key feature of the State Labor Party platform in South Australia. Members of all those factions—and indeed the fledgling, growing right wing faction of the South Australian Parliament—are sworn to support that plank of the Australian Labor Party platform.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: We don't want to get into Mr George Apap.

The Hon. L.H. Davis: Everyone else did.

The Hon. R.I. LUCAS: Even the Left disowned Mr Apap. It is important to look at the State Labor Party platform in relation to freedom of information legislation because it is an indication of what Labor members, including the Attorney-General, are pledged to support. On recent occasions the Attorney has said that this is a long-term goal, a gradual process through administrative instructions for privacy and freedom of information, and eventually, in some dim distant time in the future, we will arrive at freedom of information legislation.

On 21 April 1980, when the Labor Party was in Opposition, a report headed 'Sumner demands policy on privacy' appeared in the *Sunday Mail*. It stated:

> The Opposition Leader in the Legislative Council, Mr Chris Sumner, yesterday called on the Government to state its policy on privacy and freedom of information.

If one traces the history back to early 1984, one sees an article in the *Sunday Mail* of 8 January 1984 by Mr Randall Ashbourne states:

> The Attorney-General, Mr Sumner, said from West Germany late yesterday—

it must have been a very important story because the journalist traced Mr Sumner to West Germany—

> that the Government was committed to freedom of information legislation. He said the Bill probably would go to Parliament early next year.

I remind members that that is early 1985, some three years ago.

The Hon. R.J. Ritson interjecting:

The Hon. R.I. LUCAS: Well, perhaps the Attorney was rolled. I continue the quote, as follows:

> But freedom of information rights would be introduced on an administrative basis this year.

I now refer to an article in the 10 July 1984 issue of the Adelaide *News*, under the heading, 'A new law will free Government files', by Craig Bildstein, who, I am sure members will be aware, is now a fully fledged member of the Liberal Party in the Victorian Parliament. I am sure that members will offer their congratulations to Mr Bildstein.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: That was 1984. One in a hundred journalists is not a bad strike rate. That article stated:

> South Australians will have greater access to Government files under legislation outlined today. The Attorney-General, Mr Sumner, announced today freedom of information laws would be introduced next year. A Bill is being drafted for Parliament.

There are many other quotes that one could take from our newspapers, from the State Labor Party platform, as I have indicated or, indeed, from the Labor Party policy platforms that they took to various elections in the late 1970s and the early 1980s.

The one consistent theme through all of that period was that the Attorney-General (Chris Sumner) was quite happy to portray himself as a fighter for freedom of information legislation, particularly when he was in Opposition. He was prepared to gain all the kudos from the publicity that he was able to obtain from these statements and announcements over a period of years. So, what has been the record of the Attorney-General? Has he been true to his word? Has he been prepared to keep the solemn promises that he made? The sad reply is 'No'. The Attorney-General has quite blatantly broken the solemn promises that he made publicly in the newspapers and in the policy announcements during that period.

The Hon. R.J. Ritson: That raises the question as to how solemn they were.

The Hon. R.I. LUCAS: As the Hon. Dr Ritson said, one wonders how solemn those promises were and also whether one can believe the statements that the Attorney-General makes from time to time on a range of issues. If he is quite prepared not to support or continue with the promises that he made on a number of occasions when in Opposition and as recently as 1984 when Attorney-General in the Bannon Government, one wonders whether one can believe too much of what the Attorney-General says on a range of issues.

On at least three occasions in this Chamber since 1984 the Attorney-General has had the opportunity to put his vote where his mouth is. On all occasions he has opposed the freedom of information legislation in this Chamber. The simple fact is, as members know only full well, that the Attorney-General does not want freedom of information legislation now because he and other members of the Bannon Cabinet and the Bannon parliamentary Party have a number of things to hide. They do not want the public, the media and the Parliament to be able to get access to information which they know would embarrass them and which would be damaging electorally to them and to their electoral prospects in the lead-up to the next State election.

On a range of issues such as the South Australian Government Financing Authority, the financing deals in which the Electricity Trust of South Australia has engaged and a number of activities of the South Australian Timber Corporation the Government does not want information to be revealed. Indeed, the only way that Parliament and the public have been able to gain access to information concerning the operations of Satco has been through the extraordinary procedure of the establishment of a select committee of this Chamber to get to the bottom of some of that corporation's dealings. Another example is the ASER development on North Terrace and its cost.

The Hon. Mr Davis, the Leader of the Opposition in another place, the Hon. Mr Griffin, a number of other members of the Opposition and the media have relentlessly pursued Premier Bannon, the Attorney-General and others in relation to the true nature of what is going on or what has gone on at the ASER development site. Under the guise of commercial confidentiality or a range of other excuses, the Bannon Government refuses to provide information to the taxpayers of South Australia through the Parliament. They are major issues.

Many other issues in respective portfolios can also be mentioned. The Hon. Mr Cameron has spoken about quite a number in the health area. In the education area, the Minister continues to sit on many Government reports and refuses to allow them to be published. One such report concerns problems with respect to the integration policy for children with disabilities. Because that report is embarrassing, the Minister has refused to allow it to be published. Another report of more recent vintage—the Agear report by Mr Vern Agear on the cooperation between the Education Department and the Department of TAFE—contains damning criticism of the Bannon Government about its organisation of schools and TAFE colleges and the lack of cooperation and integration between the two arms of service delivery. The reason that that will not be released publicly this year by the Ministers responsible—Minister Crafter and Minister Arnold—is quite simply that it would be very

embarrassing for the Bannon Government because at this stage it still does not have a considered response to the damning criticisms in the Agear report. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

COUNTRY HOSPITALS

Adjourned debate on motion of Hon. M.B. Cameron:

1. That this Council condemns the Premier and the former Minister of Health for their failure to keep a commitment they made to the citizens of Laura, Blyth and Tailem Bend that the Government would not close hospitals in those three towns—or change the hospitals' status—unless such moves had the support of the local community.

2. Further, the Council also condemns the Premier and the former Minister of Health for the failure to attend any public meetings which were called for the purposes of indicating the public's response to the planned changes in country health services.

(Continued from 8 September. Page 719.)

The Hon. CAROLYN PICKLES: Mr Acting President, I oppose the motion and indicate I will be moving an amendment. The Government understands the concern of the small country communities at Laura, Blyth and Tailem Bend about changes to the role of their hospitals. It is not surprising when one considers the scare-mongering that has been used by the Opposition to politicise the issue and mislead country communities about improvements to their health services. There are long-standing deficiencies in health services to South Australians living in country areas and this strategy is designed to redress that within budgeting restraints. We are talking about families with children who are disabled or need mental health care, and families with ageing parents that require home help or physiotherapy. Let me emphasise that the introduction of services to meet the needs of those families does not threaten hospital care in country regions; rather, duplicated services will be removed, so that health resources can be better used to upgrade and broaden hospital and health services for people living in country areas.

As part of this strategy, the Health Commission has been upgrading major regional hospitals so that people can obtain a greater range of specialist services in their own district. For example, the Murray Bridge Hospital, a district hospital which has 80 beds and which is only 10 to 15 minutes drive from Tailem Bend, will have its regional role expanded to provide more specialist services for the district. This will not only result in easier access to a wider range of specialist services for patients in the area but will reduce travelling and accommodation costs for the patients' families and in time help to relieve the pressure on booking lists in city hospitals. As many as 25 per cent of country people needing hospital services have to travel all the way to Adelaide to get them because those specialties are not presently widely available in the country. It is the Government's firm intention to significantly improve this situation.

Furthermore, while country people account for 27 per cent of the State's population, they consume about 35 per cent of hospital expenditure. This high cost is partly explained by the fact that small country hospitals run at low levels of activity and are an expensive way of providing acute care facilities and the fact that a significant proportion of rural South Australians receive their acute hospital care in the metropolitan area.

The Opposition would have the public believe that the Health Commission is intent on closing country hospitals throughout the State. This is a ridiculous suggestion and typical of the Opposition's attempts to inflame issues by making wild allegations. The Government has made it abundantly clear that there are only three small country hospitals suitable for a role change. The Health Commission has written to country hospital boards outlining that the changed roles for Laura, Blyth and Tailem Bend were based on the following criteria: they are in close proximity to a major hospital facility; they have a low level of acute activity; and their costs of acute care are high compared with those at the nearby facility.

These changes are aimed at freeing up resources in order to provide a better range of services for people living in the country in the most efficient way possible. It is not about closing country hospitals as the Hon. Mr Cameron continues to imply. He has attempted to score cheap political points about the Premier and the former Minister of Health—

The Hon. Peter Dunn interjecting:

The ACTING PRESIDENT (Hon. J.C. Irwin): Order!

The Hon. CAROLYN PICKLES: —not personally attending public meetings in the three regions affected. I am well aware of that cheap trick. If I answer the honourable member's interjection, the interjection thus appears in *Hansard.*

The three public meetings at Tailem Bend, Blyth and Gladstone were arranged by the United Farmers and Stockowners Association and invitations were extended at very short notice. It was conveyed to the South Australian Health Commission that the purpose of the meetings was for changes in services at Laura, Blyth and Tailem Bend to be explained. The Chairman of the Commission and a senior officer from the Country Health Services Division did just that. They attended the three country public meetings and were well able to provide information to the people in these regions. These officers were also able to give the Government a first-hand report about the concerns of the communities involved. Let me say at this stage that the Government finds intolerable the Opposition's continued attacks on public servants from the Health Commission. They are dedicated officers carrying out their responsibilities professionally, and it is quite improper to politically deride them. Through the continued consultation process, which the South Australian Health Commission has conducted with country communities about health service changes, the communities have identified two major concerns—the fear of losing the local general practitioner and the fear of losing a significant employment base in their towns.

Let me first address the issue of general practitioner services. The South Australian Health Commission supports the role of the general practitioner as the key provider in the delivery of primary care services. However, it must be recognised that the South Australian Health Commission does not have control over the provision of general practitioner services in this State—general practitioner services are well known by all to operate on a fee for service basis. The Government is very aware of problems in attracting and retaining general practitioners to work in country areas. It is a problem being experienced around the nation. There are many complex factors involved, including undergraduate and post-graduate training, professional isolation, locum services and job satisfaction. All these matters influence decisions to provide medicine in rural areas, and are being addressed in South Australia by a ministerial review of GP services which was established last year. The problems of attracting and retaining general practitioners in small country towns will not be resolved by simply persisting with

rudimentary acute care beds and associated services. It should also be recognised that a number of general practitioner practices already exist in country towns which do not have acute care facilities, for example, Normanville, Yankalilla, Goolwa and Robe.

The South Australian Health Commission is committed to working with the board's of management of country hospitals to ensure viable conditions for general practitioners are available. The commission is also developing a range of measures to support country doctors and ensure sound medical services. These include enhanced attraction of doctors to country regions. The joint AMA/SA Health Commission Rural General Medical Practitioner Training Scheme proposes providing cadetships to medical students who will be trained in specific skills required of country doctors. As part of their post-graduate training they will be rotated through large country hospitals. Increased exposure to country practice will encourage more doctors into country regions.

Improved specialist services: The commission will improve the numbers of resident medical specialists in country regions and will enhance the range of visiting medical specialists through measures such as the upgrading of regional facilities and the provision of sessional payments to attract specialists to country regions.

Health promotion, health prevention and the primary health care team: A proposal is being developed to extend general practitioner participation in these activities, by providing sessional payments.

Improved liason with country doctors: The AMA's help has been requested in developing regular liason meetings with general practitioner representatives from all 14 country regions. These meetings will provide a forum in which issues of concern can be raised, discussed and solved. Travelling and other expenses will be paid to participating doctors.

Improved education package for country doctors: The South Australian Government has committed $400 000 over the next two years towards providing enhanced educational opportunities for country doctors. This will enable local doctors to maintain and develop their skills in providing services such as anaesthetics, obstetrics and specialised aspects of medicine and surgery.

It is recognised that GP's are a vital part of health services in this State and it is hoped that all these measures will encourage them to work in country areas with confidence and with adequate support mechanisms. Small expensive acute bed facilities are not the answer to these complex matters.

The loss of a considerable employment base in the town is another matter which is of obvious concern to people living in towns in which the roles of the hospitals are to change. This concern has been taken into account and the proposal has been extended to include nursing home facilities as well as primary care centres in each of the towns. The inclusion of nursing home facilities will in the main retain the type of services which are currently the predominant service delivered at these hospitals. Changes in the delivery of health services are not easy to implement whether they be in country or city areas. This is particularly so against the backdrop of an increasing community demand for more services at the same time as a cry for less taxes and charges.

In proposing these role changes for three country hospitals, the Government has attempted, through consultation, to come up with the most efficient and effective services for people living in these regions. The proposals are all about providing better services. The Laura, Blyth and Tailem Bend hospitals will each become a primary care centre and nursing home. The primary care centre will provide the following range of functions: accident and emergency facilities which will include a minor procedures room and holding bays; and equipment and facilities necessary to resuscitate and/or stabilise patients prior to their transfer to a nearby acute facility or the metropolitan area.

It should be emphasised that this is a continuation of the present accident and emergency capability. Serious injuries and illnesses have always been transferred to larger, better equipped hospitals. Further, it is proposed that the accident and emergency facilities will have nursing staff available 24 hours a day, seven days a week. That means a qualified nurse will always be in attendance to assist in arrangements that need to be made for the patients, or, if required, to call in the doctor. There will also be facilities and staff to support a wide range of community health programs. A general practice consultant suite will encourage the general practitioner to practice on site. The primary care centre will also become a base for health promotion and other community activities including day care for the aged.

The aim of providing a comprehensive network of 'primary health services' is to prevent the community requiring hospitalisation for acute or chronic conditions, by providing health promotion and illness prevention, and rehabilitative services on a community basis. There is a clear need to improve the overall range and scope of health services available in rural South Australia and to provide equality of access to those services. The Government has a strategy to achieve this by making sensible use of health resources and should be fully supported in this endeavour. I oppose the motion and move the following amendment:

Leave out '1' and all words after 'That this Council' and insert the following in lieu thereof:

1. Recognises that there is a need for people living in country regions of South Australia to have access to an improved range of health services.

2. Further, the Council supports the re-allocation of resources, based on the principle of social justice, to provide country people in South Australia with improved specialist health care and services in the area of primary health care including domiciliary nursing services, rehabilitation programs, child adolescent and family health services and adult mental health services.'

I urge honourable members to support the amendment.

The Hon. PETER DUNN: I will not take too much time, but the Hon. Carolyn Pickles has just made one of the most amazing speeches that I have ever heard in my time in this place. Here we have the Government blaming the Opposition for the problem that has occurred in the Mid North and at Tailem Bend, Laura and Blyth. The Government is now blaming the Opposition for the problems that its actions have caused. Have honourable members ever heard anything so ridiculous in all their life? Furthermore, I believe that the amendment that the Hon. Carolyn Pickles has moved is incorrect and should not be accepted by this Council because it is not an amendment. It is a motion in itself, and has no bearing at all on the motion put up by the Hon. Martin Cameron. I do not believe that the Council should accept it under any circumstances.

However, let us look at what the Hon. Carolyn Pickles said in the last five minutes of her speech. I agree wholeheartedly with part of what she said, in particular, in relation to general practitioners. I thought that what she suggested was very constructive and would work well. The Government has been making those statements for some time but it has done nothing about it. It sits on its hands when it comes to health in country areas.

At one stage, the Hon. Carolyn Pickles said that country areas comprise 27 per cent of the population of the State, yet we use an enormous proportion of the health dollar.

What a lot of cobblers! It also costs a lot of money to build roads in the country areas, but we do not hear the Hon. Carolyn Pickles complaining about that. The honourable member says that those hospitals should not be there because they cost too much. What about the State Transport Authority? We only lose $120 million a year on that!

What did the Hon. Carolyn Pickles say about using extra money? We are providing an essential service—the hospitals are near and dear to the people who live there. In many cases, they are the crux of those towns—the town revolves around those hospitals. In most cases they are the biggest provider of employment in the area. The Government says that because the hospitals cost a few extra dollars they cannot be afforded by the Health Commission. What about the State Transport Authority? That authority loses $120 million a year, and that is in the City of Adelaide alone—in a few square miles. Yet the honourable member complains about a few dollars going into county hospitals.

Furthermore, I believe that the Health Commission has said that there would not be any loss of money spent in this area—that funding would be the same, but there would be a redirection of emphasis. If that is the case, then why do it? The communities do not want it. They do not want to lose their acute care services. They want to have a doctor. In the last five minutes of her speech, the Hon. Carolyn Pickles clearly stated that there would be a registered nurse on duty 24 hours a day to offer services to accident victims and emergency cases. Consider two cars colliding head-on resulting in five, six or seven seriously injured people. Imagine a registered nurse stabilising those people. I cannot imagine that; neither can the Hon. Carolyn Pickles. It is stupid to think that that would happen.

There is an enormous amount of traffic through the Tailem Bend/Murray Bridge area. That area draws accident victims from up to 60 kilometres to the south of Tailem Bend and, if one adds the extra 20 kilometres to Murray Bridge on top of that, that results in extra time and problems. Therefore, the Government's argument is very weak. If the Health Commission wrote that argument for the honourable member then its officers should know better. The honourable member referred to meetings that Health Commission officers attended. I attended those meetings, too. The honourable member stated that the Health Commission officers had answered questions in a cogent manner. They certainly did! The Chairman of the Health Commission was in Gladstone, but he thought he was in Laura. The Commissioner stated publicly that it was nice to be in Laura, and he was sitting in the Gladstone Town Hall. When you have someone making a statement like that, people in the country wonder what is going on. If the Commissioner does not know where he is, how in the hell will the Health Commission be able to run an outfit that is as important as the local hospital?

I find it very difficult to understand the Hon. Carolyn Pickles' argument. In fact, the Health Commission officers went to the towns accompanied by the police. They thought that they were going to be attacked by the locals. We are more civilised than that. We do not do that sort of thing—we try to debate and argue the issue from a commonsense point of view. However, unfortunately the Labor Party blames the Opposition for creating the problem that it has created in that area.

The Hon. Carolyn Pickles went on to say that there would be funding to assist those general practitioners to shift from one place to another. Might I suggest that that is nothing more than a plain, straight, clear bribe! It was an attempt to entice the general practitioner from Blyth to Clare by buying him a motor car and a house. That is nothing but a bribe! It is the lowest trick in the book, and the Labor Party knows it. It is on the back foot on this issue.

As the Hon. Carolyn Pickles quite rightly states, this issue revolves around funding and money. The Health Commission has sent some wonderful letters to private hospitals. I have been to a few of those hospitals recently and perhaps I can give the honourable member my maps and she can follow me around so that I can prove that the story we are being told is not correct. One of the letters stated that if the hospitals need to raise funds and absorb the 4 per cent productivity increase, they may consider installing parking meters. How far down the track is that going to go? What a marvellous story! Members can imagine pulling into the Penola Hospital, the Naracoorte Hospital or the Bordertown Hospital and putting 20c into the parking meter! Come on Health Commission! Lift your game! That is the greatest story I have ever heard. Fancy suggesting that hospitals can get enough funding to overcome the 4 per cent productivity increase that they have to pay employees by putting in parking meters! It would be fine if there were parking meters up and down the streets of Penola, but there are not. That sort of thing pervades this argument from A to Z—the stupidity that the Health Commission have given us.

I suspect that that is why it has happened: because the previous Minister gave the direction to close up some of those country hospitals and use them for services provided by, for example, a podiatrist or a dietitian, or for several of those ancillary functions that are required in the country. What is a GP for if he is not to perform those duties? He is there to perform them and not to be replaced by some ancillary service attending once a month. The general practitioner is there almost every day of the week and he can offer those services on a regular basis. If a visiting service is instituted, it would be illogical for podiatrists or dietitians to give families general advice.

The Government is not particularly interested in the country, even though it keeps this city floating in money, raising its standard of living by every dollar that it exports. Very few services go back to country areas, which rightly deserve them. The country deserves better, not fewer, services. When acute care is taken away from small towns, those towns will die. The primary care to which the Hon. Carolyn Pickles refers in Blyth, Tailem Bend and Laura is being provided very well by general practitioners, and it will not be provided by salaried staff who come up from Adelaide once a month to trim people's toenails or to tell them that they are too fat or that their blood pressure is too high. There is a very good case for leaving the GP there and letting him provide those services. Let us not fiddle around with the other rubbish of which the Hon. Carolyn Pickles speaks. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: I will use this clause to reply to some of the queries raised by the Hon. Mr Griffin during his second reading contribution. The first queries were: in what way will the delegation be made by the Principal Registrar; what guidelines for delegation are proposed; and what limits does the Principal Registrar propose to place on delegations? The answer is that the delegation will be by instrument in writing. The powers to be delegated will be those which will allow for the registration and recording of

births, deaths and marriages. It is not proposed to delegate those powers which provide for the registration of persons dying at sea and the registration of persons dying outside the State on war service. I should point out that these circumstances are extremely rare in any event.

The second question related to the basis of the opinion given by the Commissioner for Equal Opportunity by which she argues that the present paragraph *(b)* of section 21 is discriminatory and whether the Minister was of the view that it is discriminatory. The answer to that question is that the problem was first raised with the Commissioner for Equal Opportunity in 1980 during debate on the present section 21 when reference was made to the essential arbitrariness of the rule which declared that where the parents failed to make any nomination a child should take its father's surname if born within the marriage and its mother's surname if born outside lawful marriage. The provisions of section 21 appear to discriminate on the basis of the parents' marital status.

The Commissioner for Equal Opportunity holds this view and cites a decision within the jurisdiction of the New South Wales Equal Opportunity Tribunal *Ms L. v Registrar of Births, Deaths and Marriages* (1985) EOC 92—142. It is useful to compare section 21 with the change of name provisions contained in section 53 of the Act. Section 53 spells out unequivocally that, in order to change the name of a child, the other spouse must have consented, or else is not surviving, or the person must have obtained a court order.

Section 21, which deals with entry of a child's surname on the register of births, refers to nomination by 'the parents'. It appears that it was not contemplated that the parents might disagree over the naming of a child. It seems fair to provide a system whereby a solution can be tailored to individual circumstances and to leave it to a court to decide on a suitable surname for the child. The number of cases involved is likely to be only two or three each year.

In a letter dated 11 November 1986 to the Director-General of the Department of Public and Consumer Affairs, the Commissioner for Equal Opportunity stated:

> It is my opinion that the present Equal Opportunity Act 1984 (S.A.)—being legislation intended by Parliament to achieve widespread social reform—operates in relation to the provision of services by the Births, Deaths and Marriages Registration Division of the Department of Public and Consumer Affairs. I refer you in particular to section 39 of the Equal Opportunity Act and a decision within the jurisdiction of the New South Wales Equal Opportunity Tribunal, *Ms L. v Registrar of Births, Deaths and Marriages* (1985) EOC 92-142.
>
> I also draw your attention to section 22 of the Sex Discrimination Act 1984 (Cth) which is drafted in similar terms to the State legislation and which binds the Crown in right of the State with respect to the provision of certain services.

If the honourable member wants a copy of that letter, I will provide it.

The Hon. K.T. Griffin: I would like a copy of the judgment.

The Hon. C.J. SUMNER: I will attempt to obtain a copy of the judgment and provide it to the honourable member. The next question related to what sorts of procedures and upon what guidelines does the Principal Registrar note the dissolution of marriage by the Federal Family Court and as to whether there is any legislative basis for the Registrar making such a notation. Since the divorce jurisdiction passed to the Family Court in 1976, section 28, requiring the Master of the Supreme Court to advise details of dissolution and nullity of marriages, has become redundant. These details have not been endorsed on the marriage register entry since 1983.

The requirement of the Marriage Act that a previously married party to an intended marriage must produce to the celebrant documentary evidence of dissolution of their last marriage before the marriage can be solemnised obviates the need for endorsing the marriage register entries.

The Hon. K.T. GRIFFIN: I thank the Attorney-General for what he has been able to place on the record and for his indication that he will endeavour to obtain a copy of that New South Wales judgment. However, I am somewhat disappointed with the response, which refers to only part of a letter from the Commissioner for Equal Opportunity. I would have thought that a more comprehensive review of the law would have prompted a legislative change. The Opposition will still reserve its position and, if we can obtain a copy of it, we will look at the judgment. I ask the Attorney-General to indicate whether he has obtained advice from his own legal advisers about the arguments which have been put and which are reflected in the legislation before us. If so, on the next occasion that we consider this legislation, could the Attorney enunciate, in some greater detail, the reasons for the change and for its being required by way of amendment.

Clause passed.

Progress reported; Committee to sit again.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 582.)

The Hon. L.H. DAVIS: In speaking to the Bill, it is appropriate to highlight the sharp increase that has taken place in the land tax take by the Labor Government over the past six years. In the period 1978-79 to 1982-83, under the Tonkin Liberal Government land tax rose by only 7.7 per cent from $22.1 million to $23.7 million, a very small increase over that four-year period. However, in the succeeding four-year period from 1982-83 to 1986-87, land tax rose sharply from $23.7 million to $44.2 million, an increase of 85.5 per cent. In the year 1987-88 there was a massive increase of about 30 per cent to $56.6 million. That increase was quadruple the rate of inflation. For the current financial year 1988-89, the budgeted increase in land tax is 12 per cent. In other words, it is expected that the revenue from land tax will increase from $56.6 million to $63.5 million.

On one occasion, John Maynard Keynes, the famous economist, said, 'Inflation is a mighty tax gatherer.' That is true in the case of land tax in South Australia because the sharp increase in land prices over recent years has seen the land tax take treble during the Bannon Government's regime—as I indicated, an increase from $23.7 million at the end of the Tonkin Government to a figure of $63.5 million.

The Hon. T. Crothers: But you lot sold off Monarto.

The Hon. L.H. DAVIS: If we had not sold off Monarto one could argue that land tax would not have been affected in any way. I do not know what Monarto has to do with land tax.

The Hon. T. Crothers: One might argue that it might have been less because the price of land might not have been as high.

The Hon. L.H. DAVIS: Raising that matter shows the honourable member's ignorance of land tax law. The point that has to be emphasised is that this struggling South Australian economy is having more and more sucked out of it in land tax—a much higher increase than any other State in the current financial year. In Victoria, the budgeted rise for land tax is only 6.9 per cent; New South Wales it is 10.1 per cent; but in South Australia it is 12 per cent.

The legislation before us proposes to increase the exemption level for land tax from $60 000 to $80 000. In Victoria the threshold will increase to $150 000 in this financial year. In New South Wales in this financial year no land tax is payable below $135 000. So, South Australia is far worse off than New South Wales and Victoria. Whilst the new schedules of rates have been simplified and improved in some respects, they pale in comparison with Victoria and New South Wales.

The Hon. T. Crothers: That is because our housing costs are less.

The Hon. L.H. DAVIS: Again Mr Crothers reveals his absolute ignorance. Land tax is not paid on principal places of residence. That is a very small part of the land tax take. I suggest that he stick to matters with which he is more familiar.

The Hon. R.I. Lucas: What are they?

The Hon. L.H. DAVIS: I am struggling. I do not want to do him a disservice, but I cannot immediately think of anything. As at May 1988, there were 21 634 land tax payers in South Australia, of which 4 457 paid tax on land valued at more than $200 000. In other words, only about 20 per cent of persons paying land tax on property owned land valued at more than $200 000. The vast majority of those people paying land tax—80 per cent— had property valued at less than $200 000.

The lifting of the threshold of tax from $60 000 to $80 000 will mean that 6 000 taxpayers will no longer pay tax. For that we can be grateful and the Opposition commends the Government for that small initiative, although it is small with a capital S when one compares it with the exemption level of $135 000 in New South Wales and the proposed threshold of $150 000 in Victoria.

Let us be more specific about what it means in real terms for someone holding land and paying land tax. It means that, if the unimproved value of the land is $120 000, in South Australia one will have to pay $300 a year in land tax, just under $6 a week. As from 1 January, in New South Wales you would pay nothing and in Victoria you would pay $118 a year. So, when measured against our counterparts in the east, small businesses are worse off if they own land worth $120 000. The same is true for land worth $160 000. The land tax payable annually in Victoria on an unimproved value of land of $160 000 is only $480 as against $600 in South Australia. As from 1 January, in New South Wales the amount will also be $600.

Those examples underline the point that the Government's actions are at odds with its rhetoric. It is saying that South Australia is a cheap place in which to do business. It is asking interstate and overseas people to set up shop in South Australia, and people already here to expand their business, but the fact is that in land tax—and in the matter of payroll tax, which is to be debated before the Council in a short while—South Australia drags the chain. These two fundamental taxes impinge on the profitability of small business.

Let me underline the problem that confronts South Australia, just in the retail sector, because a large percentage of those 17 000 land taxpayers would undoubtedly be retailers in metropolitan Adelaide. For the past three years, South Australia's retail sales have been outperformed by every other State, not only in mainland Australia but also in Tasmania. For the period to the end of July, South Australia boasted the lowest growth in retail sales for 23 of the past 24 months. What a record that is! South Australia's growth has generally been less than half the national average, which has been motoring along at about 7 per cent, just ahead of inflation which is projected to be about 6 per cent. In some months South Australia's retail sales growth has been under 2 per cent, and even for people such as the Hon. Mr Crothers who do not specialise in economics, it is fairly obvious that a State in which retail sales growth is only 2 per cent is going backwards on the treadmill; its retailers are not keeping their head above water.

In October 1985, in the lead-up to the State election, the Government said that South Australia was up and running. The fact is that many retailers in South Australia are down and out. One of the millstones around their economic neck is the impost of land tax which, in that critical area of $80 000 to $160 000, is higher than that in any other State in Australia: a lower threshhold to grab more small businesses and higher rates. Those are the facts. They are beyond debate but they should be put on the record because the concessions that have been granted to small business in this Bill are inadequate and will in no way improve the lot of small business in South Australia.

Over $200 000 the increase is very sharp. In the space of a $20 000 increase in land value the tax can jump as much as 50 per cent. That is quite draconian. Whilst the Government has sought to flatten out or simplify the land tax scales by reducing the number from five to three, it has not reduced the burden by any great measure. Some problems remain with respect to land tax. In recent years many anomalies have occurred and the Opposition has led the way in seeking to have them corrected. Members will recollect the terrible position in which unit dwellers in retirement villages found themselves, paying land tax on what was their principal place of residence. It was only after a lot of public protest led by the Opposition and supported strongly by the occupiers of many retirement villages that the Government belatedly rectified that glaring and unjust anomaly.

However, other anomalies remain. The first concerns cooperatives that own freehold land and dwellings. It is not uncommon in South Australia for people to have as their principal place of residence a dwelling which is part of a cooperative. The cooperative appears as the owner on the title to the land, so land tax is assessed on the aggregate unimproved value held by the cooperative. That is an anomaly and clearly an example which the Government should have moved to correct but, no, it waits until the trumpets blare, people protest and then it reacts. That is the human face of the State Labor Government in South Australia in 1988.

The other anomaly which is becoming increasingly glaring is the fact that, if householders own two dwellings on 30 June, having put one on the market and not yet sold it but having purchased another, they will attract land tax on one of those dwellings because only one can be the principal place of residence. Certainly, some people seek to exploit such a situation but, where people are *bona fide* purchasers of another dwelling, having the other one on the market already or sometimes sold without settlement effected, that is an anomaly that should be corrected. It is not that big amounts are collected in this way. The amounts do not impact heavily on the State budget. However, they are injustices which should be addressed. They have not been addressed and the next Liberal Government, which will be in place sometime in 1989 or 1990—

The Hon. Diana Laidlaw: Did you see yesterday's *Bulletin* poll?

The Hon. L.H. DAVIS: I did, indeed. The *Bulletin* poll showed the Liberal Party edging in front.

Members interjecting:

The Hon. L.H. DAVIS: It was a surge in the sense that the Liberal Party lifted five points since the last *Bulletin* poll. Obviously, some of the Labor heavyweights are being

bogged down by the fact that they are getting tired and are losing touch with the electorate which they seek to serve.

There have been many horrendous stories about land tax increases. People have reported increases of 130 per cent and 140 per cent in land tax assessments. It is not uncommon. Late last year I remember that a shopowner in Norwood reported that his land tax jumped from $16 500 in 1986-87 to over $39 000 in 1987-88.

That was an enormous increase: 30 per cent in 1987-88 and a projected increase of 12 per cent in 1988-89 for land taxation—twice the rate of inflation and, as I have indicated, four or five times the rate of increase for many retailers.

The other point that should be made about anomalies concerns community groups, charitable organisations and ethnic clubs which have to pay land tax on their clubrooms. I have cited instances publicly of ethnic clubs having very savage increases in land tax. The Government has refused to address this issue. It is quite clearly unjust for ethnic clubs, many of whose clubrooms have been built by voluntary labour of their members, to now pay 100 per cent more in land tax in 1988-89 because of an increase in land values.

The Liberal Party supports this Bill, which is acknowledged to be a money Bill. However, the Bill does not go far enough. It does not give relief to small business, which would put them on an even footing with the other States. It certainly gives no credence to Government claims that South Australia has an attractive investment climate. It certainly underlines the title which the Bannon Government has justly earned, namely, that it is a taxing Government. It is a Government which has survived over six years through savagely taxing the community and borrowing heavily. I believe that those extravagances will reap a whirlwind for the Bannon Government at the next State election.

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

APPROPRIATION BILL

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

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments without any amendment.

LOANS TO PRODUCERS ACT AMENDMENT BILL

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

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

TELECOMMUNICATIONS (INTERCEPTION) BILL

Returned from the House of Assembly with amendments.

CULTURAL TRUSTS ACT AMENDMENT BILL

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

STATUTES REPEAL (AGRICULTURE) BILL

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

ADJOURNMENT

At 6.6 p.m. the Council adjourned until Thursday 13 October at 2.15 p.m.