LEGISLATIVE COUNCIL

Wednesday 9 November 1988

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

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

QUESTIONS

MOYSE CASE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about the Barry Moyse case.

Leave granted.

The PRESIDENT: I remind the honourable member that an appeal is pending, as I understand it, so certain matters will be *sub judice.*

The Hon. M.B. CAMERON: Information now available on the investigation of the Barry Moyse case raises further serious questions about its conduct. This information shows that inquiries were carried out by the Police Internal Investigations Branch into allegations of corruption against Moyse between October and December 1986. At this time the National Crime Authority was also investigating allegations of corruption in South Australia. It received its first term of reference to undertake investigations in South Australia in May 1986. However, the information now available to the Opposition also shows that the South Australian police did not advise the NCA of the allegations against Moyse until May 1987—seven months after they were first made. This delay conflicts with assurances that the Government has constantly given about co-operation with the NCA. When legislation to facilitate NCA investigations in South Australia was introduced by the Attorney-General, he said this on 17 October 1984:

> I can assure members that the authority will receive the utmost co-operation from South Australian law enforcement agencies.

This delay in advising the NCA also raises the question whether the corruption of Moyse could have been detected earlier than it was, given the reports that the NCA detected him on a drug plantation at Penfield only by accident, at a time when the authority had another person under surveillance. Why did the South Australian police wait for seven months to advise the National Crime Authority that allegations of corruption had been made against the then head of the Drug Squad, Moyse, and is this what the NCA was referring to when, according to the Attorney-General, it accused the police of having a lack of resolve to investigate such allegations?

The Hon. C.J. SUMNER: Madam President, that is an interesting question. It is nice to see that the Hon. Mr Cameron is prepared to be very critical of the South Australian Police Force. The reality is that I will have to refer the question to the authorities. The Hon. Mr Cameron will have to ask the NCA what it meant by 'lack of resolve'. I have already answered questions on that matter on previous occasions. However, I must say that I am surprised to see that Liberal Opposition members are apparently now to turn their attacks to criticisms of the South Australian Police Force for its handling of investigations. In any event, the South Australian Government has now negotiated the establishment of an NCA office in this State, subject to the reference being given by the inter-governmental committee on the NCA.

If that occurs, the NCA will establish in South Australia and will then be able to conduct investigations. The matter is still being negotiated, but it will have broad terms of reference and, if any impropriety is alleged in relation to the South Australian police, the appropriate place to allege that impropriety, in my view, in fairness to the police, is not in this Chamber; now that it has been agreed that an NCA office should be established in this State, the appropriate action for the Hon. Mr Cameron to have taken would be to make any allegations that he wished to make about the South Australian police to the NCA when its office has set up here. The NCA office could then investigate any such allegations.

The Hon. M.B. CAMERON: As a supplementary question, amongst all that diatribe am I to understand that the Attorney-General will refer on my question (that is, why the South Australian police waited for seven months to advise the NCA that allegations of corruption had been made against the then head of the Drug Squad) for a reply?

The Hon. C.J. SUMNER: First of all, I am not personally acceding to the serious allegation that the Hon. Mr Cameron has made against the South Australian Police Force. Let us get straight what the Hon. Mr Cameron is saying. He is alleging that the South Australian police deliberately withheld material—

The Hon. K.T. Griffin: He's not saying that.

The Hon. C.J. SUMNER: That is the implication—from the NCA. That is an extraordinarily serious allegation to make against our Police Force. The South Australian Government is proud of the Police Force and it remains proud of the Police Force. We accept that there are, at least, some suggestions of misbehaviour within the force, but I can assure the honourable member that we will continue to support the South Australian Police Force, in which we have full confidence.

The Hon. M.B. Cameron: Are you referring that question on or not?

The Hon. C.J. SUMNER: Yes, definitely. Furthermore, it will be referred to the NCA when the office is established in South Australia.

FREE HEROIN SCHEME

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about the free heroin scheme.

Leave granted.

The Hon. K.T. GRIFFIN: The National Health and Medical Research Council is reported to have decided that selected drug addicts will be given heroin on prescription next year—

The Hon. C.J. Sumner: Who said that?

The Hon. K.T. GRIFFIN: The National Health and Medical Research Council.

The Hon. J.R. Cornwall: They recommended it. They can't decide.

The Hon. K.T. GRIFFIN: Well, they have recommended it, and the council has membership from South Australia.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: The newspaper report indicated that it had been decided by that council.

The Hon. J.R. Cornwall: You shouldn't believe everything you read in the newspaper.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The National Health and Medical Research Council is reported to have decided that selected drug addicts will be given heroin on prescription

next year in a radical trial program to stop the spread of AIDS. The newspaper report indicates that it is a controversial scheme, and that it is being promoted by the chief Commonwealth medical and scientific adviser on AIDS, Professor Tony Basten.

It also indicates that a group of intravenous drug users, probably from Sydney and Melbourne, will be given heroin in single-use syringes as part of a program that will attract worldwide interest. It appears from the reports that the council unanimously endorsed the scheme—and I presume that it would have included representatives of the South Australian Government. The proposal is controversial. In a subsequent newspaper report the Director of the National Centre for Research into the Prevention of Drug Abuse has warned against the proposal and has said that the profound policy implications of the scheme need to be addressed.

If the scheme is to be implemented in South Australia, and presumably the other States, certainly it will require an amendment of State laws relating to the production, sale and supply of heroin, because, under present laws, it would be a crime to pursue the course of action proposed by the National Health and Medical Research Council. My questions to the Attorney-General are:

1. Has the State Government approved the implementation of this scheme, and does it endorse the decision of the National Health and Medical Research Council?

2. Does the Attorney-General support the scheme?

3. Is it proposed to amend State laws to accommodate the scheme in South Australia?

The Hon. C.J. SUMNER: The honourable member may not realise it, but I am not actually the Minister of Health.

The Hon. K.T. Griffin: I realise that, but you are the chief law officer and you are the Leader of the Government in the Legislative Council—

The Hon. C.J. SUMNER: And leader of the bar.

The Hon. K.T. Griffin: So, what has that got to do with it?

The Hon. C.J. SUMNER: I am leader of the bar, too.

The Hon. K.T. Griffin: That has nothing to do with the question.

The Hon. C.J. SUMNER: I know, that's right.

The Hon. K.T. Griffin: That was an inane comment.

The Hon. C.J. SUMNER: Very inane—like most of the honourable member's remarks.

The PRESIDENT: Order!

The Hon. K.T. Griffin: You are the Leader of the Government, and you can speak for the Government.

The PRESIDENT: Order! I ask that interjections cease and that members address their remarks through the Chair.

The Hon. C.J. SUMNER: Obviously, this relates to policy issues which have not been considered by me. I do not know whether these matters have been considered by the Minister of Health, but they have not yet been considered by the Government. I will refer the question.

ADELAIDE AIRPORT

The Hon. L.H. DAVIS: I seek leave to make an explanation before directing a question to the Minister of Tourism on the subject of Adelaide Airport.

Leave granted.

The Hon. L.H. DAVIS: In late July this year I returned from overseas and found no luggage trolleys readily available at the domestic terminal at Adelaide Airport. One disgruntled visitor's first impression was to rename Adelaide Airport 'Hernia City'. Recently I received a complaint from a family returning from a visit to the—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: Well, members opposite will not be chiacking at the end of the question—I can tell them that. Recently, I received a complaint from a family returning from a visit to the Brisbane Expo. Those people were appalled to find no trolleys available for their luggage and no paper in the women's toilet. They said it was a dramatic contrast to Brisbane Expo where, with crowds of over 100 000, the toilets were impeccable. This morning I went down to the Adelaide Airport terminal, which this week is the entry point for thousands of visitors for the Adelaide Grand Prix. I stood in the Australian Airlines arrival lounge and watched as passengers disembarked from flight 24 from Melbourne at 9.40 a.m. and flight 2 from Sydney at 10.5 a.m. For the first flight there was one lonely trolley available, with a square wheel! For the second flight there were none. Both flights appeared to be full.

A large number of passengers had a lot of luggage. One woman from Canada struggled to cope, while in another case a little girl helped her Mum with a case bigger than she was. It was not a pretty sight. I confirmed with students from the South Australian School of Tourism and Hospitality, who are helping at the airport this week, that the shortage of trolleys is a source of continuing and trenchant criticism.

On further inquiry I discovered that there are some passengers who simply cannot carry bags because of heart conditions—and they make that point. From further inquiries I learnt that delegates to the Pacific Asia Travel Association Travel Mart, held in Adelaide in April of this year, had complained about lack of trolleys at the airport. This involves travel industry leaders from America, Asia, and Europe.

Yesterday I received a letter from a couple who returned in early October from a holiday in Singapore. They arrived at the Adelaide International Terminal just after 6 a.m. They collected their hand luggage, moved towards the exit doors and then came the announcement, 'Ladies and gentlemen, we are sorry, but could you please go back to your seats; the Adelaide Airport is not yet opened.' This announcement was greeted with peals of laughter and cries of disbelief. An English visitor was heard to say, 'This must be hillbilly country.' After a delay of six to seven minutes the passengers, many of whom were clearly tourists, were allowed to disembark, but not before the crew had stressed quite properly that the fault lay not with the airline company but with local authorities. I spoke to the people who wrote the letter to me. They were ashamed and clearly annoyed. Can you imagine the postcard from a tourist sent back home:

Dear Mum, arrived in Adelaide, but it was closed.

My questions to the Minister are as follows:

1. Does the Minister accept that a bad experience on arrival at a destination can be of critical importance in colouring the visitor's perception of that destination?

2. Why has nothing been done about the long standing problem of the lack of trolleys at the domestic terminal, given the complaints over a period of months now, and will the Minister ensure that something is done?

3. Will the Minister take steps to ensure that the Adelaide International Terminal is in future actually open for arriving flights?

The Hon. BARBARA WIESE: I am responsible for a lot of things, but the airport and the trolleys are not one of them. However, it is one of those issues that has been raised from time to time by people visiting the State who have not been able to find trolleys at the airport at appropriate

times, and have expressed concern about those matters. It is therefore a matter that concerns me as Minister of Tourism and a matter that I have raised on numerous occasions with people responsible for the provision of such facilities in our airports.

The Hon. L.H. Davis: You would think in Grand Prix week—

The Hon. BARBARA WIESE: The domestic airlines in South Australia are responsible for the provision of trolleys in our domestic terminal. On the most recent occasion that I contacted the authorities at the airport about the trolley situation—in August of this year when I received another complaint about the matter—

The Hon. L.H. Davis: That was after I raised it.

The Hon. BARBARA WIESE: It was not after you raised it at all. I was informed that the situation was being dealt with and it was expected that by September or October this year about 150 new trolleys would be delivered to the airport. There had been an expectation that those trolleys would be delivered earlier, but due to some problem in the negotiations for the contract the matter had been delayed for some months. I was advised at that time that I would be kept informed of developments along the way. I do not know, because I have not heard from the airport authorities, whether the trolleys have arrived, but I certainly hope that they have.

The Hon. L.H. Davis: They haven't, have they—I was there this morning.

The Hon. BARBARA WIESE: Did you count them all personally—all the trolleys in the airport?

The Hon. L.H. Davis: One for 250 passengers!

The Hon. BARBARA WIESE: I have been to the airport and seen many more trolleys than that on other occasions, so perhaps the honourable member should talk to the people who know something about it—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order, Mr Davis!

The Hon. BARBARA WIESE: —and find out just exactly the facts of the matter.

The Hon. L.H. Davis: I went down there myself.

The Hon. BARBARA WIESE: I have not received any further communication from the domestic airlines about the matter, and do not know whether the contract has been fulfilled or whether the trolleys have been delivered. I would be very concerned if they had not yet been delivered, because one of the points I made to the domestic—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Just let me finish my reply in my own way. One of the things which has concerned me and which was a concern that I expressed to the domestic airline officials was that it was important, particularly at pressure and peak times like Grand Prix week, that the facilities at the terminal should be appropriate.

I am also very concerned to hear the story the honourable member has told concerning the arrival of a domestic flight and the non-attendance of officers at the international terminal when a flight came into Adelaide. That has not been reported to me. If the honourable member cares to give me information about dates and airlines I can take up the matter with the Federal Airports Corporation, which is responsible for the facilities at the international terminal, and hopefully steps will then be taken by the responsible officials to see that the game at the airport is lifted. It is not satisfactory—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Excuse me. Just shut up and let me reply.

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! I ask that all interjections cease and that all remarks be addressed through the Chair.

The Hon. J.R. Cornwall: I used to take this bit seriously when I was on the front bench.

The PRESIDENT: Order, and that includes you, Dr Cornwall.

The Hon. BARBARA WIESE: There is no doubt at all that visitors' perceptions of a tourism destination are very much coloured by problems that they might encounter along the way, and it is important that our airport facilities, as well as other facilities that tourists use when they come into South Australia, should be up to scratch if we are to compete in the international marketplace. I think that the recent management changes at the Adelaide Airport by the Commonwealth Government to create a Federal Airports Corporation, which has the objective of operating our international terminals around Australia in a more business-like fashion, should ensure that facilities for passengers and visitors to the terminal are improved.

The incidents that the honourable member raised (if indeed his reports are correct) are of concern, and I will take them up with the authorities and make it very clear that this Government expects better standards than that.

X-RATED VIDEOS

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

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday the Federal ALP Caucus rejected a recommendation from the Federal Attorney-General (Mr Bowen) to invoke a Federal ban on X-rated videos. Instead, Caucus decided to set up yet another committee to study video violence, notwithstanding the fact that a Senate select committee investigating the matters of X-rated videos and video violence had reported earlier this year, having fully looked at the matter for some three years.

The decision by Federal Caucus means that no Government Bill will be introduced for some indefinite period upon which ALP members will be permitted to vote, whether they be exercising a conscience or a Party vote; nor will all Federal members be permitted to vote on a proposed private member's Bill to ban X-rated videos because yesterday, I understand, the Hawke Government took the perhaps unusual step of blocking or denying an endeavour by the Liberal Opposition to introduce its own legislation, and also gagged any parliamentary debate on the matter.

Is it correct that the recommendation presented by the Federal Attorney-General, to invoke a Federal ban on X-rated videos reflected the view of all State Governments as presented at a meeting of State and Federal Attorneys-General in Darwin in June this year? Does the Attorney-General agree with the decision taken yesterday by the Federal ALP Caucus to overrule or, effectively, reject the considered views of State Governments on the subject? If not, what steps does he propose to take to try to have the Federal Caucus decision reconsidered or overturned?

The Hon. C.J. SUMNER: The answers to the questions are:

1. Yes.
2. No.

3. I am prepared to write again to the Federal Attorney-General.

INTERNATIONAL FLIGHTS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about international flights into Adelaide.

Leave granted.

The Hon. T.G. ROBERTS: The Minister announced today that South Australia is to get a jointly operated Qantas/JAL flight from Japan. Can the Minister explain the implications of the flight for this State and the status of negotiations to encourage other airlines to fly into Adelaide, in particular Air New Zealand and Continental Airlines?

The Hon. BARBARA WIESE: Indeed, this is a very important day for South Australian tourism because we have been able to announce that Qantas and Japan Airlines have now reached an agreement, in principle, to jointly sponsor one flight per week into Adelaide beginning in July next year. It is intended that a Qantas 747 aircraft will be used for this flight from Tokyo to Adelaide to Melbourne and then from Melbourne to Tokyo. Of course, the 747 aircraft carry about 400 passengers. Therefore, the breakthrough that we have been looking for in our capacity to share the increased traffic to Australia from Japan is likely to come from this flight which, as I indicated, will begin next year.

The Japanese tourism market is Australia's biggest international growth market. About 700 000 people a year are now coming to Australia from Japan. There was a 70 per cent increase in traffic from Japan during the past year. One of the problems that States such as South Australia have had in our capacity to share in that growth has been the fact that we have not been as accessible to Japanese visitors as have other States in Australia where direct flights already exist. Therefore, to have this opportunity now to promote the State and its accessibility places us in a strong position indeed. This also comes at an important time in terms of our capacity to promote the State and gain assistance from other promotional bodies because the Australian Tourism Commission, in recent times, has indicated its intention to promote the southern regions of Australia much more prominently than it has done during the past two or three years.

Therefore, working in association with the ATC, and having the marketing might of Qantas and JAL behind us as well in the Japanese market, should assist our efforts very considerably in boosting South Australia's recognition in Japan and encouraging people to visit here. That, along with the flight which will come into Adelaide from Thailand—the Thai Airlines flight beginning in July next year—will mean that there will be 13 international flights coming to Adelaide each week. Of course, the Thai Airlines flight also opens up new markets for us because, as Bangkok is a hub port in Asia, very important links will be opened up to Europe and the United States and another opportunity will exist for people coming from Japan.

So, this is very good news for us. Of course we will not be neglecting the other negotiations that have been taking place now over a long time with airlines, some of which—Air New Zealand and Continental Airlines amongst others—currently have the rights to come into Adelaide, as well as with a range of other airlines which currently do not have rights into Australia but which have nevertheless expressed some interest in South Australia as a gateway into the country. Therefore, we intend to pursue our negotiations, particularly with Continental Airlines, to try to get a link with the West Coast of the United States, with MAS from Malaysia, with Lufthansa and with Iberia Spanish Airlines, with whom discussions and negotiations have already begun. I hope that further breakthroughs can be made in these areas.

In the meantime, the announcement of this direct link with Japan is enormously important for our future tourism opportunities. It is also very important for potential future business links with South Australia, because it opens up a whole new range of opportunities, particularly for those people who are interested in exporting fresh produce from South Australia to Japan, as well as other manufacturing industries which may wish to become involved in Japanese markets. I believe that everyone in the industry in this State will be very pleased to hear the news and will now spend the next several months in gearing up and preparing for the increase in Japanese tourism in South Australia.

ABORIGINAL HERITAGE ACT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Environment and Planning, a question about the Aboriginal Heritage Act.

Leave granted.

The Hon. M.J. ELLIOTT: Late last year we passed in this place an Aboriginal Heritage Bill. Aboriginal Heritage Acts have had a rather chequered career since the mid-1970s. One Bill went through Parliament but was never proclaimed; a second Bill progressed some way through Parliament, but was lapsed when an election was called; and now we have this Bill, which went through almost a year ago, but which not yet been proclaimed.

Information has come to me suggesting that Roxby Downs joint venturers have vetoed the proclamation of the Act. Advice has been sought from the Crown Law Department on whether or not they have the power to do that, presumably under section 8, Part X, of the Roxby Downs (Indenture Ratification) Act. Will the Attorney-General inform the Council whether the Act has not been proclaimed because the Roxby Downs joint venturers have vetoed it and, if so, what progress has been made at this stage?

The Hon. C.J. SUMNER: I will seek an answer from my colleague in another place and bring back a reply.

ROYAL ADELAIDE HOSPITAL

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about the Royal Adelaide Hospital.

Leave granted.

The Hon. CAROLYN PICKLES: Last week the Opposition spokesman on health, the Hon. Mr Cameron, claimed that surgeons were not happy with a proposed project at the Royal Adelaide Hospital to redevelop a theatre, and particularly with the planned sterilisation facilities, and that they had not been adequately consulted about the project. Will the Minister inform the Council on the attitude of the surgeons at the Royal Adelaide Hospital towards the proposed theatre redevelopment?

The Hon. BARBARA WIESE: I am able to inform the Council of the attitude of people at the Royal Adelaide Hospital because correspondence has been referred to the Minister of Health, and he has made it available to me. I

would like to read the contents of this letter to the Council to make the matter prefectly clear. This letter, dated 7 November 1988—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! Mr Davis, I call you to order.

The Hon. BARBARA WIESE: Go into the hallway and tie your bow tie: do something you know something about.

The PRESIDENT: Perhaps you could address your remarks through the Chair.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: This letter, Ms President, is addressed to Dr B. Kearney, Administrator, Royal Adelaide Hospital, and it reads as follows:

Dear Dr Kearney,

At the surgeons executive meeting on Saturday 5 November 1988, the media release concerning theatre redevelopment at the Royal Adelaide Hospital was discussed. As you know, the Opposition shadow Minister of Health, Mr Martin Cameron, asked certain questions which related to the proposed theatre redevelopment and, in particular, Mr Cameron referred to certain difficulties such as sterilisation facilities. As you know, we have met on several occasions and all parties have made genuine attempts to solve these difficulties.

At all times the Surgical Division has been enthusiastic about the project and, in particular, we have been appreciative of your efforts in coordinating all aspects of development of the project.

Members interjecting:

The Hon. BARBARA WIESE: It was a surgeons executive meeting. The letter continues:

The division advises that it dissociates itself from the politically motivated statements released in the press last week and reassures the Royal Adelaide Hospital administration that the surgeons are not working to any political agenda. Following discussions with you the surgeons recognised how ill-advised and ill-timed such actions were and wish to reaffirm their support for the theatre redevelopment and their determination to avoid any action which might jeopardise it.

It is recognised that minor problems will be encountered as the building works proceed but, as we have discussed, we are confident that these can be resolved by ongoing discussion, cooperation and compromise.

The letter is signed by J. Jose, Chairman, Division of Surgery. The letter speaks for itself and exposes the appalling political stirring that the Hon. Mr Cameron is doing in a number of areas of health, not only in relation to RAH but also in other areas, as demonstrated by documents which I understand have recently been made public and in which the Hon. Mr Cameron refers to the deliberate campaigns that he and his colleagues have been stirring up in respect of health in various sections of our community in a very cynical political exercise.

PERSONAL EXPLANATION: HEALTH QUESTIONS

The Hon. M.B. CAMERON (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.B. CAMERON: Madam President, in fact, I have asked questions in the Council on this matter and I was awaiting the replies, as well as replies to many other questions that I have asked since the new Minister of Health has been in office. I have waited three months for the first two replies to arrive. It is somewhat surprising now to find the answer coming through a question from a backbencher on the other side. That in itself is a novel approach.

Madam President, the press release about which the Minister talks is totally different to what the Minister has described. I was disappointed about the article; I was quoted in one small sentence of it. The rest of the quotes come from surgeons at Royal Adelaide Hospital, including the head of the Ophthalmology Department who has said in the *Advertiser* (and it is well known around the hospital that he said this) that he and the whole Department of Ophthalmology will resign if they are shifted from their present situation.

The other person involved is a former chief surgeon at Royal Adelaide Hospital, a person who, I would have thought, was involved from the beginning of this project and who would have known exactly what was going on. If the Minister is having a shot at me for raising a political campaign, then she is having a shot at all those people who have made their views known through the press in this State. My concern has been that $1 million has been spent on equipment because of a new concept. I was asking for information on that. I am glad that the Minister has provided some information. Certainly, I would like her now, as she is so enthusiastic about getting replies, to obtain more replies. I do not mind if she uses every other backbencher to ask my questions again as long as I get the answer. I would appreciate receiving replies in the normal way. However, I can assure the Minister that I am not starting a political campaign about the Royal Adelaide Hospital development.

Certainly, I shall be delighted when the project proceeds. We have been waiting for it since 1984, when it was first promised by this Government. It is a matter in which I have had considerable interest because I have been waiting patiently along with everyone else at RAH for the project to occur, and it is about time that it happened. Madam President, it is just sheer coincidence that the whole matter is now coming forward at a rapid rate and people are not given a chance to give evidence, despite a request by a member of the Public Works Standing Committee that that happen.

The Hon. Barbara Wiese interjecting:

The Hon. M.B. CAMERON: You know all the background—you ask members of the committee.

The PRESIDENT: Order!

The Hon. M.B. CAMERON: Madam President, that is all I wish to say. I trust that the Minister in future—

The PRESIDENT: Order!

The Hon. M.B. CAMERON: —will show some decency by giving me an answer.

Members interjecting:

The PRESIDENT: Order! I do not believe that that constituted a personal explanation.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! I said 'Order', Mr Davis. I will not warn you again! A personal explanation should at least have some personal reference, and I fail to detect much in the way of a personal reference in what the Hon. Mr Cameron said.

STIRLING COUNCIL

The Hon. M.S. FELEPPA: Is the Minister of Local Government aware of speculation in the weekend press that it may be necessary to auction off Stirling ratepayers' houses to pay bushfire victims? Can the Minister confirm the claims by a spokesperson for the Stirling Council Ratepayers Action Group that this is a possible scenario?

The Hon. BARBARA WIESE: It is appalling that a ratepayers action group would have made statements to a weekend newspaper suggesting to the residents of Stirling that somehow or other the council would have the power to sell their homes from under them in order to meet any possible council debts. Indeed, I have used every opportunity that I have had available to me to make clear to Stirling ratepayers

that no such power is available to the council, either through the Local Government Act or any other South Australian statute. Ratepayers need to be well aware of that: the council has no power under any statute in South Australia to sell people's houses in order to meet council debts. That is a different issue from the question of council's powers under the Local Government Act—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —in recovering debts from ratepayers for money that is owed by ratepayers for matters such as rates. As many members here would be aware, provisions under the Act are arduous. It takes a great deal of time and many warnings issued to a ratepayer before such action would be taken by a council. It is a matter of last resort, but that is a completely different set of circumstances from the circumstances being described by representatives of the Ratepayers Action Group who were suggesting that the council would be in a position to sell people's homes in order to meet the council's debts. That is just not so.

The Ratepayers Action Group, which has been active in the Stirling area now for some time and which has been actively encouraging people to break the law by withholding their rates, is behaving in a very irresponsible way. I have appealed to the ratepayers of Stirling to pay their rates now and to give the council the very best opportunity to get on with solving its problems. I understand that a Federal member of the Liberal Party has been involved with this Ratepayers Action Group. He certainly volunteered his services to sit on an executive committee of the Ratepayers Action Group at the time it was formed. I would be very distressed if that member, the member for Mayo, had participated in the decisions that have been taken by the action group to encourage people to break the law in this way.

I do not suppose that we should be terribly surprised by such action, because it seems to be almost a daily occurrence these days that members of the Liberal Party indicate their willingness to break the law, as was evidenced by—

The Hon. K.T. Griffin: I take exception to that!

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: On a point of order, that is a reference which is objectionable to members of the Liberal Party in this Parliament, and I ask the Minister to withdraw and apologise for it.

The PRESIDENT: I do not think that to class—to talk about members of a Party does not come into—

The Hon. K.T. GRIFFIN: Come on! The Minister is referring to the member for Mayo and other members of the Liberal Party. It is a clear reflection on members of Parliament, which is forbidden by the Standing Orders.

Members interjecting:

The PRESIDENT: Order! The Standing Order—

Members interjecting:

The PRESIDENT: Order! The Standing Order states that there should be no injurious reflections permitted upon the Governor or Parliament of this State or Commonwealth or any member thereof.

The Hon. K.T. GRIFFIN: Well—the Liberal members!

The PRESIDENT: Order! It seems to me that a general reflection on members of the Liberal Party does not come under that, any more than—

Members interjecting:

The PRESIDENT: Order! When I am giving an interpretation of Standing Orders I do not expect interjections from anyone. There have been many occasions on which members of one side of a House have cast reflections on members of the Party of the other side of the House, and I am sure that it would not take much research in *Hansard* to find such reflections. I agree that an injurious reflection on a particular member of the Commonwealth Parliament is against that Standing Order.

The Hon. R.I. Lucas: Or us!

The PRESIDENT: Order! I am speaking, and I have already said that I do not want any interjections when I am giving my ruling on a point of order, Mr Lucas. If you do it again, I will name you.

The Hon. R.I. Lucas: Thank you, Ms President.

The Hon. BARBARA WIESE: As I was saying, the activities of—

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

The PRESIDENT: Order! I had not finished. I am ruling that an injurious reflection on the integrity of the member for Mayo, who is a member of the Commonwealth Parliament, is against Standing Order 193, and I would ask that the Minister withdraw that remark.

The Hon. BARBARA WIESE: I will be happy to withdraw that remark if that is a reflection on the honourable member, but I must say that the actions that have been taken by—

The Hon. M.B. CAMERON: On a point of order, Ms President, as I understand it, the Minister said 'members of the Liberal Party' and she was referring to every member on this side. She said that members were law-breakers. Despite your ruling, I must say, Madam President, that that is an incredible reflection. It would be like me, after last night's experience, saying that every member of the Labor Party is a thief. I would not say that, so I would ask that the Minister withdraw that comment, because it really is going beyond the pale, regardless of your ruling.

The Hon. BARBARA WIESE: If it would help the business of the Council, I would be happy to withdraw any reflection that may have been given that I would be suggesting that members of this Council have behaved in an unlawful way. Certainly, I was not intending to reflect on members of this Council so, if that satisfies members opposite, I am very happy to make that statement. The point that I was making is that members of the ratepayers group in Stirling have been actively encouraging people to break the law by withholding their rates. They have well and truly made their point to the Stirling council about that matter, expressing their dissatisfaction, and I would now encourage both the Ratepayers Action Group and anyone who happens to be a member of it who has any influence in the local community to now encourage ratepayers to pay their rates and to give the council the opportunity to get on with addressing the problems that it faces and finding solutions to those problems in the quickest possible time with the least difficulty.

INDUSTRIAL BLACKMAIL

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General a question about industrial blackmail.

Leave granted.

The Hon. J.F. STEFANI: Recently, we have seen examples of standover tactics used on a number of building sites, where such methods of blackmail have resulted in above award payments, unofficial good behaviour bonuses, and the consequent blowouts of building contracts. We have seen the cancellation of a $3.5 million international jewellery exhibition which was to be held at the South Australian Art Gallery, because of union blackmail threats. We have

seen the Remm project come to a standstill. In addition, under the threat of industrial action by unions, most building contractors are required to seek subcontractor/employee information which includes name of employee, classification, union membership, union ticket number, expiry date of union ticket, superannuation fund, employee superannuation fund registration number, long service leave registration number of employer, long service leave registration number of employee, as well as—

An honourable member interjecting:

The Hon. J.F. STEFANI: Quite right—the employer's builder's licence number, expiry date, WorkCover registration number, public liability insurance, and prescribed tax number. There have been instances where workers reporting for work on a building site have been unable to give some of this information and have been sent to the lunch room until the employer was contacted some 1½ hours later and supplied this information. This is a ridiculous state of affairs.

The PRESIDENT: Order! That is an opinion which is out of order.

The Hon. J.F. STEFANI: I am told that it is a ridiculous state of affairs.

The Hon. C.J. SUMNER: On a point of order, that is an opinion which is being expressed and which, I believe, is out of order.

The PRESIDENT: I have already said that that was stating an opinion, which is out of order.

The Hon. J.F. STEFANI: The information collected is then made available on demand to various union officials visiting the site offices or builders' offices. If this personal information is withheld or not available, the union will stop the project. What does the Attorney-General intend to do about this continuous infringement of democratic human rights of employers and employees by the union bullies? As the chief law enforcement officer for the State, what does he intend to do about the tactics used by the unions who are threatening physical violence and industrial blackmail against many of the citizens of South Australia if they do not comply with these demands?

The Hon. C.J. SUMNER: I simply make the point that for some considerable time now—and particularly under the stewardship of this Government—in this State we have had, except perhaps for one quarter, the best industrial record in Australia, in terms of days lost through industrial action. That is a fact. We have the best record around Australia on the matter of industrial disputes, and that should be borne in mind. I think it is fair to say that that record was one of the factors that operated quite substantially in favour of South Australia obtaining the submarine project. If the honourable member thinks that we ought to try to do something which will destroy—

The Hon. J.C. Irwin: About one-tenth of the project.

The Hon. C.J. SUMNER: That is not right. If the honourable member thinks that we ought to try to do something which will destroy the good industrial relations that we have in this State, that is something for which he can take responsibility. The honourable member made a number of quite serious allegations. Over the past few days we have already had in this State a number of allegations being made against people that have been quite unsubstantiated. I am not sure whether the Hon. Mr Stefani, having only just arrived in the Parliament and being relatively new, understands the legal system. The fact of the matter is—

The Hon. J.F. Stefani: Really, don't come at that nonsense.

The Hon. C.J. SUMNER: Just a minute, I am just trying to answer the question. The honourable member has made allegations—and I did not get them all down, so perhaps he can repeat them.

The Hon. T. Crothers: Physical violence.

The Hon. C.J. SUMNER: One was physical violence—can you just give me the others, please.

The Hon. J.F. Stefani: No, you read *Hansard*. The honourable member did not listen to my question. It is about time he listened to a question and took it seriously for a change instead of treating it like a joke.

The Hon. C.J. SUMNER: I did. I certainly made a note of one of them.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Physical violence was certainly one thing that the honourable member referred to. He is making allegations that there was physical violence.

The Hon. J.F. Stefani: Threats.

The Hon. C.J. SUMNER: Okay, threats.

The Hon. J.F. Stefani: Ask the building industry; people there will tell you.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member is the one telling me—I am not the one making allegations. He is suggesting that there have been threats of physical violence. The fact of the matter is that there are ways of dealing with allegations of criminal offences. A threat of physical violence is, if proved, a criminal offence. In relation to such allegations the matters should be taken to the proper authorities, just as is the case if allegations are made about any person in the community. Any person in this community is entitled to have allegations made against them put properly to the investigating authorities. The investigating authorities are charged with the responsibility of investigating them. If they feel that there is sufficient evidence to put a person or persons on trial for an offence, they are charged. When they are charged they go before the independent courts in this State, and it is the independent courts that determine whether or not there is any basis in the charge.

If the Hon. Mr Stefani has any suggestion of criminal behaviour of the kind that he is suggesting has occurred in his question, I suggest that he take it to the appropriate investigating authorities to be examined—and I am sure it will be, and the matter will be dealt with. In the courts there are rules that operate—rules of natural justice: charges have to be known to people before they in fact know what charges they are meeting, proof of charges has to occur beyond reasonable doubt, and for more serious charges there is a jury system which operates. We have all of those things in this democratic community of ours to ensure that injustices are not done to individuals and that unsubstantiated allegations of criminal behaviour are dealt with not in Parliament, not in the public arena, but in the proper manner, according to the rules of natural justice and fairness, to which everyone in this community is entitled.

The PRESIDENT: I call on the business of the day.

VEGETATION CLEARANCE

Adjourned debate on motion of Hon. L.H. Davis:

That the regulations under the Electricity Trust of South Australia Act 1946 concerning vegetation clearance, made on 27 October 1988 and laid on the table of this Council on 1 November 1988, be disallowed.

(Continued from 2 November. Page 1119.)

The Hon. I. GILFILLAN: I seek leave to conclude my remarks on Wednesday next.

Leave granted.

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

Adjourned debate on motion of Hon. Carolyn Pickles:

That the report of the Select Committee on the Availability of Housing for Low Income Groups in South Australia be noted.

(Continued from 2 November. Page 1123.)

The Hon. DIANA LAIDLAW: I welcome the opportunity to note the report of the Select Committee on the Availability of Housing for Low Income Groups in South Australia, and wish to highlight my concern about the shortage of housing at a time of increasing poverty and financial hardship in the community—especially so amongst women.

Women are overrepresented in the low income bracket, and although the ratio of women's award rates has increased, from .79 to .9 in the past decade, the ratio of women's to men's full-time earnings has stayed at about .76, since 1975, because of the type of work which men and women have typically entered, and also because of the increase in the proportion of part-time work for women. I also acknowledge the fact that in recent years there has been a large increase in the number of people living in housing related poverty, and this increase must be seen in the light of the huge increase in the number of women in this situation.

Very few women who head a family unit own their own home. As one will note from table 4 of the select committee's report, people who rent in the private market suffer the highest level of housing related poverty. It is important to note from table 4 that the proportion of households of private tenants in South Australia, after housing costs, is seen to be 19 per cent. This is much higher than for public tenants at 10 per cent, home buyers 8 per cent or home owners 4 per cent. Women-headed households suffer a double disadvantage caused by their low income and a scarcity of low rental housing in the proximity to public transport, job availability and child-care facilities. Many single parent families are discriminated against also in their access to private rental accommodation because of the stigma that continues to be attached to single parent status.

I note in table 5 of the report that private tenants have much less disposable income after paying rents than do Housing Trust tenants because of the poor levels of rent rebate available to them. In light of the information I have scanned from the report, one can easily see why the waiting list for Housing Trust homes is running at record levels, with about 45 000 households on the waiting list as at June 1987. No doubt exists that in respect of this waiting list problem it has increased at the same time as Federal Government funding for public sector housing in this State has declined. It is very disheartening to note in appendix D of the select committee report the severe cutbacks in Commonwealth Government funding for housing in this State.

I note also that in real terms the funding for 1988-89 amounts to $106.218 million. The previous year, 1987-88, it was $139.853 million and the year before that $165.414 million. That is a decline over three years of $60 million in money terms. That, of course, has a very dramatic effect on the capacity of the Housing Trust to provide for low income households and people in poverty in this State. Meanwhile, increases in home loan interest rates, of which we saw another round today, have made home ownership increasingly unlikely for low income families, yet only half the people living in poverty are accommodated in public housing. Obviously, there are no easy solutions to the problems which I have just highlighted or which were outlined in more detail in the report itself.

A growing body of evidence indicates that low income families will be better off if given more assistance to buy their own homes or to rent homes rather than pursuing the wholesale building of more trust homes. I was interested to see that the State Government has come round to a proposal, mooted prior to the last State election by the Liberal Party, that would have enabled people in Housing Trust accommodation to buy their own homes—a scheme that was damned at the time not only by the State Government but also by the Hawke Government. Yet, ironically it has been embraced by the State Government at this time. I am not suggesting that I am bitter about that, but I do highlight the hypocrisy. I am nevertheless prepared to concede that it is better late than never for this Government to do something to help Housing Trust tenants get into home ownership through purchasing their Housing Trust home.

The change in the economic situation affects low income groups who are more susceptible to unemployment and cuts in employment. This should be recognised in future housing policies. More attention also should be given to the location of housing for these groups, as moves by the State Government to locate Housing Trust accommodation around the periphery of the city has reduced employment opportunities for those living in financial hardship and poverty as well as removing them from their circle of friends and family support. Services such as transport and child-care are so vital for people in financial hardship, those unemployed or on other forms of benefit, if they are ever to get out of their dependent situation and take charge of their lives.

To this end I believe strongly that we should be looking carefully at urban consolidation proposals but should not be rushing into the establishment of vast areas of State housing for its own sake. Recent working party reports by the Department of Environment and Planning indicate that, while Adelaide's population will grow over the next 25 years by up to 20 per cent (although this has been questioned by the Hon. Mr Davis in recent times) the number of households will almost double to 36.2 per cent as a result of the increase in one or two person households arising from the increased demand by younger people, single people and the aged for independent living units. Obviously people in these categories do not need two and three bedroom homes with gardens but a denser form of accommodation more appropriate to their requirements.

In that context the increasing concern about security in the community also encourages me to believe that a need exists for a denser form of accommodation in many areas and also for people to start mixing together, taking more care and notice of their neighbours and what is happening in their community. That would be encouraged if people did not always have a high brush or brick fence that is so easy to hide behind or to lose oneself behind and forget that there are others on the other side of the fence who may need care and support.

There is no question that housing interest rates need further investigation. As they continue to climb, the Australian dream of home ownership will remain exactly that. In this context it was telling to read in the *Advertiser* of 2 November that Senator Graham Maguire, representing the ALP in this State, called for the Federal housing portfolio to be handed again to a senior Minister and given priority treatment within Government.

Senator Maguire's comments clearly reflect the disillusionment of many people in decision making positions in this State about the Commonwealth's disregard for the State's housing needs. As Senator Maguire in his article said, 'Spending on public housing and accommodation for low income earners is not keeping pace with community needs'. As I have said, it will not be easy to find solutions to the problems that were highlighted by the select committee. I support the committee's recommendations to seek more joint ventures between local government and the private sector with the major objective being a reduction in housing costs for low income groups.

There is also a need for better research in this area. It was disappointing to read in the report that the committee was unable to quantify the level of total housing need in South Australia. There is also a need to look at the future housing policy and the needs of women, and to coordinate the housing supply with employment opportunities and the development of public and community services to avoid the adverse effects of relocation. So often, unwittingly, we can be perpetuating and compounding the problems in people's lives by relocating them away from not only family support but also employment opportunities and social support.

In conclusion, I note that South Australia has had a splendid record in relation to public housing stemming, of course, from the Playford years when the State attracted industrial investment and immigration with reduced housing costs. Per capita spending on housing has been higher traditionally in South Australia than elsewhere in Australia. In 1985-86, $176.50 per head was spent in South Australia while in New South Wales a mere $43.90 per head was spent (but perhaps that may change with the change to a Liberal Government in that State). As the old adage goes, times have changed, and South Australia no longer has the benefits of industrial boom conditions with increased economic capacity.

While we would all acknowledge that there is less money to be spent on housing, it is important not to forget the plight of the needy who are finding it increasingly difficult to make ends meet as standards of living fall. There is no doubt that the standards of living for middle and lower income people have fallen further than those for higher income people in this State, and this has compounded the problems in relation to housing. Throughout Australia it is estimated that 50 000 people were without shelter last night. Not only is that a great shame but also it is a shame we all must bear as responsible citizens in a caring world. I hope that the world will become a more caring and considerate one for many people in the future.

The Hon. C.J. Sumner: Hear, hear!

The Hon. DIANA LAIDLAW: I am very pleased to hear the Attorney in a more agreeable mood. I commend the Australian Democrats for proposing this motion, those who moved it and the members who served on it. Its work has been very valuable to the Parliament. While I was not a member of the select committee, I read its report with a great deal of interest. I hope that its recommendations will be seriously taken up by all members of this Parliament.

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

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT

The Hon. I. GILFILLAN: I move:

That by-laws under the South Australian College of Advanced Education Act 1982 concerning parking, made on 4 August 1988 and laid on the table of this Council on 9 August 1988, be disallowed.

In moving this motion I will make some observations about the South Australian College of Advanced Education Act which was constituted in 1982 and guarantees wide ranging powers to the college council. If the college council is unable to operate under such provisions as already exist, then any extension to its power should be regarded with the utmost caution.

The SACAE Act guarantees to the college council absolute power to alter governing statutes including the provision of services, the imposition of fees, fines, access or restriction to college courses or services, with accountability to its student/staff numbers through only two out of 24 council members. Given this extreme and unacceptable imbalance, if the parking fee is imposed we will consider moves—and certainly have discussions in relation to this—to amend the Act to ensure a more equitable decision making involvement from the SACAE student body.

The college at no time guarantees parking to fee paying parkers on any campus, including those such as Salisbury which are largely without pressure on parking spaces but which provide occasional spaces for the general public attending events in college facilities which can and do preempt staff or student use. In other words, the payment of a fee may not provide access to a college car park. College staff and students are increasingly required to move between campuses of the multi-campus college in the course of their working day. Movement between sites is poorly served by public transport.

College academic staff members are required, as part of their duties, to supervise student field work which is a compulsory part of a professional degree or diploma course. They are currently required to provide their own transport, although this is not a requirement under their registered industrial award, nor is it written into the job remuneration. Although petrol is available staff are actively encouraged by the college not to apply for it. There is no provision that, given the intention to collect an annual parking fee, the college will provide improved services such as car park lighting or security in recompense. The proposed fee provides the payer with no services.

The college fee makes no provision for the often extreme inequities of income of car park users. The college principal, on approximately $80 000 per annum, will presumably be, as now, exempt. An adademic staff member on say $37 000 per annum will pay $50 per annum, as will a junior clerical officer on $13 000 per annum. A full-time student on an Austudy allowance of $2 730 per annum will pay $25 per annum, as will a part-time single mother or father on welfare who is paying for creche facilities for his or her one class per week and who needs a car to deliver his or her children.

The college has not widely publicised the 'creation of emergent costs' angle of the proposal which will require design, printing and administration, the collection of fees, the purchase and erection of signs and barriers, the contracting of tow-away services, associated (and ever mounting) legal costs, and the interminable hours of top bureaucratic efforts involved in producing this whole scheme.

Mr Allen, from the SACAE, in evidence to the Joint Committee on Subordinate Legislation on 5 October, suggested that the proposed fees were 'substantially different' from those dealt with in earlier discussions. I dispute this because, while college proposals have reduced to $15 for unguaranteed student parking, they remain at $25 to $50 for staff parking which is no reduction. A weekly permit for student unguaranteed parking (which many students may choose in lieu of a mass payment) will be twice the

15-week semesters at $1 per week, which equals $30 per annum—twice the 'once off' charge—and a further imposition on the poor, while a 40c daily permit equals $60 per annum. Members must also realise that the college community has no alternative car parking facilities.

The parity of distribution of the payment burden and the acceptability of new payment charges for existing non-improved services is what we dispute. The inference that failure to exact revenues from parking will affect staffing levels is nonsensical and should not be made. I strongly believe that not only is the fine detail of the proposal extremely difficult to follow but also that the entire process of debate over the college's legal capacity to introduce these fees has been made more complex than is necessary. Mr Allen stated to the Joint Committee on Subordinate Legislation that students and staff were not prepared to negotiate. I am advised that his statement to the committee was totally preposterous and that it must be made clear that that was Mr Allen's own perception and not the fact of the matter. Mr Allen stated that it was the intention of the college to appeal against any decision reached by the Industrial Commission in favour of staff unions and to introduce parking fees regardless of the direction of Parliament.

The student body—the people who have been most affected by this parking restriction—have advised me that they have found it extremely difficult to deal with the administration in negotiating and discussing this issue. They claim that the administration has provided incomplete data and has accused the student body of non-cooperation when the students find their proposals unacceptable. Apparently the college reserves to itself the right to override the forms of regulation up to the very highest levels.

I have been informed that the current situation in relation to student parking is that the fine infringement notices have been levied for some months. Many students have been refusing to pay the fines, and they have now been sent final notices that, if the money owing is not paid to the accountants of the colleges the colleges will be placing the collection of the outstanding amounts in the hands of a collection firm—George Laurens (S.A.) Pty Ltd—and that they will be liable to legal action without further notice.

Finally, it appears that there is almost a deliberate policy by the management of the colleges to make this proposal for car parking not only a preposterous irritant but also a very difficult procedure to comply with for those very few people from the student body who are prepared to comply with it.

The purchase of parking permits is restricted to only two hours per day, strictly defined as being between 9 a.m. and 10 a.m. and 2 p.m. and 3 p.m. This has meant that many of the students—certainly those who do not have lectures at those particular times, and have to come some distance—have not been able to get parking permits purely because they were not available. It seems that this whole sorry saga has really developed into a callous confrontation by the controlling bodies of the South Australian colleges of advanced education.

I have moved this disallowance motion in an attempt to get the colleges to retract their intention to levy parking fees on staff and students of the colleges and to realise that, first, they are grossly unfair, and secondly, that they will be extraordinarily difficult and costly to collect, and will probably create more ill-will than has already been generated. This could spoil the relations between the management of the colleges and the staff and students for years to come.

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

EDUCATION POLICY

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

That this Council expresses its grave concern at the Minister of Education's handling of his portfolio and in particular—

1. His failure to adequately consult school communities, that is, parents, students and staff, before amalgamation and closure of schools;
2. His proposed school staffing formula for 1989;
3. His proposal to gag school principals and teachers.

(Continued from 5 October. Page 843.)

The Hon. R.I. LUCAS: I support this motion. I must say at the outset that I am somewhat bemused by the wording of this motion when I recall the attitude of the Hon. Mr Elliott in relation to a motion that this Council debated some time ago concerning the graduate tax. Members will recall that on that occasion we had before us a motion which said that members of the Council opposed the Hawke Government's graduate tax.

On that occasion, the Hon. Mr Elliott made great play of the fact that he did not really want to politicise the issue and did not want to be party political. He requested that the Liberal Party remove the reference to the Hawke Government. I am pleased to see that the Hon. Mr Elliott has lost those principles (as they were described on that occasion) in relation to the motion that we have before us because, indeed, the Hon. Mr Elliott has been, or is certainly being, very Party political in relation to the motion that we have before us today.

The Liberal Party, being consistent as it is, is quite prepared to indicate its attitude, whether it be on the matter of graduate tax or in relation to the current Minister of Education's handling of his portfolio in South Australia. This motion has four parts. There are three specific parts, but I will refer to the first part of the motion, as follows:

That this Council expresses its grave concern at the Minister of Education's handling of his portfolio.

That is a general criticism of the Minister of Education's performance. The other three parts of the motion then refer, in particular, to three features of the Minister's handling of his portfolio. I will address those three issues at a later time.

I will spend some time addressing the first part of this motion, that is, the grave concern about the Minister's general handling of his portfolio. I do not think I would be exaggerating when I say that the current Minister of Education would, in the view of 20 and 30 year veterans in the education field, be the most unpopular Minister of Education in South Australia's history. Lack of consultation, which is referred to in one part of this motion, certainly is a feature of the current Minister's administration. Indeed, it has been a problem in a whole range of areas.

There have been many, many public references from spokespersons of various education lobby groups, indicating their concern and the concern of their associations, at the lack of consultation from the Minister of Education. Indeed, the leading parent spokesperson in South Australia, Mr Ian Wilson, the President of the South Australian Association of State Schools Organisations (SAASSO) was so disturbed by the lack of consultation by the Minister of Education that he was prepared to say publicly on his own behalf and on behalf of the association that the consultation was so bad that on occasions the association had to rely on information from the shadow Minister of Education—from the Liberal Party in South Australia—in relation to major initiatives in the field of education. When the leading parent spokesperson in South Australia has to make those sorts of statements on behalf of South Australian parents, it is a fair indication that all is not well in education in South Aus-

tralia, and that parents generally are very, very concerned about the leader of the gang, the State Minister of Education. There is no doubt that for three years—indeed, the six years of the Bannon Administration—there has been a lack of leadership in the area of education.

It is fair to say that for six years now the Education Department and the Government's education policy have been rudderless. It is also fair to say that the State Minister of Education has no clear or coherent concept of what he, as Minister or as part of the Bannon Government, wants to achieve with education and our schools in South Australia over the coming years. The sad fact is that it was the Minister of Education, Mr Crafter, who led the charge to cut education funding levels over the last three years.

In the past I have contrasted the attitude of the Hon. Mr Crafter with that of, for example, the former Federal Minister of Education, the Hon. Susan Ryan, and I will do so again. Whatever the faults of the Hon. Susan Ryan—and there were many—one thing that could not be said about her was that she was not prepared to fight (indeed, on occasions in Cabinet she fought like a wounded magpie) for education funding against the cost cutting review measures that the Cabinet might have instituted. Fighting on behalf of parents and students in Australia, she was not prepared to lie down and just accept the attitudes and policy dictates of the Walshes, the Keatings and the Dawkinses of the Hawke Government.

As in any democracy or in any Westminster system, these countervailing balances within the Cabinet are needed and, in the end, the Minister of Education must accept the majority view of his Cabinet.

What education needs in Australia and South Australia is a Minister willing to stand up in Cabinet and fight like a wounded magpie if need be for students, parents and our schools. The Hon. Susan Ryan was willing to do that, but I am sad to say that the Hon. Greg Crafter was not willing to stand up for parents and students in South Australian schools. It was the Hon. Greg Crafter who, right from the first day of his stewardship in education, led the charge to cut education funding and important programs in our schools. He led the charge to cut generally and in many specific programs the level of funds that Governments direct into education in South Australia.

I refer to the rank hypocrisy of the Bannon Government and in this Chamber on this motion the spokesperson for the Government was the Hon. Carolyn Pickles. I will not be unduly critical of her because clearly her speech was written for her and she had not much knowledge of the content when she spoke on this motion. It is clear from reading her contribution that it was written for the Hon. Carolyn Pickles, and was written on the basis that the Opposition had already spoken to the motion. The contribution written for the Hon. Carolyn Pickles is highly critical of the Opposition's attitude about this motion, highly critical and cynical of the Opposition's attitude in supporting this motion, when the Opposition's attitude to this motion was not finalised or indicated to any person in South Australia until well after the contribution was made by the Hon. Carolyn Pickles.

That is sad, because I would have hoped that members when they stand up in this Chamber to read speeches written for them by Government staffers or lackeys—we know that there are plenty of those in the Minister of Education's office and department—before they embarrass themselves and their Party in this Chamber they ought to read their speeches and change them to suit the circumstances, otherwise the speech will not accord with the facts of the situation.

Sadly, the Hon. Carolyn Pickles did not take that necessary safeguard that most members in this Chamber would take on such an occasion. She was not willing to take that safeguard, and must now suffer the ignominy of being publicly criticised by not only me but also by other members during the debate.

It is the height of hypocrisy by the Hon. Carolyn Pickles and the Minister of Education in South Australia to spend a good part of their time in the speech on this motion criticising the New South Wales Liberal Government, when it has been Minister Crafter and Premier Bannon in concert over the past three budgets who have cut over 500 teachers from the teaching force in South Australian schools. To talk of cuts in teacher numbers in other States over which both this Government and the Opposition have no control and without mentioning the fact that this Government—

The Hon. Carolyn Pickles: But they are your colleagues.

The Hon. R.I. LUCAS: The Hon. Carolyn Pickles chirps, 'But they are your colleagues.' Let me respond by saying that she is a member of a Government and she has supported policies by way of her Caucus vote to cut 500 teachers from our schools in three budgets. Let the report show that there is no comeback from the Hon. Ms Pickles to that damning statement.

The Hon. Carolyn Pickles: It's so pathetic that it is—

The Hon. R.I. LUCAS: The Hon. Ms Pickles will not deny it—she knows that it is true—she cannot deny it: her vote and that of her left wing colleagues in this Chamber and in the parliamentary Labor Caucus have cut 500 teachers from South Australian schools. Let us not worry about States over which we have no control; let us talk about Premier Bannon, the Minister of Education, the Hon. Carolyn Pickles, and the other lefties in the Labor Party Caucus. Let us see whether they are willing to stand up for schools, students, and parents in South Australia.

The Hon. Carolyn Pickles: Yes we are.

The Hon. R.I. LUCAS: "Yes we are' is the squawk from the Government benches. The Hon. Carolyn Pickles is saying that she agrees with the policies of cutting 500 teachers from our schools in South Australia.

The Hon. Carolyn Pickles: What bull shit!

The Hon. R.I. LUCAS: The Hon. Carolyn Pickles says, 'What bull shit!' It is sad that the level of debate has descended to that level from the Hon. Carolyn Pickles in this motion this afternoon.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We seem to have tickled a few feathers on the Government benches. When we are talking about education and administration under the State Minister, the Hon. Greg Crafter, one has to look at the attitude of parents in South Australia at present. Again, the sad fact is that parents are voting with their feet. In six years of the Bannon Government there has been a decline of 21 000 students in Government schools in South Australia. At the same time there has been an increase of 9 000 students in non-Government schools in South Australia.

That evidence is damning and, as I have said, parents have voted with their feet. Surveys of parents in South Australia provide the evidence that they have concerns about the Bannon Government's policies and the level of standards and discipline in Government schools. In her prepared speech the Hon. Carolyn Pickles attacked the Liberal Party in South Australia for wanting to tear down the Government school system. On this occasion, as I have done on other occasions, I deny that emphatically. What the Opposition has said and what its policies will entail will be a choice for parents of quality schooling, whether in the Government or non-Government system. I have indicated

that publicly and my Leader, John Olsen, has indicated that publicly: that will be a feature of the Liberal Party's education policy. We will not be tearing down the Government school system. We want to see a change in the Government school system so that parents will regain faith in the level of standards and discipline and the range of other important indicators in the Government school system.

The Hon. M.J. Elliott: How are you going to cut taxes and maintain the schools?

The Hon. R.I. LUCAS: The Hon. Mr Elliott chirps in with a question: how are we going to cut taxes and increase funding for schools?

The Hon. M.J. Elliott: Maintain them, at least.

The Hon. R.I. LUCAS: The Hon. Mr Elliott has a very low goal life. I can speak as the shadow Minister of Education, and what we ought to be doing in my view is not just maintaining but seeking to improve. The simple answer to that question is on the record. Let me take an extra five minutes in this debate to give it to you. The Hon. Mr Crothers thinks he is on a winner, as does the Hon. Mr Elliott. Let me give them the anwers. I have indicated during a number of debates in this Chamber where the waste exists in Government spending and in education spending. Let me deal with the education portfolio and cite just a few examples, so that I do not bore members in this Chamber for the sake of the edification of the Hon. Mr Elliott and the Hon. Mr Crothers. We have had policies to reorganise the Education Department into five areas, which was meant to save $1.5 million in salaries in South Australia.

The Hon. M.J. Elliott: How much would that save?

The Hon. R.I. LUCAS: This Government instituted a reorganisation of the Education Department which was meant to save $1.5 million in salaries. Cabinet dockets are available which are now on the public record, and I will be happy to show them to the Hon. Mr Elliott. I suspect that the only person left in South Australia who believes that the reorganisation of the department has saved money and improved services to schools at the local level is the Minister of Education (Hon. Greg Crafter). There is no doubt that that reorganisation not only did not save money but that the total cost blowout was somewhere between $5 million and $6 million—just in reorganising the Education Department. That is not dealing with improving services and resources.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: No, total cost—nothing to do with improving resources in schools. It is just reorganising the administrators. I have put on record many examples of where that has been a total failure, and I am sure that not even the Democrats believe that that reorganisation has been a success.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: There is an example—$5 million or $6 million. The Auditor-General has highlighted in the past three reports potential savings of up to $2 million per annum through the greater use of private contractors in school cleaning. That is the Auditor-General speaking—not me; not the Liberal Party. The Auditor-General also has highlighted potential savings of up to $3 million per annum through the reorganisation of the school bus transport system in South Australia—without, as suggested by the Minister of Education, the need to institute charges for school bus services. If we put in that charging option we can save in 1988 dollars over $5 million per year.

If we take out the charging of students option, we are looking in terms of the Auditor-General's figures to the greater use of private contractors with greater rationalisation and potential savings of up to $3 million per annum. What we do is cut out priorities such as the Youth Music Festival, which was intended to cost $250 000 but, because of the way in which the system was organised, cost $1 million—a $750 000 blowout in the organisation of a two week Youth Music Festival.

The Hon. L.H. Davis: An absolute scandal!

The Hon. R.I. LUCAS: The Hon. Mr Davis says 'An absolute scandal'. We have debated this previously, but that is the sort of managerial control that exists in this Education Department. They can throw away $750 000 on a project meant to cost $250 000. They threw another $750 000 at that Youth Music Festival. What they should do is institute greater use of computer systems within the Education Department. The Auditor-General, in this report, notes the fact that there are some 23 clerks in the Education Department processing accounts payable. Even the Hon. Mr Crothers, with his background in the administration of a relatively large trade union, would know that pretty simple software systems are available in South Australia that could be set up in the Education Department to reduce the number of bureaucrats in that section of the department and provide greater efficiency.

Even the Hon. Mr Crothers would have to accept that some of our better managed unions are using computer systems that reduce the number of clerks involved in accounts payable and payroll systems. Exactly the same criticism can be made of the payroll and leave section of the Education Department. Every year hundreds of thousands of dollars are overpaid to teachers and staff in the Education Department, because this Minister and this administration refuse to move into the 1980s and institute proper financial controls in that section.

Last year some $400 000 was overpaid to teachers and staff because of mistakes made by the manual processing of leave and payroll calculations, yet this Minister pats himself on the back because he has managed to reduce that over the past couple of years. We still have some $300 000 to $500 000—I forget the exact figure—overpaid (and uncollected) to teachers and staff in South Australia because of a lack of financial control in the Education Department. Let me point out to the Hon. Mr Crothers, who asked me this very pointed question—

The Hon. T. Crothers: And who is still waiting for a proper answer.

The Hon. R.I. LUCAS: And he is getting it by the millions! We highlighted a particular school in South Australia which, because of slack administration within the Education Department, had been able in February of two consecutive years to overstate its enrolments by about 70 students. These are not the estimates of enrolments made in one year for the next, but in February of each year principals and senior staff run around their classes, add up the number of students, and send in that number to the Education Department.

The Hon. T. Crothers: Does that mean that we are employing more teachers than we should?

The Hon. R.I. LUCAS: No. You have cut 500 teachers from your last three budgets. Do you want to cut more? Would you like to cut more? You have cut 500.

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

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The lefties have already indicated, through the Hon. Ms Pickles, that they support the policy of cutting 500 teachers from our schools: we have the Left wing faction here supporting these policies. Now we have the Centre Left number cruncher, the Hon. Mr Crothers, indicating that the Centre Left has gone along with that.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Crothers indicates by way of interjection that he would like to cut more. This is what he is talking about. He has cut 500 teachers from our schools in three budgets, and now we have a senior spokesperson for the Centre Left talking about cutting more teachers from our schools.

The Hon. T. Crothers: There are fewer students attending schools than principals are telling us about. Are you saying that from that it follows that there are too many teachers in the system? Can the honourable member understand the simple question?

The Hon. R.I. LUCAS: The Hon. Trevor Crothers leads with his chin—and I must say that it is a very substantial chin—so let me give him a good punch on the jaw—verbally speaking!

The Hon. G. Weatherill: You won't get a second chance!

The Hon. R.I. LUCAS: I suspect that I could not do too much damage in the physical sense to the Hon. Trevor Crothers—it would be a mosquito on the elephant! But let me respond, in a verbal sense: I have referred previously to a school which for two years added up the number of students in its classes and then sent in a number to the Education Department including some 70 or 80 students more than actually existed in those classes.

The Hon. T. Crothers: Why do you think they said that?

The Hon. R.I. LUCAS: Before the honourable member leaves himself wide open, let me tell him the rest of the story. 'Why?' is the question from the Hon. Trevor Crothers, and the reason is that with more students a school receives additional staffing.

The Hon. T. Crothers: Ah!

The Hon. R.I. LUCAS: It is beginning to register—let that 'Ah!' be recorded in *Hansard.*

The Hon. CAROLYN PICKLES: On a point of order, Mr Acting President, can I ask your advice whether an 'Ah' may be recorded in *Hansard.*

The ACTING PRESIDENT: There is no point of order.

The Hon. R.I. LUCAS: Thank you, Mr Acting President. That is very strong leadership from the Chair and I thank you very much. The point of order was treated with the contempt it deserved. When a school overstates the number of enrolments it receives an increased number of teachers, ancillary staff, and Government grant funding. The state of financial controls in the Education Department is such that it was not able to detect by way of audit that overstatement in the first year. The school got away with that overstatement of enrolments and, as a result, received extra teachers, ancillary staff, and funding. When schools do that, they are ripping funding off all the other honest schools within the system.

When the Opposition raised this criticism, the Minister of Education attacked not his own department's auditing function but the Opposition for having the temerity to raise this scandal. The Minister said that it was an isolated example. The facts are that the Auditor-General, having heard of this, then did a survey of 160 schools in South Australia. His staff found that over 40 schools in South Australia had overstated their enrolments to the Education Department, as a result of which they were receiving extra funding, extra staffing or extra ancillary staff. Some 25 per cent of those schools sampled—40 schools out of a sample of 160—were, by way of overstatement of enrolments, not playing the game as it ought to have been played.

The Hon. G.L. Bruce: Where do you place the blame for that?

The Hon. R.I. LUCAS: There is obviously blame on the part of the schools, but in the end the blame lies in the fact that we ought to have an auditing system in the Education Department that can deal with such overstatement, and if a school says that it has 80 students more than it has—

The Hon. G.L. Bruce: You don't believe them.

The Hon. R.I. LUCAS: Exactly, go and check. There ought to be an auditing function—which I am pleased to say we are now moving towards. Let me not say that this is still continuing; because we have raised the issue we now have somebody who actually takes the trouble—and not too much time—to check and see whether a school which states that it has 400 students in fact has those 400 students and not say, 320 students.

The Hon. G.L. Bruce: It seems to me to be a sad reflection on the people in charge.

The Hon. R.I. LUCAS: It is a very sad reflection on the whole system. It is a very sad reflection on the Government and on the control and leadership of the Education Department that a system can be run that allows this sort of thing to go on. Let me give one further example of waste—I have already given about seven or eight, running into tens of millions of dollars of potential savings.

The Hon. T. Crothers: About $6.5 million—I have been counting.

The Hon. R.I. LUCAS: No, $3 million, $2 million and $6 million—I would have thought that even the Hon. Trevor Crothers could add three, two and six. Certainly, those figures, plus a few additions, come to a bit more than $6.5 million. If that is the way the honourable member is number crunching for the Centre Left it is no wonder the Left is slowly increasing its numbers in convention and conference. It is not in control yet. The Hon. Terry Roberts is not laughing yet, but no wonder they are slowly increasing percentage point by percentage point their numbers in convention. Let me give one final example of wastage. This Government and this Minister of Education, supported by the Lefties and the Centre Lefties—and whatever other description one might want to give to that motley crew that we have representing the Labor Party Caucus—

The Hon. G.L. BRUCE: On a point of order, Mr Acting President: I object to the Caucus being called a 'motley crew', and I ask the honourable member to withdraw.

The Hon. R.I. LUCAS: Mr Acting President, with respect to you, I would be happy to withdraw my disgraceful description of the parliamentary Labor Caucus as a motley crew. I withdraw and apologise profusely.

The ACTING PRESIDENT: I ask the honourable member to keep his remarks purely to the subject in hand.

The Hon. R.I. LUCAS: The final example of wastage that I shall refer to—and I am only responding to the Hon. Trevor Crothers, who was interjecting out of order—involves an amount of only some $40 000 a year, but I think it is a most telling example. In the first budget approved by the parliamentary Labor Caucus and the Minister of Education, the position of Chief Speech Pathologist in the Education Department was abolished.

Anyone who has any history of working with parents and trying to gain access to special services in our schools, such as speech pathology, which are much needed, would know of the great demand and the long queues for those services. Not only did the Minister just abolish that position but also he was able to use the resulting extra funds to achieve a greater priority for the Minister of Education and the Bannon Government, namely, to transfer that money previously used to pay for a Chief Speech Pathologist to appoint a public relations officer for the Education Department. A public relations officer was a greater priority for this Minister of Education than was a chief speech pathologist able

to assist those many children in our schools who have significant speech problems.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: This is too serious for interjections. These children have many significant problems, but the Minister of Education said to them and their parents, 'Look, I place greater priority on getting the public relations and the press right for the Education Department than I do for your particular needs in our schools.' That is the sort of budget and sort of priority sadly that members of this parliamentary Labor Party, whether they be of the left or the centre left, have supported in endorsing the policies and direction of the Minister of Education.

As I have indicated, 20 and 30 year veterans in education in schools in South Australia have said to me over the past two years that in their view the morale of teachers in our teaching force in South Australia is at its lowest ebb. The current Minister of Education is the most unpopular Minister we have had in South Australia. No doubt his tenure as Minister of Education is to be for not much longer. I am sure that by the start of next year, for all the reasons I have indicated, Premier Bannon will be forced to remove the Minister of Education from his portfolio because of the grave concern, as this motion indicates, at the Minister's handling of his portfolio.

Not only will this Council, I am sure, be supporting that view but I am sure the Premier will have to indicate, by way of moving the Minister, his own grave concern at the Minister's handling of the portfolio. The Liberal Party is gravely concerned about the direction of education in South Australia, and the needs of students and parents in South Australia. Sadly, I expect Premier Bannon will be expressing his grave concern not for educational reasons but for political reasons. He knows that, because of the Minister's handling of the portfolio, there is likely to be significant political fallout, particularly in the marginal seats, for Premier Bannon if he maintains the Minister in his current portfolio. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

EXOTIC FISH

Adjourned debate on motion of Hon. Peter Dunn:

That regulations under the Fisheries Act 1982 concerning exotic fish, fish farming and fish diseases (undesirable species) made on 30 June 1988 and laid on the table of this Council on 4 August 1988, be disallowed.

(Continued from 2 November. Page 1124.)

The Hon. M.J. ELLIOTT: Over time I have been lobbied in relation to concerns from the pet traders industry concerning exotic fish. Although I have a degree with biological majors, including population geography which gives me some capacity to understand the issues involved, I am not in a position to state categorically whether or not a Lake Tanganyikan or Lake Malawi cichlid is a suitable fish to live in South Australia. The issues are important ones and certainly need to be resolved.

I can understand the concerns of the Department of Fisheries since it does not want to see exotic species becoming feral in South Australia. I can also understand that it would not want the risk of the import of exotic fish helping to introduce diseases. However, I do not think that is quite the issue that we are looking at in regard to this regulation. Perhaps the more significant issue is how we go about making a determination on what is and what is not a suitable species to be kept by fish fanciers. Should the decision be made by one person of the Department of Fisheries? Should it be possible to make a challenge in the courts or is there some other mechanism? As most members in this place would know, I am a very strong environmentalist and under no circumstances do I want to see a change to the law to put our native environment in South Australia at any sort of risk. Certainly the hard line approach we have now where only the head of the Department of Fisheries can say what species can or cannot be introduced might give some chance that that will not occur.

To balance against that is the need in a democratic society to give people a chance, where they believe a wrong decision has been made, to have some sort of influence. Particularly if they feel that an individual has acted wrongly they need somewhere to go. I do not believe that the appropriate place is a court of law in the first instance. I do not believe that a court of law has the capacity to make decisions about what species can or cannot be introduced into South Australia. To have a court of law as a last recourse in determining whether or not fair decisions are made is quite a different matter.

It concerns me that the existing regulation seems to have removed that final recourse which should be available to all citizens on any decisions made by Governments. Much of our legislation is deficient in that citizens of South Australia quite often do not have recource to courts. We need to look at that in a wider sense well beyond this set of regulations. I have not made a final decision on how I will vote on this disallowance motion, although I make quite clear that I am concerned that the present regulations are inadequate in a democratic society. I recognise the problems of cost as mentioned by the head of the Fisheries Department. To help me make up my mind I have a number of questions and I hope that when a Government member speaks on this motion next week those questions will be answered. The questions have been given to me by people in the pet trade industry. They are not my questions but their questions, but the answers would certainly be instructive and useful for me. The questions are as follows:

1. Why did the Minister of Fisheries issue a media release on 1 July 1988 stating that the new amendments to the exotic fish regulations are in line with the agreement previously reached between the department and aquarium/hobbyist traders, when the trade associations involved have repeatedly denied that any consultation and let alone agreement on the crucial regulation 6a took place, so much so that the two trade representatives involved have signed statutory declarations to that effect?

2. Why did the Minister of Fisheries add insult to injury by advising the Pet Traders Association of South Australia in writing that the amendments reflect their representatives' long held views, when in fact the trade representatives are vehemently opposed to the amendment to section 6a because they consider the lack of arbitration contained in the new amendment an infringement on their civil liberties?

3. Why did the Minister of Fisheries deprive the aquarium hobby and trade of their previously granted right of arbitration through the judicial system and replace it with an amendment to regulation 6a, which makes the Director of Fisheries the sole arbiter?

4. Why did the Director of Fisheries claim to the Committee on Subordinate Legislation that the reason for amending regulation 6a was to clarify concerns expressed by the trade over the interpretation of section 92 of the Constitution, when the trade had not expressed any concerns whatsoever since the original dispute with the department over section 92 was settled in April of last year?

5. Is the Minister of Fisheries aware that at the time the recent amendment was gazetted the trade had initiated an

appeal in the District Court against a ruling by the Director of Fisheries, and that the immediate effect of the new amendment was to make the outcome of the pending court case irrelevant?

6. Why did the Director of Fisheries mislead the Committee on Subordinate Legislation into believing that the number of aquarium fish species involved in the trade's application is unknown, but may range in the order of 300, when the exact number of species involved as submitted to the District Court is only 55?

7. Why has the South Australian Minister of Fisheries banned a large number of tropical aquarium fish, when even a tropical State like Queensland does not consider these fish a potential danger to the environment, and the South Australian Pet Traders Association has supplied the Minister with scientific evidence to prove that these fish cannot harm the South Australian environment, either?

8. Is the Minister aware that the bans on a large number of tropical aquarium fish cannot be policed, because the Department of Fisheries has neither the manpower nor the expertise to identify most of those fish? Besides, does the Minister intend to send inspectors into people's homes to confiscate fish which can be legally kept in all other Australian States?

9. Is the Minister aware that after 50 years of fishkeeping in South Australia, not a single tropical aquarium fish has established feral populations in the natural waterways of the State?

I would like the answers to those questions put on the record so that they can help me to make a decision about whether or not I will support or oppose the motion. I express concern at the number of times issues are brought to me which relate to the Department of Fisheries. Serious disputes between individuals and the department come to me concerning that one department more often than disputes concerning any other department. I believe that department needs to look carefully at the way in which it is working with people.

The Hon. G.L. Bruce: You should be on the Subordinate Legislation Committee.

The Hon. M.J. ELLIOTT: The Hon. Mr Bruce suggests that I should be on the Subordinate Legislation Committee, which is kept very busy, particularly with fisheries problems. I believe that in many cases there are answers other than the ones that the department has gone for, and that the department has been a little too calculating and ruthless at times with its decisions.

The Hon. Peter Dunn: Dictatorial.

The Hon. M.J. ELLIOTT: Yes, dictatorial. The end it is aiming for may be perfectly justifiable and I might support what it is aiming for in the end; but I question the means by which it gets to that end. I am concerned at the number of people, sometimes reasonable and sometimes not, who are beating a path to my door because of problems with that department.

The Hon. G.L. Bruce: One particular segment of the industry. The department takes an overall view; the industry takes a parochial view.

The Hon. M.J. ELLIOTT: I think it is true to say in many cases that, while one particular part (maybe a minority section of the industry) is complaining, there are usually reasonable grounds for their complaint and ways in which they could have been accommodated, but that accommodation has never been allowed for.

At this stage I leave it in the Minister's hands. I would like a response to these questions in writing, if possible, before next Wednesday. I would also like the Minister to seriously consider whether or not there is an alternative regulation which could do what he hopes to achieve in a way that allows some form of appeal, which need not be expensive.

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

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1126.)

The Hon. K.T. GRIFFIN: My colleague, the Hon. John Burdett, has already indicated that the Opposition is not prepared to support this Bill. This private member's Bill introduced by the Hon. Mr Gilfillan in essence seeks to require a builder under a domestic building contract to pay moneys into a special trust account from which periodic payments can be made to subcontractors in particular. The Government has already indicated that it opposes the Bill on three principal grounds. The first is that the Bill would not work and would do nothing for consumers that is not already done by the existing provisions of the Act, and would not do for subcontractors what is claimed.

The second ground is that the trust account scheme proposed in the Bill would be cumbersome to comply with and prohibitively costly to administer and supervise. Thirdly, it is an inappropriate amendment to the Act, tacking on to what is essentially a consumer protection piece of legislation provisions for regulating the relations between traders. The Housing Industry Association is bitterly opposed to the Bill on the basis that it is unnecessary and would add substantial burdens to those presently carried by builders.

The Housing Industry Association has indicated that the Bill does not take into account the association's own trade indemnity insurance protection to all organisations making a contribution to the association. That scheme provides protection of up to $5 000 in the event of a builder failing to pay, and that has now been extended to cover manufacturers, suppliers, engineers, consultants, designers, and *bona fide* subcontractors who are able to take out effective trade indemnity insurance through the association.

I have no doubt that this Bill originated from the pressure being applied by the Building Workers Industrial Union to the building industry and is designed not merely to protect subcontractors but to provide a base from which the BWIU can enhance its membership. It is clear that the actions of that union during the collapse of the Leader builders group was clearly focused on enhancing its membership. I am told by the Housing Industry Association, which quickly put together a scheme to help the owners who suffered loss as a result of the Leader Homes debacle, that its scheme resulted in every one of the homes involved being satisfactorily or almost completed without additional cost to the consumers who were affected.

The Housing Industry Association was successful in having the liens lifted in order to have the homes completed. Again, that was without cost to the consumer. The association has predicted that if this Bill were to become law it could add something like 10 per cent to home building costs. Of course, that is a cost which all consumers would pay, even those who have contracts with reputable and stable companies. What the legislation does not take into account is that under the Builders Licensing Act, which was substantially amended in 1986, to some extent as a result of the pressure by a Mr Tate—who, coincidentally, is involved in the Stirling Ratepayers Association and is apply-

ing pressure there—builders are subject to much more stringent financial requirements in relation to carrying on their business. Therefore, the law has been quite substantially tightened, and I would have thought that it was reasonable to give that an opportunity to be proved without adding further burdens to home owners, consumers and builders, particularly in the light of the cover which is being provided by the Housing Industry Association under its trade indemnity scheme.

There are a number of questions which arise from clause 3, proposing a new section 25. This provides for the establishment of a trust account. The clause provides that, where a building owner has to pay money to a builder under a domestic building work contract, the builder must pay the money forthwith, into a separate special purpose account at a bank. That account must be designated as a domestic building work account. Payments into the bank account include accounts with building societies or credit unions. It is not clear whether each builder must have one account as, for example, solicitors have one trust account, or whether this requires a separate account for each domestic building contract.

The clause also takes no account of the fact that many home builders arrange finance through banks, building societies or other financial institutions, and under the home building mortgage arrangements which the owner enters into, there is ordinarily provision for progress payments to be made. Those progress payments are made only after approval by the particular lending institution which has a mortgage over the property. My experience has been that, when institutions like banks and building societies are involved, they take a fairly keen interest in the certificate which is forwarded by a builder seeking a progress payment.

If banks and other lending institutions continue to be involved, as they must be, in providing finance, it seems to me that the requirement that the money be paid on a progress payment or progress certificate by the bank or other lending institution to a domestic building work account with a builder and then out to subcontractors and suppliers of materials would provide yet another expense in the way of home builders because the financial institutions duty and bank debits tax would be payable on the payment by the bank into the trust account and then out again.

This clause also takes no account of the fact that there will ordinarily be mortgages over the land on which the building is being erected. It is interesting that in the proposed subsection (5), when building materials are purchased with money withdrawn from an account upon purchase, they become the absolute property of the building owner. That introduces some interesting questions as to what happens to the ownership, or the title, when they are incorporated into a building on land over which there is a mortgage. What happens to the mortgage security? Does that then cover the materials which are incorporated into the building, or is there then a conflict of priorities between the mortgagee and the mortgagor?

What happens, for example, when, under that proposed subsection (5), the abolute property in the building materials passes to the building owner and there is a defect in those materials? One must then question who has the right to recover damages or to sue the supplier of those goods for damages—whether it involves materials or whether they are, in fact, units such as cupboards or electrical appliances, to be incorporated into the work? This proposed subsection takes no account of the contractual liability of the supplier and passes the title direct to the building owner. One has to ask: is there then a right in the building owner to recover for defects in the quality of the materials and equipment supplied?

Proposed subsection (3) takes no account of the defects liability period in looking at the completion of domestic building work. Completion is referred to in proposed subsection (2). Under most housing contracts there is a defects liability period during which any maintenance matters or defects to the building work, if they appear, are required to be remedied by the builder. The proposed section takes no account of the fact that some people have architects supervising domestic building work and, ordinarily, the architect has the responsibility for ensuring that the building work is carried out in accordance with the contract and the plans and specifications before authorising the payment of a progress amount by the builder or the mortgagee.

The clause also does not take into consideration the protections which are given by the Workers Liens Act. I know that there are some criticisms of the day to day operations of that Act, but it does provide protections. There is no reference to the way in which the operation of that Act will relate to the matter of the property in the materials being passed when payments are made out of the trust account, or in relation to the items in paragraphs *(a)* to *(e)* referred to in proposed subsection (3).

In addition, there is a problem with the Federal Bankruptcy Act. It is all very well for a State Act to say that property in certain items will pass at a certain time, but the Bankruptcy Act will ordinarily take priority, and may well override this legislation when it comes to the bankruptcy of an individual builder. The clause also takes no account of the winding up provisions of the Companies (South Australia) Code in relation to companies, and there may well be a conflict there.

I have some difficulties relating all these problems to the provisions in this Bill. I have no doubt at all that for large builders, and even for small builders, the burdens imposed will ultimately create considerable additional costs for the consumer, without adding any reasonable protection. It will bind not only the shaky builders but also the reputable ones, and it takes no cognisance of other provisions in the Builders Licensing Act designed to assess more carefully the financial stability and viability of a particular builder.

I have grave concerns about the provisions. I would prefer to see the current provisions of the Builders Licensing Act operate for some further time, along with the Housing Industry Association's own trade indemnity scheme, and then make some assessment in a year or two as to whether or not any further changes to the law are required. It is for those reasons that I and my colleagues on the Opposition side do not support this Bill.

The Hon. J.F. STEFANI secured the adjournment of the debate.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1128.)

The Hon. L.H. DAVIS: I rise for the third time to speak in support of the proposal to introduce freedom of information legislation in South Australia, and I commend my colleague the Hon. Martin Cameron for his persistence and, indeed, his wisdom in pursuing such an important measure.

For the benefit of members opposite, freedom of information legislation first came into the public domain in Australia when the Hon. Gough Whitlam pledged in his

policy speech of 1972 to introduce a Freedom of Information Act. In 1973, following the election of a Labor Government at the national level, the then Attorney-General, Senator Murphy, indicated that legislation was being prepared. Then followed almost a decade of committees publishing reports, interdepartmental committees and a great deal of public debate on freedom of information legislation, much of this being drawn from experience in the United States, where freedom of information legislation had been in place for some years. However, it was eventually left to the Fraser Government in 1982 to establish freedom of information legislation at the Federal level.

It is interesting to see how useful freedom of information legislation has been at the Federal level in recent times. I will give some examples, which I am sure will come rushing to mind. Perhaps the most spectacular example was when Liberal backbencher Mr Neil Brown uncovered documents through freedom of information which led to the forced resignation from the Hawke Ministry in December last year of the then Minister of Tourism, the Hon. John Brown.

Certainly, one accepts that there is always a different balance between the public's right to know and the Government's responsibility to protect information which is confidential. Certainly, the Liberal Party in this Chamber has been firmly committed in recent years to the view that there should be a statutory right of access to State Government records and documents. We can think readily of many examples, particularly in the health area, where documentation which should be available simply has not been available. We had an example only today of information coming from a Minister in response to a backbencher's question when, in fact, information had been sought by the Leader of the Opposition some months ago, and he is still waiting for that reply to his question.

Unfortunately, in Government there is a natural tendency to cover up, to fudge, to delay, and freedom of information certainly has been effective at the Federal level and at the State level in Victoria in giving the community an opportunity to have access to documents to which they are entitled. As is recognised in the Cameron legislation, we accept that there is a competing demand between the right of citizens to know and the need for confidentiality, and we can see examples of where confidentiality is required, for example, in the commercial arena where a State Government may be negotiating with companies in terms of establishing or expanding operations in the State. Commercial confidentiality is obviously one area. There is also confidentiality and sensitivity in regard to Commonwealth and State relationships and State to State relationships but, ultimately, the public interest is the test. We believe that the legislation that has been before this Council now for some months is an appropriate approach to this important subject.

I would like to give an illustration of how successful freedom of information has been at the State level. I remind members that both the Hamer Government in Victoria and then the Cain Government in Victoria, when Mr Cain was elected to office in 1983, supported freedom of information. One can see many examples of its effective use in Victoria. In the Continental Airlines cheap ticket scandal, the Nunawading how-to-vote scandal involving the Labor Party, and many examples in the health arena in Victoria freedom of information has been used to expose Government inefficiency, waste and inappropriate Government behaviour.

I refer to Mr Mark Birrell, now the Leader of the Opposition in the Legislative Council in Victoria, who has been a leading exponent of freedom of information legislation. In mid 1985 he used freedom of information to obtain access to the results of public opinion polls conducted for the Premier and other senior Ministers at taxpayers' expense. The Premier refused to grant access to the documents and went on to the back foot. As a result, regulations have been introduced to curb the use of freedom of information in Victoria. This again is clearly an example of an abuse of power and a waste of taxpayers' money.

I suspect that if freedom of information existed in South Australia we would uncover a scandal in public opinion polls that have been taken by this Government over a period of years to test the sensitivity of the public to certain matters—indeed, to establish the popularity of various Ministers of the Government. We heard the Hon. Dr Cornwall boasting in this Chamber of the popularity that he enjoyed as Minister of Health—all at taxpayers' expense. Is that right, is it proper? Of course it is not.

Freedom of information is designed to keep Governments honest—Governments of all political persuasions. This is not political legislation—it is legislation for the people. It is legislation that is essential to confine the power of Government and the abuse of that power by Government, and to ensure the proper spending of taxpayers' money. I am pleased again to be in a position to support the legislation proposed by the Hon. Martin Cameron.

In conclusion, I want to turn to a letter from the Library Association of Australia which underlines some good reasons why this legislation should be supported. The first matter does not relate directly to the legislation, but it makes the point that, if freedom of information legislation is in place, it will force the Government of the day to improve its information systems. Members will know that for some time I fought a battle to obtain a Public Records Office in South Australia. That battle was successful. To its credit, the Government accepted the logic of, and the need for, a Public Records Office, but there is no doubt that information systems in use in many departments and statutory authorities of this Government are less than adequate, and they would not be able to cope with freedom of information legislation. As the then National Vice President of the Library Association of Australia, Alan Bundy says in his letter dated early 1987:

> Any Government agency which has produced high costs—

that is, in relation to the cost of freedom of information—

> is either apprehensive about the legislation or has a remarkably inefficient information retrieval system.

Writing in support of the Cameron Bill, he says:

> This Bill proposes nothing more than a legislative framework for the rights of all South Australians in their dealings with the State Government and its agencies in our complex society. In the interests of a democratic South Australia, we urge you to support it.

I urge members opposite, including the Attorney, who has been known to support freedom of information legislation in times past, to think again before the vote on this important measure is taken.

The Hon. DIANA LAIDLAW: I wish to speak briefly on this Freedom of Information Bill introduced by the Hon. Mr Cameron. This is the third Bill that he has introduced on this subject and it is the third time that I have supported his initiative. As the Hon. Mr Davis mentioned, this measure is extremely important in terms of access to information in the interests of the community and in the interests of accountability of the Government. I want to say just a few brief words now about the Department for Community Welfare. Since the end of June this year I have been seeking to have the Minister release an important report commissioned by the former Minister of Community Welfare into

the plight of children of underaged parents. The former Minister received that report on 30 June.

The report, as I indicated, is important in terms of the well-being of children in this State, and I understand that the recommendations are wide ranging in terms of the administrative practices of the department. I understand also that it is critical of a number of practices and policies within the department in terms of child protection laws in general. As this subject is of such interest to the community and to families in general, I think it is extremely important and in the public interest that such a report be released.

I am not sure when the Minister intends to release this major report, or whether she will ever do so, because time has dragged on and the new Minister has had ample time to assess its recommendations. It is important that the report be released, and it may be that it is only through legislation such as freedom of information legislation that not only this Parliament but the community as a whole can gain access to this report—commissioned at some considerable cost to taxpayers of this State. I would like to think that the Minister will release the report without having to resort to such legislation in future but, as I say, I am not confident that that will be so.

It concerns not only the issue of a specific report but, in general terms, it is necessary that we have knowledge of the workings of Government, other than in very sensitive areas which have been highlighted in the Bill in terms of the range of exemptions which are to apply. In regard to the Attorney-General's remarks about this Bill, I was rather disappointed that he indicated again that he will oppose this measure, although his contribution showed some positive advances in this area by the Government since he last spoke. In respect of those advances I acknowledge that I am pleased to see that the Government is moving in the area of administrative schemes in terms of privacy principles and schemes in respect of access by people to their personal files held by agencies.

Again with respect to the Department for Community Welfare, this is a particularly important initiative and I commend it, because, as we all know, many people have come into contact—willingly or otherwise—with that department over the years, and it is important that they know what is held on file. In respect of DCW files, I acknowledge that this initiative to computerise the files in the Justice Information System is encouraging the department into a long overdue assessment of the range of files it needs and the registration systems that have applied for some years.

This was outlined fully by the Minister and her departmental officers during the Estimates Committees, both last year and this year; they acknowledged that it was time to review those records. So, a combination of that work which is ongoing in the department in terms of the JIS and these new administrative schemes proposed by the Government in respect of privacy of material and access to personal files are important initiatives. Whilst this is not specifically related to the Hon. Mr Cameron's Bill, I would be most interested to know the results of the Government's proposals in respect of exempting certain agencies from compliance with this administrative scheme which will provide the right of access of persons to their personal records.

I suspect that the Department for Community Welfare will be active in seeking exemption from compliance with aspects of the scheme. That, however, is mere supposition on my part, and I will be most interested to see whether that is the case. There may well be legal processes in train during which it would not be wise for people to have access to records, but we will see. Whilst I am heartened to see that the Government is taking some steps in this area, particularly as they will apply to the Department for Community Welfare, I do not believe that they are sufficient. I accept that the Bill introduced by the Hon. Mr Cameron is more constructive and positive an initiative, and I support the second reading.

The Hon. M.B. CAMERON (Leader of the Opposition): As the members on this side have said, this is the third time this Bill has been in this Chamber. I regret that the Attorney-General has indicated a lack of support for the Bill because, as I said again during the second reading, he showed the first initiative in this area. If he was prepared to take over this Bill, I would certainly not put myself forward as the author of the concept of FOI, but I was pushed into this position because I had intended to support freedom of information when the Attorney-General brought it in.

I was quite pleased to see that he had taken the initiative in 1983 and obtained a report, which I thought was the proper basis for FOI, and that he was proceeding down that track and making announcements to that effect. I regret that he was pushed by his Party—which I assume is what happened—into the position where he is now seen to have been deceiving the people of the State at that stage. I am not saying that he himself has, but he has been pushed into that position by failing to achieve the support of his Cabinet and of his Party.

It is a sign of maturity of a democracy, a Parliament, a Government and a people when they can be seen to be trusted by the Government with information the Government holds. There can be really no reason for the withholding of information. It is unfortunate that Governments tend to be reluctant in these matters, and I was gratified that the Attorney-General took the role he did. I have been exceedingly disappointed that three times now I have revived this matter and attempted to have the Government change its mind by putting the matter forward, and each time it has been rejected by the Government.

As the Hon. Ms Laidlaw has said, while there are some moves by the Attorney-General, we all know that those concepts are a very pale shadow of what is required. There is no earthly reason why, when the people of this State pay for information to be collected by a Government, they should not have access to it and be able to make their own judgment. If the Government believes that the people are not capable of assessing that information, it is showing a lack of trust in the people of the State. That lack of trust is an indication that the Government is immature, not the people.

It is immature if it believes that the people cannot assess information put before them. In fact, matters which are probably not highly controversial are made controversial by the very fact of withholding information, so we have what we call the leaked document syndrome—of which I have received plenty from time to time. I receive a multitude of reports which would not be at all exciting if they did not have attached to them this business of being a leaked document, a confidential memo which is now being disclosed publicly.

The majority of those things are not terribly exciting; the excitement comes from the fact that the Government has held something back, that it seems to be hiding something. So, Governments would achieve something from the revealing of information. Perhaps one day someone in the Government can explain to me why the Government thinks that the people of this State cannot be trusted with the words that are collected on their behalf. It would be very

interesting to hear the Government's reason for that. It would also be interesting for the Attorney, instead of getting up and giving a half-hearted response to this Bill, to get up and explain why he has changed his mind, why he has now retreated, and why he has weakened on this matter. As I have said, it is extremely disappointing.

I have a letter here from the South Australian Council for Civil Liberties, Inc., and I think it is important that I read this into *Hansard*, once again. It is as follows:

Dear Mr Cameron,

You will be aware that you will soon have an opportunity to support meaningful freedom of information legislation for South Australia.

I was the author of the Bill, so obviously I knew what would be in it. The letter continues:

The case for this Bill is overwhelming.

I understand that every member received a copy of this letter the last time I introduced the Bill. It continues:

In the year during which the issue has been before Parliament, not a single argument of substance has been levelled against the Bill. This is not surprising, for the Bill very closely follows the 1983 report of the freedom of information interdepartmental working party—a report which was accepted by Cabinet. Moreover, the legislation improves upon that operating in Victoria and at the Federal level. The Federal Government introduced freedom of information legislation in 1982; South Australia, once a State which pioneered change, now holds back, unable even to duplicate changes introduced elsewhere.

Among the important reasons for supporting this legislation are:

1. The philosophical principle that citizens of a society should have the right to obtain information held by the Government which they elect.
2. The clear frustration which now confronts members of the public who seek Government information, only to discover that they are denied access. The recent controversy over bushfire claims in the Hills is a case in point.
3. The alienation which results from a perception of government, and the Public Service, rising above the ordinary citizen.

The only argument which has been advanced—

and again this is the same situation now—

against the proposed Bill is the costs which may be involved. The answer to this is clearly to investigate the level of charges which would make the operation of freedom of information, when fully operational, revenue neutral.

One fears that the Government is being less than straightforward in its use of cost factors as the only basis for resisting legislation which follows both its policy statements and a report which it has accepted. There will, of course, be real costs associated with the establishment of FOI, but the costings which are now bandied about are, after all, produced by the departments themselves, organisations not likely to be entirely in favour of freedom of information. There is clearly a case for the establishment of an independent assessment of costings, based on the Federal and Victorian precedents, and then discussion of the appropriate level of fees which would make FOI legislation feasible here.

I do not believe that I can do much better than to say that that letter gives clear and unassailable reasons why this Bill should be supported. Yesterday I put on record literally hundreds of questions in relation to the Health Commission—and the only reason I had to do that was because I had nowhere else to go. I cannot go to the Health Commission and say 'Give me this information,' because I have no right to do that. I have no right to get answers from documents that are held by the commission. We have no idea of the basis for the costings associated with changes to country hospitals. We have no idea on any information at all that is held by Government. An Opposition which is kept in the dark through lack of information is, of course, an Opposition that will continue to attack the Government. Due to this lack of information, from time to time people in the Public Service and in other areas that are providing information to the Opposition may do that selectively, and we may make the wrong assumptions—but, if we do, and the Government receives the wrong publicity, that is the fault of the Government.

The Opposition appeals to all members of Parliament, and in particular to those members of the Government who really believe in democracy and who believe that this is a mature society, to support this Bill and once again to give this Parliament the opportunity to show that it is able to respond to the needs of the people of this State. As I have said, it is a measure of the maturity of a democracy when government finally decides that the people within it can be trusted. I urge members to support the Bill.

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

CHLOROFLUOROCARBONS BILL

Adjourned debate on second reading.

(Continued from 10 August. Page 109.)

The Hon. L.H. DAVIS: I indicate at the outset that the Liberal Party supports the principle of this Bill, which was introduced by the Hon. Michael Elliott, but, before I put down the reasons for supporting the measure, I make brief reference to the comments that appeared on page 1 of the *Advertiser* of Monday 7 November under the headline 'Democrats threat over greenhouse'. The article, by political reporter Peter Haynes, went on to detail a resolution which had been passed at a Democrat meeting on Sunday of this week and which called on the Democrat members of this Chamber—the Hon. Ian Gilfillan and Michael Elliott—to tell the Government that, unless it passed the Bill to ban the use of chlorofluorocarbons in South Australia, they would abstain from voting on all future Government legislation. The article also went on to state that the Democrats had issued the State Government with an ultimatum to pass the Bill within two weeks.

The Hon. M.J. Elliott: That's not an accurate statement.

The Hon. L.H. DAVIS: The Democrats have so much agility of foot that they could easily make money on the side by opening a dance studio, which they could supervise from their portable telephone box. I make a comment on the matter before addressing what I regard as a serious piece of legislation. It is unfortunate that such statements are made. It does nothing to enhance the status of the Parliament and also sets an incredible precedent. It would mean that the Government of the day could issue ultimatums to Oppositions and *vice versa*. This is no way for an Opposition, be it a mini Opposition such as the Australian Democrats or a proper Opposition such as the Liberal Party, to behave.

The Hon. M.J. Elliott: Your case has fallen apart. You can't be serious.

The Hon. L.H. DAVIS: I am not sure why the Hon. Mr Elliott says that my case has fallen apart. I should have thought that all evidence on the best way in which the Westminster system operates would point against the issuing of ultimatums. The Australian Democrats, who in their flexibility ultimately stand for democracy (I think), certainly should not be making threats to the Government of the day, of whichever political persuasion.

Having said that, I accept the sincerity with which this measure has been introduced into this Council. There has been in recent months a great deal of public comment about the changing environment in which we live. Most people, whether or not they are interested in the environment, would certainly have heard of the term 'greenhouse effect'. They would certainly have heard of the impact of chloro-

fluorocarbons on the ozone layer. I suspect that if the same questions had been asked a couple of years ago the answer would have been rather different. At the outset I put down the Liberal Party's position with regard to this legislation.

The Hon. T.G. Roberts: I thought you were going to put down the Liberal Party.

The Hon. L.H. DAVIS: I will leave that for you to try, but fail in so doing.

The Hon. G. Weatherill interjecting:

The Hon. L.H. DAVIS: The alternative Opposition—is that the left wing of the Labor Party?

The Hon. G. Weatherill: The Democrats.

The Hon. L.H. DAVIS: First, I accept that the Democrats last year introduced a private member's Bill on a similar subject. On this occasion it has introduced a Bill which, although brief, has far-reaching consequences. The Bill, the substance of which is contained in clause 4, seeks effectively to prohibit, through regulations, the manufacture and sale of goods in which chlorofluorocarbons are used except as a refrigerant and requires adherence to regulations which will be enacted pursuant to this legislation relating to the design, manufacture, sale or supply, servicing and disposal of chlorofluorocarbons as a refrigerant. Penalties are attached for failure to comply with the requirements of the regulations or for persons contravening those regulations. The Bill, although brief, has far-reaching consequences, and I will discuss some of those issues later.

I will briefly outline what has happened in Australia and quickly travel around the world trying to address a subject which, I must confess, is beyond my scientific knowledge. I do not hold myself out as having great expertise in this area. I have a layman's interest, most certainly, but I do not hold myself out as having any expertise. What I have gleaned has been very much from my reading of the subject. First, in Tasmania the Liberal Government a month ago introduced a Bill containing rigorous and far-reaching controls on chlorofluorocarbons, and regulations pursuant to that legislation will take effect as from the end of 1988. Some people say that it is the most rigorous and draconian legislation attacking the growing concern over chlorofluorocarbons yet proposed anywhere in the world.

In Western Australia the Government has introduced regulations relating to the use of the manufacture, distribution and sale of aerosol cans. Those regulations took effect on 1 August 1988. The Western Australian Government has indicated that it intends to introduce legislation before the end of the year. Certainly in Victoria there has been a commitment by the Liberal Party to support legislation, and Premier Cain made an election promise in September or October of this year that he would introduce legislation.

The blanket ban on aerosols and CFCs is limited to the extent that there will necessarily be certain areas where such products will need to remain legal: for example, medical and veterinary use, certain industrial uses and uses in the area of public safety. In America there has been a ban on CFCs for about a decade, as indeed there has been in many Scandinavian countries. At the Federal level the Minister for the Environment, Senator Graham Richardson, has advised the Australian Environment Council Ministers that he will be legislating during the budget session for more rigid standards than those proposed by the Montreal Convention, to which I will refer in more detail in a little while. The Liberal Party position in South Australia is, first, that we accept the dimension of the problem. Certainly we also accept that there are wide shades of opinion on this issue.

At the end of the day there should be no room for complacency on the environmental impact of chlorofluorocarbons. We believe that the most sensible approach for Australia is to adopt uniform legislation to lock all States into the one measure. That is not uncommon in Australia as we have uniform legislation in many areas. We believe that in this area it is most appropriate.

It makes sense for manufacturers of aerosol and other products containing CFCs to have common standards that they are required to observe. It would be quite ludicrous for six different sets of regulations to be in place around Australia which might well mean that manufacturers are required to observe certain standards in some States and not others and that some products may be legal in some States but not in others. And members should remember that we are talking about a wide range of products, and I will address that later.

We believe that the most important priority is for the Federal Government to expedite legislation, and we urge it to do so. We support the concept of uniform legislation, but we are prepared to support the Bill proposed by the Hon. Michael Elliott on the basis that the concept is good. We believe that State and Federal Governments—and incidentally in this area Labor Governments—need to act, and act with alacrity. Uniform legislation is certainly the most sensible approach.

The Democrats alleged that the Government had been slow in responding to its Bill, which has been on the notice paper since 1 August, and I accept that. I place on the public record the fact that the Liberal Party has not been slow to respond to this measure. We have had a working paper and several discussions in shadow Cabinet and in the Party room on this matter. Our position has been in place for some time; in fact, it was put down publicly earlier this week. We have in Opposition, as a matter for procedure, always taken the view that where the Democrats have introduced a measure and the Government has taken the adjournment that it is appropriate for the Government of the day to put down a position—in other words, we do not queue jump. On this occasion we want to ensure that the public and the Democrats understand that there has been no reluctance on the part of the Liberal Party to declare a position on this important issue.

I will now attempt to traverse what is a very scientific and difficult area. The ozone layer is seven miles above the earth in the atmospheric region that is described as the stratosphere, and ozone, a form of oxygen, protects the planet from at least 90 per cent of the sun's destructive ultraviolet rays. There has been a general acceptance that the ozone layer, seven miles above the earth, has been thinning over the polar caps, particularly Antarctica, for a number of years. It has been argued that there has been a loss of up to 40 per cent in an area about two-thirds the size of Canada.

The reason for this has been examined by many groups of scientists. One such group is a panel of 100 scientists organised by the United States National Aeronautics and Space Administration, better known as NASA. It released results which appear quite alarming and indicate that the ozone loss over the populated regions of the Northern Hemisphere is greater than previously believed. In fact, there is an argument to say that it could have been underestimated earlier.

What is the difficulty with CFCs which cause this hole in the ozone layer? What is the linkage between CFCs and the greenhouse effect, because these two impact on each other? Well, CFCs, as Mr Elliott said, are organic substances made up of chlorine, fluorine and carbon. He put it quite succinctly when he said that about a third of the CFCs are

used in aerosols, a third in refrigerants and another third in the production of polyurethane foam.

Let me translate that into everyday products. Aerosols are one of the main areas which contain ozone eating chemicals that we also find in refrigerators in the kitchen, in laundry products, in insulation products, in foam for furniture and car seats, in air-conditioners, in solvents used to clean computer components, and in keeping hamburgers warm. The Big Mac foam pack is full of CFCs, but there is good news on that front which I will mention in a minute.

The Hon. M.J. Elliott: The United States has already stopped doing that.

The Hon. L.H. DAVIS: That is right. On the earth CFCs are quite safe because they hold together tightly, consisting as they do of chains or rings of carbon atoms attached to atoms of fluorine and chlorine. So, they are harmless and do not react. But when they float up into the stratosphere they break down and become destroyers of the ozone—they attack the ozone molecules which are absorbing the ultraviolet radiation from the sun. That effectively leads to the interaction with the greenhouse effect, and this is not a well publicised linkage. It has been argued that CFCs could account for 10 per cent or maybe more of the greenhouse gases that are gradually overheating the earth.

That is a very brief resume of the ozone problem. It has been said that about one billion kilograms of CFCs are produced annually by the products that I have mentioned. Of course, a great number of those CFCs drift into the stratosphere releasing chlorine and destroying the ozone. As the ozone breaks down more of the sun's ultraviolet rays, which have been shielded by the ozone layer, reach the earth's surface. The impact of the breakdown in the ozone layer is on health, the production of food and, also, in changes in the weather. It can be seen to increase skin cancer and lead to crop devastation. It can also have an impact on the aquatic food chain.

In September 1987, the scientists of the world joined together to try to prevent further destruction of the ozone layer. This is not one of those matters that can be resolved with the flick of a switch; it will not happen quickly. However, representatives from 24 countries, including the United States, Australia, Canada and Mexico, signed a treaty in Montreal which committed the industrialised countries of the world to reduce CFC production to 1986 levels within three years. In fact, it further committed the industrialised countries to halve those quantities by 1999. That was a very exciting first step and, in fact, a NASA scientist, Michael Prather, who was a key figure in that 100 scientist panel organised by NASA to investigate the impact of CFCs, stated:

> The Montreal protocol was an incredible and optimistic first step in controlling the global environment, but we need a political and scientific reassessment.

It was stated that everyone accepts that there is no short-term solution. Only a long-term reduction of CFCs will allow the ozone layer to replenish itself and that, of course, is over a long time.

If the Montreal treaty is to take effect, it has to be ratified by 11 nations. Those nations account for two-thirds of the CFC production worldwide. Sadly, not all nations have acted. The United States, which produces nearly a third of the world's CFCs, and Mexico have signed the treaty. There have been encouraging signs that other countries are moving in the same direction.

However, more recently—and I am talking about only two or three weeks ago—representatives of 27 countries gathered together to try to speed up the timetable for the banning of chemicals that are breaking down the ozone layer which protects us from ultraviolet rays. Those countries were reacting to further evidence from scientists that stronger measures are needed. The Montreal protocol, which had been agreed to in 1987, is reviewed every two years in the light of new scientific observations.

The meeting held in mid-October this year saw scientists and officials from Governments, the United Nations and chemical companies involved in the production of CFCs, meeting in the Hague in Holland to review the Montreal protocol. That meeting was under the auspices of the United Nations Environment Program to protect the ozone layer in the stratosphere. In the light of the evidence of the past 12 months, there is a view that the CFC problem is greater than had been believed earlier. Of course, that is of some concern. Scientists said that the drop in the stratospheric ozone which occurs over Antarctica in the southern spring was less than in 1987 but similar to the drop in 1986. A slightly higher concentration of ozone than usual in the stratosphere just outside the Antarctic hole this year has not yet been explained. As more work is done on the problem so there seem to be more and more people concerned about the need to act quickly.

This is a complex problem, as I believe the Hon. Mr Elliott will acknowledge. Not all scientists believe that the problem is of the dimensions that I have set out.

However, there is a link between CFCs and the greenhouse effect. A non-profit environmental organisation based in the United States called the World Resources Institute states:

> CFC contamination introduces another variable into attempts to understand how industrial activity is changing global weather.

The senior associate with that organisation, Rafe Promerance, is quoted in the *Bulletin* of 3 May 1988 as follows:

> When you deplete the ozone layer you cool off the stratosphere. CFCs simultaneously act to warm the surface layer of the atmosphere by contributing to the so-called greenhouse effect before they percolate all the way to high altitudes. This could change the way the atmosphere moves.

Of course, that has serious consequences in Australia, and there have been many articles in local and national newspapers and reports on television and radio. There has been much public debate. It is a very good example of how the media can act responsibly. There has been a certain amount of fear in some of the arguments but, generally there has been a good deal of substance and reason in the analysis of this important problem.

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

The Hon. L.H. DAVIS: Madam President, one of the encouraging facts to emerge in the past few months in this important debate on the world environment and the impact of CFCs on the stratosphere has been the responsible attitude adopted by many of the major chemical companies in the world.

One of the interesting occurrences in recent years has been the citizen-led resistance to CFCs in the United States. In fact, the citizens of the US largely led the resistance to products with CFCs, notably aerosols, which in turn led to legislation banning their use. People say many things about the US, and it has been said of the US that the dollar comes first. However, in this instance the environment came first, and it is very encouraging to see the intensity of interest in this subject by consumers in America.

It is also encouraging to see that some of the bigger chemical companies such as Du Pont have now modified their views about CFCs. Du Pont, which is by far the biggest chemical company in America and the world's biggest producer of the gases that we have asserted are damaging to the ozone layer, earlier this year indicated that it would

support a complete production ban of such materials by the year 2000. One of the points it makes—and I accept the argument—is that one cannot put an overnight ban on some of these products, because replacement products are required.

The environmental manager at Du Pont's CFC division said that about $5 billion of the $100 billion cost to the world of halving current CFC production levels by 1988 as agreed in the Montreal Protocol of last year would be spent by chemical companies in setting up new plants to make alternative materials to CFC. It is not just a matter of flicking a switch and making alternative products: there must be much research and development. I am not in a position to argue whether chemical companies have been too slow in coming to the party.

Obviously, there are people who would argue that, but I am looking at the present and at the reality that Du Pont, at least, as the world's biggest producer of CFCs, is accepting responsibility. In fact, it surprised many scientists by saying that the Montreal Protocol did not go far enough. It has been suggested that Du Pont is responsible for about 25 per cent of the world's production of CFCs, so it is encouraging that there is unanimity of view between the chemical companies and the scientists on the need to act decisively and as quickly as possible.

The *News* of 24 October had an interesting article dealing with some of the areas in which there has been change in overcoming the CFC problem. This article, by Allan Yates, contained a useful and very practical summary of some of the steps already taken to overcome the deleterious effects of CFCs. I mentioned earlier that the foam pack used by hamburger companies such as McDonalds contains CFCs, but McDonalds have committed themselves to not using that plastic foam package from early 1989.

Australia has signed an international treaty (the Montreal Protocol) on substances that deplete the ozone layer. We have committed ourselves to that protocol to reduce CFCs over a period. That will soon be matched by Federal legislation. The Executive Director of the Aerosol Association of Australia, Mr Bob Pankhurst, has claimed that the aerosol industry—which, as the Hon. Mr Elliott stated, is responsible for about one-third of the use of CFCs in Australia—has made substantial progress. Mr Pankhurst is quoted as saying:

> Almost 85 per cent of our products no longer contain CFCs. Almost the last group of products to be tackled are the anti-perspirants and deodorants, and the use of CFCs in aerosols of these products finally will be phased out over the next few months.

That is a very encouraging sign. In other words, one-third of the products accounting for CFCs will be removed from the shelves of supermarkets and other shops by the end of the year. Of course, Federal legislation will make those products illegal anyway. Again, it confirms the argument that the Liberal Party is putting forward tonight: that uniform legislation is the only sensible way to go.

We can also take the view of Mr Don Roberts, President of the Association of Fluorocarbon Consumers and Manufacturers (which uses the acronym AFCAM), who says that his association accepts the need to work closely with the Federal Government. He is quoted as saying:

> Our expectation is that tougher reductions may be required than are laid down in the Montreal Protocol, and we are working towards that.

However, he makes the vital point, which I want to underline, that we must be practical and realistic; that instant replacement of products is not always easy. Mr Roberts says:

> New compounds currently under investigation in Europe and America have to be tested environmentally to make sure that they are themselves quite safe.

That relates to the replacement products for existing products containing CFCs. Some of these tests could take as long as five years, and we are faced with the dilemma that some of the replacement products might not be as efficient or effective, for instance, in relation to refrigeration. We have the dilemma that, until these compounds are tested, they may cause some environmental damage. So, there are no quick fixes in some of these areas—and I am sure that members would appreciate that point. Mr Roberts claims that the first manufacturing plants for these new compounds will be built in the Northern Hemisphere, where the current manufacture and use of CFCs is at its highest. He states:

> Australia probably will have its first alternative compound plant by the end of the 1990s.

In other words, it might be a decade before some of the replacement production for existing products containing CFCs is underway. Finally, Mr Roberts says:

> For example, the refrigeration and air-conditioning industries are looking at reducing CFCs during servicing, and purifying recovered CFCs so that they can be used again.
>
> The manufacturers of plastic foams, those used in food and drink containers, are altering their equipment and installing new plant in order to manufacture CFC-free products. It all requires significant capital outlay.
>
> Australia is one of the world leaders in what we are doing, with a planned 40 per cent reduction in the use of CFCs over the next five years. This is a very healthy and significant figure.

The Hon. M.J. Elliott: What date is that?

The Hon. L.H. DAVIS: That was a quotation from a feature article in the *News* of Monday 24 October, and I referred to it because it relates to a very recent discussion on this subject and quotes industry leaders in Australia. The combination of the 80 per cent of carbon dioxide which originates from the burning of coal and oil in power stations, petrol engines and chemical plants, which is impacting on our environment and creating the greenhouse effect, and the impact of CFCs on the ozone layer is changing our environment. The interaction of those two factors is, of course, significant.

Members would have read in recent times that in future decades quite possibly temperature changes will occur, which changes will be greater in the proximity of the poles, and sea levels will rise over the next 40 or 50 years, in the order of 20 to 40 centimetres, it has been argued, due to the increasing quantity of water resulting from the melting polar icecaps and more particularly the thermal expansion of the ocean water. And, finally, a quite dramatic change has been foreshadowed in the patterns of world rainfall.

It is interesting to note the suggestions of what could happen in Adelaide as reported by the local media. One contribution that I found particularly interesting was from a former Chief Soil Agronomist of Sagric, Mr Reg French, in which he talked about the changing weather pattern, the impact of CFCs and the greenhouse effect. He made the observation that over four or five decades summer rains could increase by 20 to 40 per cent, bringing more subsoil moisture with run-off for dams but also bringing more erosion, weeds and diseases. There could be a 10 to 20 per cent drop in winter rains, which could mean a shorter growing season and the need for new varieties, and temperature increases between 2 to 4 degrees Celsius by the year 2030. These changes will see the need to rework Goyder's Line which, of course, will move further south and will mean a reorganisation of the boundary that now exists between what is regarded as pastoral land and agricultural land. There is much speculation.

I do not have a scientific background. I have given a somewhat imperfect, imprecise and incomplete coverage of this very complex subject. I conclude on a point of interest. One of the great ironies for the Democrats in introducing

this Bill is the awareness that carbon dioxide, which is universally recognised as having such a deleterious effect on our environment, is now under the microscope. As I have said, 80 per cent of all atmospheric carbon dioxide comes from the burning of coal and oil in power stations, petrol engines and chemical plants. That is estimated to be three times the amount released in 1950. The remaining 20 per cent comes from forest destruction. Whilst I accept that the greenhouse effect produced through carbon dioxide is a separate issue to the destruction of the ozone layer by CFCs, nevertheless there is a conceded overlap between CFCs and the greenhouse effect.

The Hon. M.J. Elliott: CFCs affect the greenhouse, but carbon dioxide does not affect the ozone layer.

The Hon. L.H. DAVIS: Yes, CFCs impact upon the greenhouse effect, and 10 per cent is the generally agreed figure. In talking about CFCs we are talking about the environment, and in talking about the impact of carbon dioxide and the greenhouse effect we are also talking about the environment. We have to talk about both factors as they have serious consequences on our way of life in that they affect weather patterns, agriculture and aquiculture around the world. We cannot be complacent about these issues. It brings into focus one thing that the Democrats and, until recently, the Labor Party have been very much opposed to, namely, nuclear power. I will quote briefly no less a figure than Mr Neville Wran.

The Hon. M.J. Elliott: It's got nothing to do with the Bill.

The Hon. L.H. DAVIS: I accept that. At a national conference of the Australian Conservation Foundation early in October this year, in his capacity as Chairman of the CSIRO, Mr Wran said, in relation to the burning of fossil fuels:

> We may all be pushed to the point of asking ourselves whether we go on burning fossil fuels or, in the absence of practical alternatives, we will be forced to rely on nuclear energy? Some authorities have even been saying that before 50 years are out we will be praying for nuclear energy.

That comes from a former Labor Premier of the most populous State in Australia.

The Hon. M.J. Elliott: Not a very smart one, though.

The Hon. L.H. DAVIS: I am not sure what the Hon. Mr Elliott means by that comment that Mr Wran is not very smart. He was a Premier for 10 years. I suppose one has to be reasonably smart to survive that length of time. Perhaps the Hon. Mr Elliott is referring to his private view that the comment is not very smart. Certainly, the greenhouse effect has brought back clearly into focus the fact that nuclear power is an option. It is worth remembering that there are now 400 nuclear reactors producing electricity in 26 countries, with another 140 under construction, and that reactors currently in operation produce 16 per cent of all the electricity generated worldwide.

I accept that that is not directly appropriate to the motion that we are debating tonight, but it means that we should not let past prejudices cloud future options. I want to leave that point with members tonight. In preparing for this debate, I have recognised the great challenge that this world has in relation to the current problem of CFCs. I am heartened to see the united approach that scientists from around the world of differing political persuasions and backgrounds have taken.

In the past the world has shown that it can meet and defeat problems. I believe that the best way to beat this challenge of CFCs depleting the ozone layer and of creating an adverse environmental impact on this nation and, perhaps more importantly taking the global view, on this world of ours is to take a united, universal approach which necessarily involves uniform legislation. I do not deny the validity of the argument that the Hon. Mr Elliott put, and in principle I have no hesitation in supporting his Bill.

The Hon. T. CROTHERS: This Bill is designed to prohibit the use of chlorofluorocarbons in South Australia and the Government views with some considerable sympathy its principal thrust. However, at this point in time we are not in a position to support it. I will place on the record some of the reasons for that non-support at this time. Whilst it is calculated that Australia represents only 1.7 per cent of the known use of CFCs, Australia as a nation has a pressing interest in the world reduction of the use not only of CFCs but also of halon gases. The reason for that is simple—because we are the closest major nation to the ozone hole that has appeared in the southern regions over Antarctica.

The Hon. M.J. Elliott: Which halon gas is this particular one?

The Hon. T. CROTHERS: If you listen you will find out. you are both deficient in it. This Council should understand the consequences should the ongoing depletion of the ozone layer continue unchecked. Our nation's climate would indeed ultimately be affected in a most detrimental way so that, whatever we do, we must make sure that we get it right the first time.

The issue is of far too much importance to Australia to do otherwise. The Government is of the view that the best and most effective way forward is to deal with the issue on a properly coordinated national basis. Recently, in fact in June 1988, Australia signed the Montreal Protocol in respect of commencing exercising control over the use of chlorofluorocarbons and halons. Signatory nations to this document have an expectation of achieving, and indeed are expected to achieve, a reduction of the use of chlorofluor carbons Nos 11, 12, 113, 114, and 115 using 1986 production figures as a jumping off base.

An honourable member interjecting:

The Hon. T. CROTHERS: If I were it would be tarnished. The use of chlorofluorocarbons would reduce to 80 per cent of that 1986 figure by mid-1993 and there would be a further reduction to 50 per cent of the 1986 figure by about mid-1998, in other words within the next decade. But, more importantly, the Montreal Protocol also is designed to apply to the use of halons 1211, 1301 and 2402. The importance of that, of course, is that that chemical has been estimated to have an effect 10 times more detrimental to our atmosphere than chlorofluorocarbons ever have had. I might just mention, for the information of the Council, that the Hon. Mr Elliott's Bill does not go far enough to pick up two of those halons which I have just mentioned. It is expected that the production of halons will ultimately be held to 50 per cent of the 1986 production levels, with the first step towards that aim commencing in 1992.

It is also worthwhile noting that one of the monitoring bodies to be used to secure effect of the Montreal Protocol will be the ozone trends body which, in its turn, is a subcommittee of the organisation NASA, to which the previous speaker referred. Australia, incidentally, is represented on that panel by personnel from the CSIRO and the Government meteorological department. The South Australian Government therefore believes that, in order that the problem of chlorofluorocarbons and halons is dealt with in the most effective manner, the way to go is not to enact any unilateral legislative action, but rather to have uniform Federal legislation in place first and, if needs be to enact complementary State legislation.

The Federal Minister responsible for these matters believes that it is necessary for that Federal legislation to be in place

before this year is out as the Montreal Protocol is to be implemented as from January 1989. Indeed, the Minister, Senator Richardson, has said that if necessary the current requirements of the protocol will be exceeded.

For all of the reasons that I have given, the Government at this time opposes the Hon. Mr Elliott's Bill. I remind honourable members that the Hon. Mr Elliott's Party holds the balance of power in the national Parliament and I am sure that his colleagues in that place, Senator Coulter in particular, will ensure that the Federal Government's Bill is gone over with a scientific fine tooth comb. I further understand that the Federal Cabinet has approved the Bill and I would therefore say to the Hon. Mr Elliott that, in light of what I have just said, he ought to reconsider his position in respect of having this Parliament take unilateral leglislative action prior to the Federal Government's moving on the issue.

In fact, I would urge this Council not to treat the matter lightly because, as I understand it, CFCs are used to produce certain foams and plastics which, in turn, are used in the South Australian whitegoods industry. I need not remind members of the important role that that industry plays in the South Australian employment scene. For that reason, amongst others, I believe that there must be a national orderly withdrawal from the use of CFCs and halons. I believe that we in this place should not, by our actions, disadvantage South Australian industry.

It is fair to say that we are all agreed that the issue of CFCs and halons must be dealt with as quickly and expeditiously as possible. As I have said, the issue is far too important to be used as an exercise in political point scoring. I understand that the State Minister for Environment and Planning has recently received a draft copy of the Federal Government's Bill and will have his department prepare the necessary complementary legislation for State Parliament. I am further given to understand that the Federal Minister for the Environment plans to introduce the Commonwealth legislation before Christmas. In the light of this, the South Australian Government's timetable for the introduction of the complementary legislation in this Chamber is to have it introduced in the first parliamentary session in 1989. Recognising that the dates indicated are not 'Sunday too far away', and that the most effective and meaningful way of dealing with the issues of CFCs and halons is by a concerted and national (and then international) approach to the problem, such as envisaged in the Montreal protocol, I seek leave to conclude my remarks later, by which time everyone in this Chamber will be clearer as to the contents of the Federal Government's Bill.

Leave granted; debate adjourned.

ADOPTION BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1294.)

The Hon. G.L. BRUCE: I do not intend to say very much at this stage. I believe that this is a Committee Bill more than one for general debate at the second reading stage. I was a member of the select committee that looked at the proposed legislation and made recommendations to the Government and the Parliament as to how it should proceed. Having read through the Bill, I think it fulfils virtually every facet at which the select committee looked. The only disagreement of any magnitude that I recall on the select committee was what constituted a marriage relationship. No doubt this will be discussed in depth in Committee. The Bill provides that a marriage relationship means the relationship between two persons cohabiting, either as husband and wife or *de facto* husband and wife. The committee was very much bipartisan, with three Government members and three Opposition members on it.

It was a very constructive and rewarding committee. Some quite traumatic and dramatic evidence was presented about the effect of adoption in the 1950s and 1960s, when people were adopted in a manner that is considered foreign and abhorrent today. The Bill takes care of that with its provision for open adoption, and I commend that to the Council. Because of the process of adoption in the early days, people suffered a lot of trauma in later life in not being able to trace their families. With open adoptions, there will be no trauma.

Before this legislation comes into force, people will be able to get information or refuse to have information disclosed or given about them. That is the way it should be, given the nature of early adoptions and the shame that was attached to many cases and the trauma of having to give up a child. It was a secret in those days and, under this Bill, those people will have the option to remain anonymous and not be involved in the open adoption provisions.

The Bill covers all the issues put before the select committee. However, the main part of the Bill is its general principle, which is contained in Division III, which reads:

> In all proceedings under this Act, the welfare of the child to whom the proceedings relate must be regarded as the paramount consideration.

I do not think that any Bill can have a better clause than that and, if that is the guiding light, I do not believe that we can go wrong. If people use that as the criterion on which to judge everything and assess the Bill, the Bill should have a fairly easy passage through this Chamber. I look forward to seeing it go through and to open adoption becoming law in this State. I urge the support of all members for the Bill.

The Hon. M.J. ELLIOTT: The Democrats are supportive of the Bill. I was also a member of the select committee which led to the drafting of the Bill, and I believe that the committee came up with the best possible legislation, given the difficulties that the committee faced. Significant arguments were held over two areas. The one which did not cause any problems for me related to the form of relationship in which people needed to live before they could adopt. Whilst I live in a very conservative, conventional relationship by way of marriage, I do not believe that it is necessary to insist that people be married; what matters is that they are in what is assuredly a stable relationship. That was all that concerned me. Many marriages are highly unstable, so the stability of a relationship is far more important to me, as is the sort of home in which children are to be brought up.

The more difficult area concerned openness of adoptions. When a child was given up for adoption in the past, some parents wanted it to remain a secret. However, as the child grew into adulthood, he or she may have begun to wonder about his or her biological parents and, in many cases, such people have become absolutely desperate in their attempts to find them. Although I do not understand fully, I can at least appreciate their great desire to know who their biological parents are. In most cases, there is no implied lack of love for their adoptive parents but more a desire to know where they came from. In some cases and for a number of reasons, parents do not want to be contacted, and that conflict is irreconcilable.

I think there is always the difficulty, no matter how we draft the legislation, that some people will not be satisfied.

The concept of the negative register upon which we have based clause 41 is the best way to get around the problem. It necessitates a person who does not want to be contacted to make a positive step to ensure that that does not occur. It was not my intention to speak at length—the Democrats fully support the Bill as it now stands.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. DIANA LAIDLAW: Clause 2 refers to commencement provisions. In her second reading speech, the Minister noted that the Government proposed to implement clauses 27 and 41 which relate to access to information by a delayed system of some six months to allow sufficient time for publicity of the veto provisions and also to allow time, if they wish, for people to lodge those vetoes, in relation to adoptions before the proclamation of the new Bill.

In response to questions in the other place from the Hon. Ms Cashmore, the Minister of Community Welfare stated that she hoped that clauses 27 and 41 would be implemented in about June or July next year. Will the Minister indicate, first, if all the other clauses of the Bill—many of which contain most positive provisions—will be proclaimed before June or July next year? Secondly, when is it proposed that the Government will undertake this $20 000 publicity campaign in relation to the provisions in clauses 27 and 41? Thirdly, the Minister indicated in the other place that she did not intend to provide any information until the expiration of that six month period. Therefore, will information that the department may be providing at present to certain requests for information cease until the expiration of that period of six months or what is the intention of the department in that regard?

The Hon. BARBARA WIESE: I will take the last question first. The Minister intends that, during the period in which the campaign is conducted when people will have the opportunity to register their interest, the department will continue to provide information to people where both parties agree that that should occur. If both parties do not agree, the process will be suspended until such time as the new provisions come into force. At this stage, as has already been indicated, it is intended that the Bill will be proclaimed in about July next year. The campaign to notify people of the proposed provisions of the Bill will begin in January next year. Although it would be possible to proclaim other parts of the Bill that do not relate to those provisions about registering an interest, etc., the Minister nevertheless does not believe that the proclamation of those sections of the Bill should wait until all matters are finalised. As a result, the Minister intends to proclaim the entire Bill in July.

The Hon. DIANA LAIDLAW: What progress has been made in drawing up the regulations under the Bill?

The Hon. BARBARA WIESE: There is still quite considerable work to be done on the preparation of regulations for the Bill. It is not expected that this process will be completed before the end of this session of Parliament. Further, some consultation is to be conducted with the Adoption Panel prior to the finalisation of the drafting of regulations. The regulations will probably be completed in about six weeks or so.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

The Hon. DIANA LAIDLAW: I move:

Page 2, lines 4 and 5—Leave out the definition of 'marriage relationship'.

Page 2, line 17—Leave out 'husband and wife' and insert 'lawfully married'.

These amendments relate to the very firm view of the Liberal Party that people eligible to undertake adoption—other than adoption in special circumstances—should be legally married couples, rather than accepting the provisions in this Bill which would allow *de facto* couples to adopt. There are a number of reasons why we move these amendments, and I wish to outline them briefly.

First, we believe that the reference to marriage should be confined to the definition used in the Commonwealth Marriage Act. Our view in this matter has been determined by a number of factors. While my personal view is that the law concerning *de facto* relationships should be reformed, it does not necessarily mean that the change should take the form of treating *de facto* couples as married couples for all legal purposes. In fact, I reject this proposition regardless of the formidable constitutional and legal obstacles to the implementation of a policy of equal equivalents.

As members on this side of the Parliament often have been forced to remind the Government, marriage has a special status in the community derived in part from the public commitment undertaken by the parties involved. As a policy of equivalents limits the freedom of couples to make a conscious decision not to marry precisely because they wish to avoid the legal rights and obligations of married people, I consider it appropriate in such an important matter as adoption, where we are seeking to provide a child with a permanent nurturing relationship and permanent security in a substitute home, that the least we should require of prospective adoptees is a public commitment to permanence.

Such a commitment is central to the legal rights and obligations of married couples. I will not go into the information that I provided to the Chamber yesterday. Statistics provided to the Hon. Mr Burdett, which were tabled before the select committee, indicated separation and divorce rates between *de facto* couples and married couples were such that there was no doubt in that material provided by the institute about the great instability in *de facto* relationships. That position should be taken into account by members when seeking to provide permanence in the best interests of children.

If couples have made a public commitment towards marriage and have been married for five years, as I said before, that is the least that we should require from prospective adoptees in the best interests of the child. Possibly such a commitment is even more important (this should be emphasised) because this Bill relates not only to the adoption of children—healthy, white Australian born children—but also to the adoption of children born overseas, and we should be requiring a commitment of legal marriage as the basis for adoption of children from overseas.

Members know from the experience of adopted Indo-Chinese children in the past few years that, when they get to teenage years, they have many difficulties to cope with and, therefore, we should be looking down the track of the statistics in respect of marriage and *de facto* relationships and, as responsible members of Parliament and with the best knowledge at hand, providing what is in the best interests of children, especially in regard to permanence, and without question that is a marriage relationship.

In support of this view I note that the New South Wales report on *de facto* relationships, when addressing the subject of adoptions, stated:

We do not recommend that *de facto* partners should be able to adopt children with whom they have not had previous relationships.

In South Australia there has been no similar study of *de facto* relationships, so we have no equivalent reports to cite. The study undertaken in New South Wales comprised over 1 000 pages and dealt with those questions in great detail. Many responsible, distinguished people were on the panel, and that was their recommendation. It is certainly the view of the Liberal Opposition.

In support of the amendment, because I did not do so in my second reading speech yesterday I ask members to recall the decreasing number of children available for adoption and the rising number of prospective adoptee couples. Last year, I understand, there were only 32 healthy, locally born, non-relative children available for adoption, representing a dramatic decline in healthy Australian born children available for adoption. Those who were on the select committee may well recall that in 1972 there were 574 such children available for adoption.

The Hon. Carolyn Pickles: Isn't that a good sign?

The Hon. DIANA LAIDLAW: I am just indicating that we have far fewer children available for adoption. We have much longer waiting lists. In fact, the Minister in the second reading explanation says that the waiting list could be up to 10 years, and the report presented by the Government's own working party suggested, with those factors in mind, that we should be closing the adoption list, yet here you are recommending not closure, not restriction of the adoption list, but the broadening of the adoption list. It just does not make sense. It is not logical. So, for all the reasons I have outlined, the Liberal Opposition feels particularly strongly about this point and will be seeking to divide on the issue.

The Hon. G.L. BRUCE: I oppose the amendments. As I said in my second reading speech, this is one of the areas of disagreement in which the select committee found itself. I have no hang-ups about it: I understand what the honourable member is saying when she says that marriage is a stable relationship and public commitment, but we have a situation now where about three out of five or four out of 10 marriages—I am not too sure of the statistics—end in divorce. So marriage just does not in this day and age guarantee a stable relationship. While one might make the commitment to be married, one does not make the commitment to have a stable relationship.

In fact, there are enormous pressures involved in setting up a home, and possibly finding that one cannot have children and wanting to adopt puts an enormous strain on the marriage in the very early days, whereas we are providing for a relationship between two persons cohabiting, a husband and wife or a *de facto* husband and wife. I understand that *de facto* is recognised by law anyway. A relationship between two people can last for many years as a very strong, stable relationship which has gone through the traumas which newly married couples go through.

As I said in my second reading speech, what is good for the child is paramount. My view is that, if one can show that the child will go to a very stable relationship, the actual relationship does not have to be a public commitment of marriage. I now refer to the functions of the panel which are stated as follows:

> *(a)* to make recommendations to the Minister generally on matters relating to the adoption of children;
>
> *(b)* —

which is relevant because this matter can be under review at all times—

> to keep under review the criteria in accordance with which the Director-General determines who are eligible to be approved as fit and proper persons to adopt children and to recommend to the Minister any changes to those criteria that the panel considers desirable.

I believe that that is the safeguard. At some future time, if the panel considers that the *de facto* relationship or the arrangement of the people cohabitating is not providing a successful and stable home life for an adopted child, it can recommend accordingly, as I imagine that, under the new Act, the panel would monitor very closely what is going on in the adoptions area.

The Hon. Diana Laidlaw: If it ever meets.

The Hon. G.L. BRUCE: I imagine that it would; I would imagine that there would be an obligation on it to meet. I think that the Department for Community Welfare would ensure that the panel's activities were sufficiently spread to take into consideration the views of people in the broad community. Any department that locked itself into a narrow view and continued to operate without the panel—with legislation like this and a panel available and there to be used—would simply be committing hara-kiri. I understand the honourable member's reserve. I also respect the sanctity of marriage, but I do not believe that that guarantees for an adopted child a relationship any more stable than that which a four or five year stable *de facto* relationship can also give—and I think that should be taken into consideration. I oppose the amendment.

The Hon. M.J. ELLIOTT: As I pointed out during the second reading debate, the opinion of the majority of the committee was that what is important is the stability of a relationship and the quality of the home to which a child is to go. The majority of members of the committee considered that that was the important thing. The panel doing the placements would, of course, as has always been the case, take the utmost care—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: The placements are made with the utmost care, particularly when there are so many people seeking children for adoption, with so few children available. I do not believe that a child would be placed with a couple who were not going to be good parents.

The Hon. BARBARA WIESE: The Government opposes the amendment. I do not intend to give the Government's view on this matter at this time, as I now propose that progress be reported. I have just been informed that should the vote on this amendment go to a division—and I understand that some members intend to divide—the Australian Democrats intend not to participate in the vote. Since this would not reflect a proper view of the Committee on this matter, I intend to postpone debate until such time as the Democrats are willing to vote on it in this place.

I understand the reason that the Democrats are not willing to vote on this matter is not related to this Bill. It is extremely disappointing to me that the Democrats have decided not to vote on it, because it certainly takes the management of business out of the hands of the Government, and that is most regrettable. Nevertheless, that is the case and, until further discussions can take place on the matter that is of concern to the Democrats, these issues presently before us cannot be resolved. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

FIREARMS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 8 November. Page 1292.)

The Hon. R.J. RITSON: Like my colleague the Hon. Ms Laidlaw, I support the second reading of this Bill. It is like the curate's egg—very good in parts. The fact that it is good

in parts is not because the original legislative proposition was good but because the Government's rather unsatisfactory original proposition has been modified and thereby improved to a large extent by a select committee. I wish to canvass some of the issues involved before referring in particular to some defects we still find in the legislation which should be amenable to remedy by amendment in Committee. I will make a few remarks on the Hon. Mr Gilfillan's contribution to the debate and the amendments that he has on file.

It is important in the Legislature to be rational and look at the real effects of legislation as distinct from the emotional perception of the community. Sometimes that is not the popular thing, but nevertheless it is what we in this place must do. I will talk generally, about the effectiveness of different types of gun controls in the community and what they can and cannot do, and I will talk about the historical development of firearms laws in this State—the progression from a system merely of registration to the system before us. In Committee I will ask specific questions and move specific amendments.

Firearms have been in the community for a long time, and from time to time, they are misused. Various sorts of controls from purely nominal to fairly strict have applied, but the one thing that is obvious upon examining the statistics is that firearms in the community are by no means the greatest or even an important threat to the life and security of individuals when compared with such things as horses, swimming pools and bicycles. I examined the figures for firearms homicide from 1969 to 1986 and, without having them before me, I recall that the general pattern varied between about 2 per annum and 11 per annum randomly from year to year with an average of about 4.5 and no discernable trend up or down and no discernable effect coincident with the introduction of the 1980 gun laws.

So, it is doubtful that anything we do in respect to firearms that are owned, licensed and registered by responsible people will affect the crime rate. Indeed, if we decided to completely disarm the community we could only do it by using the register and disarming the people whom we know to have firearms.

Crime statistics indicate that crime committed by people using a registered firearm is almost non-existent when compared with crime committed by people using unregistered or stolen firearms. So, it seems to me that there can be a very limited return from stricter controls on the people who have already willingly subjected themselves to obey the law by complying with gun controls. Also, it seems to me that it would be very difficult to discover the whereabouts of the suspected several hundred thousand firearms that are not registered and are not in the hands of licensed owners. These people, having shown themselves to be defiant of the law, will continue to defy the law no matter how much increased control is placed on those who obey the law.

To reduce it to a cliche, it has been said that to disarm the community would leave the criminals as the only armed persons, and I believe that to be true. Nevertheless, a marginal reduction in the small number of crimes that may involve firearms in the hands of registered owners just might be possible, but we are not talking about tens of thousands of injuries and a hundred deaths as when we talk about random breath testing and drink driving. It is not a problem of anything like that magnitude.

The legislation that did most to reduce death and injury from violent causes was the seat-belt legislation, and one recalls the resistance to that. That is an example of a simple piece of legislation producing a real effect in an area of a genuine problem. One can go to the report of the Police Commissioner for 1986-87 and look at what he says in relation to murders. In that year, 13 murders were committed, three being with firearms, four with knives, one with a drug, three with strangulation, one with a blunt instrument, and one with a kitchen skillet. Therefore, one can see that there is little return to be gained in terms of community safety by increasing gun controls.

Robbery is a serious crime which is increasing probably due to the increasing drug problem in the community and the need for people to steal to pay for the habit. The types of weapons involved are as follows: shotguns, 34 cases; rifles, 28 cases; and pistols, 57 cases. That is very interesting, because pistols are fewer in number in the community than other forms of firearms, they are the most strictly controlled at law. One would expect them to be difficult to obtain, yet they are the firearm used in robbery more than any other class of firearm. But I go on to look at the cases in which other weapons were used: knife, 117; screwdriver, 3; paint scraper, 1; spanner, 2; piece of wood, 16; bottle, 9; baseball bat, 4; hammer, 1; stone, 1; iron bar, 9; hairbrush, 1; billiard cue, 1; electric cord, 1; blow torch, 1; syringe, 1; cigarette lighter, 2; cross bow, 1; unspecific weapons, 12; and no weapon at all, 403. I point out that the police have excluded relatively non-violent robberies such as bag snatching, etc., from those figures so that the 'no other weapon' category involved real, violent assaults.

It is very interesting to note that the number of cases involving pieces of wood, bottles, baseball bats and iron bars is greater than the number involving some classes of firearm. So, we must ask ourselves what we are trying to achieve and at what cost when we increasingly regulate the law-abiding responsible citizens, such as clubs, and so on, but are able to do nothing about identifying the unlicensed and unregistered sources of firearms for criminal use. Even if we could do something instead of nothing about that, we are still left with the fact that the vast number of robberies and murders are not committed with firearms. I do not believe that we have a firearm problem, I believe we have a people problem, and society is not really doing much about people.

Suicide with firearms is another matter; it occurs, but again to argue that it is a firearms problem rather than a mental health and social problem is to have one's head in the sand. It is a bit like saying it is a valium problem or an alcohol problem. It is not the means, but the motivation that gives rise to suicide that has to be dealt with. It is just too easy to criticise the means.

My view of the Bill is that as a general proposition, it will not achieve much, because we will not discover the criminal sources of illegally-traded firearms. We will not prevent the professional theft and marketing of firearms. The Hon. Mr Gilfillan has made the point in this Council on another occasion that some years ago the Smithfield Military Armory was raided and a number of submachine guns were stolen which turned up in Northern Ireland. I wonder whether the people who did that would not have done it if a licence was more difficult to get or if the penalty for possessing submachine guns was $1 000 extra.

I do not think that had anything to do with it. A consignment of pistols to Mayne Nickless, I think (but in any case a firm with a reason to import them for security reasons), was stolen from a vault—a vault more secure than the security proposed in the Hon. Mr Gilfillan's amendment.

So, in spite of the emotional feeling that somehow if we increase the stringency of controls we will prevent firearms crime, the obstacles in the way of that theory are immense. However, I support (and the gun lobby to various extents

either supports or tolerates) the licensing provisions in this Bill. Historically in South Australia we had registration provisions but no licensing provisions; that is, one simply bought a firearm as of right from Woolworths, for instance, with no questions asked. No-one could stop you, but you had a duty to register it. If you did not register it and were discovered possessing it, there was a fine for failing to register it, but that was all. However, that did not prevent unsuitable people from having firearms, and it did not prevent a large number of people from simply being in defiance of the law and not registering the firearm. From those days there are probably tens, if not hundreds, of thousands of firearms around and nobody knows where they came from, where they are or who has them.

We tried to do something better in 1980, and the Tonkin Government took up the initiatives of the outgoing Corcoran Government and introduced the present Bill which contained a licensing provision. This Bill makes that really much more strict. I remind members of the steps that one will have to go to, if this Bill becomes law, in order to obtain a firearm. First, one must undergo a course of instruction of a nature to be prescribed and obtain evidence of having been satisfactorily instructed. One will then have to obtain the application form for a firearms licence.

The Bill empowers the Registrar to require information from the person applying for such a licence, and it is a wide range of information; it is not just name and address stuff. If I read the Bill correctly, it would include requiring medical information and perhaps psychiatric information if the Registrar thought it so appropriate. Indeed, the Registrar of Motor Vehicles may require that sort of information to be provided as a condition of a driving licence. So we will not know, until it gets under way, just how far that will go, but the powers are there to examine very thoroughly the suitability of a person.

Having received a licence, one's next step is to go to a dealer, have a look at the firearms of the type required, and decide to purchase one. I presume that the details of the firearm will then be taken down because one will not be allowed to buy that firearm at that stage. The prospective purchaser will have to go back and apply for a permit for that firearm.

A person must wait one month from the issue of the licence before getting a permit, which is then taken back to the firearms dealer and, as a result, the sale is complete. But not quite. One might think that one can do anything one likes with that firearm, but the Registrar has power to endorse the type of use to which the firearm may be put. If one purchases a target rifle, an endorsement will be placed on that rifle to the effect that it may only be used in target shooting on a range. It may not be used for hunting, or other endorsements may be put on the licence. The days of walking in, buying a firearm and registering it are gone. The register, which is the only form of gun control and which has proved to be ineffective, remains, but the only way of dealing with this small problem of the misuse of firearms is through the licensing provision and the permit to buy.

I turn now to discuss the apparent uselessness of the register. Probably several hundred thousand firearms have never been registered, and I am in receipt of information that the register has been a costly and bureaucratic inefficiency exercise. The register was on a card index system—a bulky manual system—and, when the new regulations came into force in 1980, the police began the laborious task of entering data of new registrations and new purchases into the computer system and of transferring hundreds of thousands of card entries into the computer. I have asked a question about this in the Council because I have reason to believe that, during this transfer process, *(a)* the transfer was never completed and a number of registered firearms remained still registered on the card index system but not on the computer, and *(b)* a substantial amount of error in the transfer of data occurred.

I have reason to believe that some police officers, whose duties include liaising with and checking on firearms dealers, have been taken off that task and set about the task of checking the non-renewal of firearms licences for 1983. I will ask a lot of questions in the Committee stage about the usefulness or otherwise of the firearms register. Police say that it is important to have a firearms register because, if they are called to a scene of potential or actual violence, they can check with the register and discover whether a firearm is likely to be involved and what sort of firearm it is. Others advise me that they would be extremely foolish to rely on that information because of the large number of unregistered firearms and because of inaccuracies in the register as to the types of weapons. Rather than relying on the register, police should take appropriate measures to protect and defend themselves, regardless of the contents of the register.

I propose—and the Hon. Ms Laidlaw, will move to this effect in the Committee stage—that the register be abandoned because this new system of licensing, with all the steps I have described and the ability of the police to keep the duplicates of the permits to purchase that will be issued in each case, is about as far as one can go in controlling the law-abiding citizen. The registry, as it has become, has been overtaken by events in terms of usefulness and become an almost bottomless pit for public money to be poured down to no good effect. Perhaps the public money has not been poured down to date, and that is why the register has not been cleansed; perhaps the necessary police staff have not been allocated.

It has got to the stage now, six years down the track, when it is not just a matter of running the biro over it and hitting the keyboard because no data has been entered on a lot of those cards for six years or more and it would involve putting police into the field to check at the last known address of this person by knocking on the door and saying, 'Are you Mr or Mrs so-and-so?' If not, where do they live? Do they still have the firearm? It is a daunting task that should not be undertaken because of the small return that would flow from it and the enormous amount of work required to do it. We will deal more with that in the Committee stage.

Some of the matters which I find wrong with the Bill are technical but important. I refer to the provision for recognising clubs. If I may hark back for a moment to the provisions for granting or refusing a licence, when the Registrar decides to refuse a licence he must—not may—consult with the consultative committee and he must issue the licence unless the consultative committee agrees with its refusal. But when we come to the question of whether or not the Registrar recognises a club as legitimate, we find that, if he is satisfied that the club is conducting its affairs in a responsible way, he may declare it a recognised club.

We think that that is a bit of a problem because it gives him discretion. Even though he knows the club is satisfactory it gives him the discretion, without reference to the consultative committee, to decide of his own motion that, for reasons known only to him, he does not want it to be a recognised club. I think that is dangerous; so, we will move amendments in that direction.

The transitional provisions in paragraph (2) contain a public deception. In due course, I am sure that that is a matter that the Attorney-General will appreciate because he,

as a person responsible for consumer affairs, has been very interested in the fine print in contracts and that sort of thing. We find a provision that persons presently licensed for classes of firearm and purposes will, on the proclamation of this Act, be deemed to be licensed under the old conditions. Upon further renewal of the licence they shall, upon their request—and that is the key word—be endorsed with the same conditions as previously pertained, but not automatically, upon their request.

About 150 000 people have not read the fine print, and never will. In fact, it is nearly beyond the scope of my ophthalmologist's skill to read it myself. Those people will not listen to this debate and they do not buy *Hansard*. I think that *Hansard* has a circulation of about 400, so 150 000 people will hear about the transitional provisions and will think that, when they next renew their licence, they will automatically have the same licensing conditions; they will not request it.

From the day of the proclamation of this Act, the Government and the police will have to face a stream of upset and angry people who have renewed and, despite the promises made by the Government that their licence will be the same, they will find that their licence is different. They will run to the Ombudsman, they will argue with the Registrar, and they will write to the papers. It is unnecessary to have many angry people who are dissatisfied not with the fundamental principle or promise but, rather, with the defect in the fine print of this clause which led them to believe that they did not have to ask for it. This will occur during an election year.

The kindest view is to believe that it is a technical defect that the Government did not think about. The unkindest view is that it was deliberately planned and put in the fine print in the hope of disfranchising those people from certain uses of their firearms while making the political promise to the contrary. I prefer to take the kind view and, in due course, I will ask the Government to accept an amendment to that effect.

The Bill does not refer to collectors. The Opposition will not move amendments on this topic, as it involves complex drafting and requires wide consultation. The Government should have dealt with this matter in response to the select committee report. I will urge a future Liberal Government to consider this matter. However, it does require very careful investigation and consideration to get it right.

I will cite examples of some of the anomalies that can occur. A quite remarkable collection of miniature firearms does exist. A former armourer in the Armed Forces painstakingly, and with great artisanship, produced a series of exact scaled down models including a perfect replica of a .303 rifle. He also produced scaled down ammunition which could actually be fired. That collection is famous around the world and it has been televised in a documentary. Its value as a collector's item is inestimable (but it is probably worth millions) and its whereabouts and must be is a secret, because it comprises dangerous firearms. They are dangerous firearms because of their short barrel length. No-one may possess dangerous firearms, except under special supervision when they can be used on particular occasions.

An example would be the legislation that went through this Council to allow the Vickers medium machinegun to be fired in the film *The Light Horsemen*. That machinegun is a dangerous firearm for the purposes of the Act. The derringer and these little, very concealable pistols come under the same legislation. Lo and behold, this work of art, this magnificent collection of miniature replicas of historic arms which has been on television and which is known worldwide among collectors has to be secreted and hidden in the community.

I do not know whether the police have devoted a squad of men to look for it. They would not be that silly. However, anomalies like that need to be dealt with, but they need to be dealt with by the Government. It is beyond the resources of an Opposition to do the investigation and come up with amendments from the backbenches. Again I say that there are a number of things that I hope the Liberal Party will address when in office and I shall certainly lobby for those anomalies to be dealt with.

I cannot let the general occasion of the second reading pass without making some reference to the Hon. Mr Gilfillan and his position here. I can understand the simple minded position of the Hon. Mr Gilfillan's making statements, 'We have to disarm the community', whenever there is a tragedy involving guns, or, 'We will prevent this by disarming the community'—this oversimplified view. Certainly, it gets him on the band wagon, but I wonder whether he is still an inhabitant of the planet Earth in view of some of the amendments that he has put before us. He just knows nothing about it.

He is heavy on the emotionalism of the issue, but his propositions are extraordinary. 'Old possum'—he is not here, he has left the Chamber—is a remarkable fellow. I saw him at a public meeting before 3 000 responsible citizens—

The Hon. Peter Dunn: 'Old possum'!

The Hon. R.J. RITSON: Yes, 'old possum'. He purports to tell us about firearms. I will not name the people present, but there were many eminent citizens. There were a number of responsible speeches made, contrary to Dr Hopgood's description of the people at that protest meeting. There were responsible speeches by prominent citizens, business and professional people, and then 'old possum' came on. Members would not believe the rubbish he talked; they would not have believed the hypocrisy of it all. But I refer to the beautiful line he came out with. He thought he had a killer, something with which to win the hearts of these people and make them identify with him.

He said, 'You know, I used to have a rifle.' So, we were to hear the expert who used to have a rifle. The Hon. Mr Gilfillan then said, 'All I ever used it for was shooting possums off my roof. I didn't get many possums, but I had lots of holes in the gutter.' No-one laughed—there was silence and the background murmur stopped. 'Old possum' thought he had hit the jackpot, and then the booing started. Everyone but the Hon. Mr Gilfillan knew that possums were a protected species. One of the reasons I support the licensing provisions is that the Hon. Mr Gilfillan clearly demonstrated that he is not a fit and proper person to hold a firearms licence. He demonstrated that clearly at that meeting.

The good thing about these provisions is that they will make sure that he does not get a firearms licence and does not put holes in his neighbour's gutter as well as his own. He really did make an idiot of himself that night, and I do not think he has contributed anything to this debate. I think that the select committee and the Government have improved on the original semi-hysterical sort of reaction to recent firearms tragedies and have taken, substantially, the approach of 'Let's do something practical about it', and partly an approach of 'Having got to a practical point, let's tighten it up even more for public consumption to make it look even better.'

As I say, the Bill is still defective in some matters such as those to which I have referred, and we will be moving in Committee to correct that. This is not the end of the

Bill: it is the beginning. It will take months and months to put the Act together. The problems of budgeting have not been properly addressed yet by the Government. They will have to wonder how much per annum they are going to spend on a registry which was once the only gun control but which now has been superseded by the licensing control. They will have to consider, as New Zealand has considered, the economics of maintaining that old registry and will have to consider people such as collectors.

I do not think that this Bill will be proclaimed for a very long while. I believe that the Government is considering paying a consultant to look at software and hardware in the registry, because there are doubts as to whether it can handle the new system. The new system has seven different categories of licence and seven different categories of conditions of use within each category, and that is 49 combinations. The new licence will have to be a redesigned and much larger piece of paper, the programs will be changed and there is some argument that the hardware will have to be changed.

I understand that there is no budgetary provision yet for hardware and software expenses, but there is some budgeting for a consultant to come in and advise the Government how to sort out the mess. We will see more of this Bill. We will see it back for amendments and tidying up here and there, after it is proclaimed in due course. I just ask the Government to do one thing: that is, to be very careful of supporting any amendments of the Hon. Mr Gilfillan.

I really think that the man ought to be seen as an opportunistic idiot. 'Old possum's' scientific contribution to that meeting was a description of him shooting at a protected animal and putting holes in his house instead. Please, members opposite, do not support anything moved by way of a Gilfillan—an 'old possum'—amendment. Even if members opposite do not understand his amendment, just have faith in the fact that he does not understand it either and approach the matter cautiously.

The Hon. G.L. Bruce: They have a policy of not voting at the moment.

The Hon. R.J. RITSON: The Hon. Mr Bruce has said by way of interjection that he does not think that the Democrats will be voting on their own amendment because they have undertaken to abstain, in the belief that the Chamber will collapse.

I would simply make the point that the Liberals are not as irresponsible as the Democrats—and the Council will not stop and the Government will not fall. I am sure that Liberal members on this side of the Council will ensure that the machinery Bills necessary for good order in Government will pass this Council. I am sure that we will not let the ordinary everyday law and regulation be obstructed, to the hardship of South Australian citizens. We are more responsible than that. Of course, we will obstruct things where there is ideological and fundamental conflict but, as members opposite and I know, that relates to a minority of legislation. However, the Democrats have walked out; they have bullied this Parliament—

The Hon. G.L. Bruce: Vote for my Bill or I won't vote for anything!

The Hon. R.J. RITSON: Yes, that is the type of childish attitude that is involved—I have seen that in miniature in the corridor negotiations, and now it is out in the open. As to the Bill before us, I think the Government has it partly right and the second reading is supportable. Although there are some problems with the Bill, I point out to members that, whatever they do, when 'Old Possum' gets to his feet, do not support him. I will deal more particularly with the Firearms Registry when the Bill is in Committee. I understand that the Attorney-General has undertaken to take advice on this matter. At this stage, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1299.)

The Hon. K.T. GRIFFIN: Essentially, this Bill is the responsibility of my colleague the Hon. Martin Cameron, but by arrangement I will now raise several issues which I think are important and which very largely fall into the legal area. The Bill makes a number of sundry amendments to the State Transport Authority Act, and particularly to widen the powers of the State Transport Authority.

Clause 4 *(a)* allows the State Transport Authority to form companies to carry out functions on behalf of the authority or related to it. I understand that is because the State Transport Authority, when it was constructing the building that it now occupies, intended to strata title it but there was some concern that there was not any power in the State Transport Authority to hold a strata title that would consequently result in membership of a strata corporation.

This Bill seeks to broaden the powers to give the State Transport Authority power to form companies. My own view is that that is unnecessary and that a proper course, because this is a very substantial loss making statutory authority, should be to give it express power to participate in a strata corporation under the Strata Titles Act. That means that we would not in future have arguments about whether or not this statutory authority ought to be out in the private arena engaging in activity which is not properly the responsibility of the State Transport Authority.

Some precedents exist for statutory authorities to hold shares in companies: the State Bank, the State Government Insurance Commission, the South Australian Timber Corporation and the TAB, to name four. One could regard the State Bank and the State Government Insurance Commission as being in a special position. The State Bank, in particular, operates as though it were a private sector statutory body and it has the power to acquire shares. The State Government Insurance Commission has a charter to compete on all fours with the private sector in the area of insurance and it does have power, with the approval of the Treasurer, to acquire shares in companies and it has a number of shares as part of its investment portfolio.

The other two bodies are something of a mixed bag. We have heard of the activities of the South Australian Timber Corporation in relation to International Panel and Lumber and its New Zealand operation as well as other areas of activity in which it has acquired shares in companies and is making losses in those ventures. It is the classic case of a statutory corporation representing the Government and getting involved in an area in which a Government should not be involved.

The Totalizator Agency Board is another example. We know of its disastrous acquisition of shares in Festival City Broadcasters—the company which operates radio station 5AA. I understand that the accumulated loss with respect to that operation is something like $4 million. That simply would not be allowed in the private sector. If a private sector operation had accumulated losses of $4 million and

was not able to raise capital in the context of its own liquidity, it would go out of business.

The Hon. T.G. Roberts: The private sector runs loss companies.

The Hon. K.T. GRIFFIN: The private sector runs loss companies, but they are backed by holding companies which, as a group, have net assets sufficient to cover the liabilities.

The Hon. T.G. Roberts: It's a service like the TAB.

The Hon. K.T. GRIFFIN: One can argue about the nature of the service, but the fact is that, if it was a stand-alone company, as other media companies are, it would not continue in this operation. What I am saying is that in respect of the TAB—a statutory corporation—it has power to acquire shares and it did so, and the result could not be regarded as a success. One may argue about things like providing a service to the betting public, but the fact is that it is still not making a profit; it is running at a loss.

There are those four bodies, in particular, which one may use as analogies in some respects with the State Transport Authority. I have very grave concerns about allowing, by statute, the STA unlimited opportunity to get in there and buy shares in companies, or to establish companies, because it is already making a substantial loss. I do not believe that a Government agency of this sort, providing public transport facilities, ought to be trying to cover its losses in that area by making profits in another when there is some very serious doubt as to whether it will make profits in the other area anyway.

If there is a genuine lack of power to hold an interest in a strata corporation, which is incidental to its principal function of providing a public transport system, I have no difficulty in amending the Bill to provide for that specific power. That then would avoid the potential for controversy which has faced the South Australian Timber Corporation, the TAB and, to a lesser extent, the SGIC.

That is the first area which I think needs to be addressed. We have to be very cautious about allowing bodies such as the State Transport Authority to get into the holding of shares in companies, because no-one can really tell where it is all going to end. The second area is in relation to clause 5. The statutory authority has power to acquire land in accordance with the Land Acquisition Act for the establishment, extension or alteration of a public transport system. I do not think that anyone can really quarrel with that. One might quarrel with aspects of the Land Acquisition Act, but every Government agency is required to comply with that when it seeks to compulsorily acquire land for its purposes.

Under this Bill the State Transport Authority is to be given power to acquire land for any incidental or related purpose. I am not convinced that that is a good idea, and I certainly intend to pursue this matter further during the Committee stage. Whilst I can acknowledge the desirability in certain circumstances for the STA to be able to provide for parking facilities adjacent to a public transport system to maximise the use to which the public transport system will be put, I do not believe that it ought to have power to compulsorily acquire for the rather vague incidental or related purpose.

That is very broad, and I would suggest that we need to look carefully at limiting that incidental power. It may be that it should be for any incidental purpose, but something needs to be done to limit what is presently in the Bill.

The next area is clause 8, and I wonder why a statutory body is to have life made easier for itself in relation to prosecutions. Proposed new section 25 makes it an offence not to pay the appropriate fare or charge fixed for a service provided by the authority. No-one can quarrel with that; that is quite a proper provision to create an offence of that sort. However, rather than having to prove that the service was provided, which may involve, if there is a plea of not guilty, the bus driver or inspector being required to attend court, under the Bill the authority need only make an allegation in a complaint that a particular service was provided for a defendant and, by virtue of the operation of this clause, the allegation is to be accepted as proved in the absence of proof to the contrary. In other words, it throws the onus back on to the defendant. It is not a unique provision, but generally such reverse onus provisions appear in relation to offences such as random breath testing and radar speed detection, but only in so far as the accuracy of the equipment is concerned.

It may be that the Government will refer also to red light cameras and it will be remembered that there were reservations about that legislation where a vehicle was being photographed and the owner is deemed to be the driver unless the owner is able to provide some evidence that the owner was not driving the vehicle and some other person was. I put that into a totally different category from the situation where a person gets on a bus, a tram or a train and the allegation is made that that person did not pay the fare. It seems to me that that is quite different from a photographic record or a radar speed detection record of the driver of a motor vehicle breaking specific statutory provisions.

I am concerned that the reverse onus provision in this context is really loading the gun very much in favour of the State Transport Authority and against the citizen where there may be legitimate defences to a charge that a fare has not been paid. The Bill already provides certain defences and it is quite proper that they should remain but, in terms of the reverse onus, it seems to me that we ought to be very careful before going down that track in this sort of legislation.

The other aspect of clause 8 is proposed new section 27 which deals with expiation fees. There is a provision which allows for the period fixed for the payment of an expiation fee to be extended and in appropriate cases for the amount of the expiation fee to be reduced. 'Appropriate cases' is not defined; there are no criteria. I am not aware of these two provisions appearing in any other expiation fee notice schemes. I can see that from a practical point of view they may be of some value in some cases, but I suggest very strongly that giving the administrators the flexibility to extend the time for payment of the expiation fee and in appropriate cases to reduce the amount of the expiation fee opens the potential for abuse.

It also opens the opportunity for corruption in the sense that someone seeks a favour of someone else in the department or the authority to reduce the amount. And we are not told in what circumstances the fee is to be reduced or by how much it is to be reduced. It may be that a person does not pay a fare, an expiation notice goes out, and a pensioner who misunderstood the system is involved; there may be two of them travelling on separate buses in identical circumstances, and the State Transport Authority may reduce the fee for one but not the other.

There is no requirement to adhere to established principles or any specific guidelines. It is very dangerous in an expiation fee system to have that sort of discretion allowed. They do open the way for abuse or at least create the opportunity for abuse, and that ought to be avoided. Certainly, I will want to raise those questions again in the Committee stage. I may well move amendments with respect to those. It depends, to some extent, on the response that is given by the Government to the issues that I have raised.

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

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Australian Formula One Grand Prix has now been successfully staged in Adelaide for three years. It has received national and international acclaim, and has been invaluable in promoting Adelaide and South Australia as a tourist destination. Most importantly, it has received enthusiastic support from the overwhelming majority of the South Australian community.

The Australian Formula One Grand Prix Act 1984 is an enabling Act, providing the framework within which the Board operates and the event is staged. The amendments proposed in this Bill are based on the experience of the last three years, and in large part deal with certain procedural matters which have arisen in that time.

A further important purpose of the Bill is to provide the mechanism for South Australia to secure and continue to host the only Australian round of the FIA Formula One World Championship on an ongoing basis.

The current contract, under which the rights to promote the event in Adelaide are granted, is with the Formula One Constructors Association (FOCA) and expires in 1991. The principal Act is due to expire in December 1992.

The timing of the introduction of this Bill and its passage through the Parliament is crucial to negotiations to secure a long-term extension of the FOCA contract which are well under way. While in London recently the Premier met with the President of the Formula One Constructors Association and exchanged letters of intent with him in which he confirmed FOCA's desire to continue staging the event in Adelaide, dependent upon the successful passing of necessary amendments to extend the period of operation of the Act.

The Bill provides for the current 'sunset provision' for expiration of the Act in 1992 to be repealed. The 'sunset' clause was introduced initially to coincide with the term of the current FOCA contract and to enable the Parliament to assess the operation of the Board and impact of the event on Adelaide and the rest of the State.

The event and the organisation have proven highly successful and it is the desire of the Government to secure the rights to stage this internationally acclaimed event in Adelaide indefinitely.

In addition, the expertise now associated with the event itself is an invaluable asset for the State and, whatever the future of the particular event, it may be necessary to retain the structure of the Grand Prix Board and its organisation.

The Grand Prix Board has proven its ability to organise and promote a major international sporting event. As a result, ever since the inaugural year the Board has been asked by other sporting and entertainment organisers to provide assistance or advice.

The changes proposed in this Bill to the functions and powers of the Board clarify the ability of the Board to actively source and involve itself in other major events and projects. They specifically enable the Board to provide consultative, advisory and managerial services commercially to various promoters and other bodies.

Further amendments proposed in this Bill reflect the constantly increasing technological and organisational requirements for Formula One racing. The international rules for control and promotion of the sport have tightened considerably, and new standards are constantly applied.

To date, the Grand Prix Board has coped well with absorbing the additional requirements from the international bodies as they arise. However, if Adelaide is to secure this premium event on a long-term basis, we must accept and agree to meet the ever changing international criteria which apply to all Formula One World Championship promoters in 16 countries around the world.

The Federation Internationale l'Automobile (FIA), as the international body responsible for controlling the sport, considers this area of paramount concern. To this end, it has issued a complete manual of new rules, designs and other standards to which all F1 promoters around the world must adhere.

The Bill provides amendments which reinforce protection against unauthorised commercial association with the event and allow for adherence to FIA standards.

Finally, the Bill provides for a number of procedural changes to the operation of the Board which, in the light of experience, will allow for greater flexibility and effectiveness.

These amendments complement the amendments to the functions and powers of the Board without affecting in any way its accountability to Parliament.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends the interpretation section, section 3 of the principal Act. The clause re-words the definition of 'grand prix insignia'. Grand prix insignia together with the logo, official symbols and official titles make up 'official grand prix insignia' which, under section 28a, are vested in the Australian Formula One Grand Prix Board as property of the Board and regulated in their commercial use. The current definition defines 'grand prix insignia' as being the expressions 'Adelaide Formula One Grand Prix', 'Adelaide Grand Prix', 'Adelaide Alive', 'Adelaide Formula One', 'Fair Dinkum Formula One' and 'Formula One Grand Prix', where these expressions can reasonably be taken to refer to a motor racing event. The new definition lists the common elements of the present list of expressions, that is, 'Grand Prix', 'Formula One', 'Formula 1' and 'Adelaide Alive', but is made more comprehensive by encompassing these expressions whether they appear or are used in full or abbreviated form or alone or in combination with other words or symbols. The current requirement that the expressions must be used in such a way that they can reasonably be taken to refer to a motor racing event is retained in the new definition.

The clause adds a new definition of 'promote', designed to make it clear that the Board's functions of promoting motor racing events extends to the organisation and conduct of such events.

The clause amends the definition of 'motor racing event' so that it is clear that the term includes, in addition to the Formula One race itself, any event or activity promoted by the Board in association with that race. The amendment is designed to remove doubts about the scope of the events or activities that may be promoted by the Board in association with the Formula One race.

Clause 4 amends section 8 of the principal Act in relation to the procedure by which decisions may be arrived at by the Australian Formula One Grand Prix Board. The clause adds a new provision providing that a decision concurred in by members otherwise than at a meeting of the Board is a valid decision of the Board if concurred in by a number of members not less than that required for a quorum of the Board, that is, an absolute majority of members for the time being in office.

Clause 5 clarifies and extends various functions and powers of the Board. The clause restates the functions of the Board as being—

(a) to negotiate and enter into agreements on behalf of the State under which motor racing events are held in Adelaide;

(b) to undertake on behalf of the State the promotion of motor racing events in Adelaide;

(c) to establish a motor racing circuit on a temporary basis and do all other things necessary for or in connection with the conduct and financial and commercial management of each motor racing event promoted by the Board;

(d) to provide advisory, consultative or managerial services to promoters or other persons associated with the conduct of sporting, entertainment or other special events or projects, whether within or outside the State; and

(e) such other functions as the Minister may from time to time approve.

Paragraphs *(a)*, *(d)* and *(e)* deal with matters not dealt with in the current list of functions—a standing authority for the Board to negotiate and enter into agreements as to the conduct of Formula One races in Adelaide, clear power to use its expertise in relation to other events or projects in the State or elsewhere and power for the Minister to approve other functions.

The clause amends the listed powers of the Board to make it clear that the Board has the following powers:

(a) to form, or acquire, hold, deal with and dispose of shares or other interests in, or securities issued by, bodies corporate, whether within or outside the State;

(b) to enter into any partnership or joint venture arrangement, appoint any agent, or enter into any other contract or arrangement with another person, whether within or outside the State; and

(c) to delegate any of its functions or powers to the Chairman or any other member of the Board, to a committee established by the Board or the Chairman, to the Executive Director of the Board or to any other person or body.

Clause 6 inserts a new section 10a authorising the Board, or, with the approval of the Minister, the Chairman of the Board, to establish a committee to advise or assist the Board or the Chairman. The functions and procedures of such a committee are to be as determined by the Board or, in the case of a committee appointed by the Chairman, by the Chairman with the approval of the Minister. Clause 7 provides for the repeal of section 16 of the principal Act. Section 16 provides for the establishment of a trust fund for the Board's income from its commercial operations.

Clause 8 amends section 19 of the principal Act which provides for an annual report to be made by the Board within six months after the conduct of each Formula One event. The clause provides instead that the Board must report before the end of April in each year on its operations during the preceding calendar year. Clause 9 provides for the repeal of section 29 of the principal Act which provides that the Act is to expire on 31 December 1992.

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

TRUSTEE COMPANIES BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to replace the five Acts currently regulating the activities of corporate trustees and executors in South Australia with a modern enactment of general application.

Special legislation is necessary to enable corporate trustee companies to act as executors and trustees on a substantial commercial scale. In South Australia there are presently five such companies operating: Executor Trustee and Agency Company of South Australia Limited; Elders Trustee and Executor Company Limited; Farmers' Co-operative Executors and Trustees Limited; Bagot's Executor and Trustee Company Limited; and ANZ Executors & Trustee Company (South Australia) Limited.

Each of these companies is authorised to operate as a corporate trustee and executor by its own separate Act of Parliament. When Perpetual Trustees Australia Limited and National Mutual Trustees Limited applied to be authorised to act as corporate trustees and executors in South Australia consideration was given to enacting special enabling Acts for each company. However, the Government decided that the preferable course was to enact one Act of general application to regulate the operation of all companies authorised to act as corporate trustees and executors.

The companies authorised to operate as corporate trustees and executors are listed in Schedule 1 of the Bill. Those so authorised are the five existing companies together with ANZ Executors & Trustee Company Limited, National Mutual Trustees Limited and Perpetual Trustees Australia Limited. Following the deregulation of the financial market, with banks and other bodies seeking to provide a wide range of financial services, it is reasonable to assume that there will be an increasing number of companies wishing to offer corporate trustee and executor services to their clients and to the public of South Australia. Accordingly, provision is made in the Bill for companies to be authorised to act as corporate trustees and executors by regulation. Companies which apply to be authorised to act by regulation will be subject to exactly the same rigorous vetting as have companies who applied to be authorised by separate Act of Parliament.

Clauses 4 and 5 provide that trustee companies have the same powers as a natural person to act as executor, administrator, trustee, agent, attorney, manager or receiver. Clause 6 provides that trustee companies may act for children or persons who are unable to manage their affairs. Clause 15 allows trustee companies to establish common funds. Clause 20 requires trustee companies to provide prospective investors in common funds with, *inter alia*, information about the fees charged by the company, the rights of investors

and financial details of the fund. Trustee companies are not presently required to provide this information as regulations under section 16 (1) of the Companies (Application of Laws) Act 1982 exempt trustee companies from complying with the provisions of Division 6 of Part IV of the Companies (South Australia) Code in relation to any right to participate or invest in any common fund. However, if investors are to make informed investment decisions they need a certain amount of information to enable them to compare investment in a common fund with other forms of investment. It is considered that the amount of disclosure investors require varies with the type of investment and it is proposed to amend the regulations under the Companies (Application of Laws) Act to restrict the exemption only to common funds which invest in authorised trustee investments. Companies offering interests in common funds which are invested only in authorised trustee investments will have to comply only with the disclosure requirements in the Bill.

The Corporate Affairs Commission will be able to require appropriate disclosure requirements for other common funds according to the type of investment offered. This approach recognises the special nature of trustee companies, which under clause 15 hold money invested in a common fund on trust for the investor, while at the same time ensuring that investors are properly informed about investments they make. I commend this Bill to all members.

Clause 1 is formal. Clause 2 provides that the measure is to come into force on a day to be fixed by proclamation. Clause 3 provides definitions of terms used in the measure. A trustee company is a company listed in schedule 1. Under the provisions of schedule 1, the list of trustee companies may be varied by regulation. Part II (comprising clauses 4 to 16) sets out the special powers of trustee companies, in addition to their powers as companies under the Companies Code.

Clause 4 sets out the powers of a trustee company to act as executor or administrator of a deceased estate. Under the clause, a trustee company is given the same powers as a natural person to act as executor or administrator and to obtain probate or letters of administration. A trustee company is, with the approval of the Supreme Court or the Registrar of Probates and the consent of the person entitled to probate or a grant of administration, authorised to apply for and obtain the probate or grant. A trustee company is, with the approval of the court, authorised to act on behalf or in the place of an executor or administrator on a permanent or temporary basis.

Clause 5 provides that a trustee company has the same powers as a natural person to act as trustee, agent, attorney, manager or receiver. Clause 6 provides that a trustee company may act as guardian of a child or administrator, committee, guardian or manager of the estate of a person unable to manage his or her own affairs. Clause 7 provides that a trustee company may be represented by an officer of the company when making an application or acting in any capacity authorised by the measure. An affidavit, declaration or statement may, under the clause, be made on behalf of a trustee company by an officer of the company.

Clause 8 provides that a trustee company may be appointed to act in any capacity jointly with another person or, with the consent in writing of such other person, to act alone. Under the clause, the person consenting to the company acting alone is exonerated from liability for any subsequent dealing with the property held or controlled jointly. Clause 9 regulates the commission that may be charged by a trustee company against an estate committed to its administration or management. The commission is not to exceed 7.5 per cent of income received on account of the estate and 6 per cent of the capital value of the estate.

Clause 10 authorises a trustee company to charge a commission not exceeding one-twelfth of one per cent of the value of any perpetual trust administered by the company for each month of the company's administration of the trust. Clause 11 regulates the additional remuneration of a trustee company in respect of its administration of an estate. This may include charges for disbursements, fees for preparation and lodging of tax returns and any alternative or additional fee or commission specially authorised by the original instrument of appointment or the beneficiaries of the estate, or, where the company is authorised or required to carry on a business or undertaking, by the Supreme Court. A trustee company's remuneration for administering an estate is restricted by the clause to the commission, fees and other remuneration allowed under the measure.

Clause 12 provides that the Supreme Court may, on the application of a person with a proper interest in the matter, reduce a trustee company's charges if it is of the opinion that they are excessive. Clause 13 provides that, subject to the terms of any relevant instrument of trust, a trustee company may invest money held by it in trust in a manner authorised by the trust, in an authorised trustee investment or in a common fund established by the company.

Clause 14 allows a trustee company to pool money from a number of estates and invest it together as one fund in one or more investments. This power is in addition to the powers of a company with respect to common funds. Clause 15 provides for the establishment and operation of common funds by trustee companies. The class of investments in which a common fund may be invested is limited to that determined by the company prior to its establishment. The clause makes it clear that money not otherwise held in trust is while invested in a common fund held by the company in trust for the investor. Separate accounts must be kept showing the amount for the time being at credit in the fund on account of each investor. Income and capital profits and losses from operation of the fund are to be distributed proportionately between investors. Common funds must be valued at least monthly. The clause authorises a company to charge a management fee for each month of its management of a fund. In the case of estate money invested in a fund, the fee is limited to a maximum of one-twelfth of one per cent of the value of the fund attributable to investment of the estate as at the first business day of each month. Investors other than estates must be given not less than one month's notice in writing of any increase in management fees.

Clause 16 authorises a trustee company to hold or acquire its own shares or those of a related corporation as part of its administration of an estate. Such a practice might otherwise constitute a breach of the Companies Code. Part III (comprising clauses 17 to 25) deals with the duties and liabilities of trustee companies. Clause 17 requires a trustee company to lodge periodic returns with the Corporate Affairs Commission containing information required under the regulations. Such returns may not be required more frequently than once every three months. They are to be available for public inspection.

Clause 18 provides that the Minister may require a trustee company to furnish information about its operations. Under the clause, the Minister may, if it appears necessary or desirable, order an audit of the company's account or a review of its operations or both. The clause confers powers necessary for the conduct of such a review or audit. The clause provides that, unless the Minister otherwise determines, the cost of such a review or audit may be recovered

from the company. Clause 19 requires a trustee company to keep proper accounts in relation to each common fund that it establishes, to cause the accounts to be audited at the end of each financial year by a registered company auditor and to send a statement of the accounts and the auditor's report to each investor other than an estate. The clause requires a trustee company to supply copies of the accounts, auditor's report and other documents laid before the company at its last annual general meeting to an investor in a common fund established by the company when requested to do so in writing by the investor.

Clause 20 requires disclosure of certain information relating to a common fund to each prospective investor in the fund. This requirement does not apply in relation to investment of estate money or in circumstances prescribed by regulation. The following information must be disclosed:

(a) the nature and the amount or rate of any fee that the trustee company charges in respect of investment in the common fund;

(b) the extent (if any) to which a capital sum invested may be reduced to defray losses from investment of the common fund;

(c) the class of investments in which the common fund may be invested;

(d) the rights of an investor in the common fund to withdraw all or part of the person's investment in the fund and the period of notice (if any) that the investor is required to give the company in respect of such withdrawal;

(e) the terms governing distribution of income and profit or loss of a capital nature attributable to each investment in the common fund;

(f) copies of the statement of accounts and auditor's report last prepared in relation to the common fund; and

(g) copies of the accounts and auditor's report laid before the last annual general meeting of the company pursuant to the Companies (South Australia) Code.

Clause 21 makes it an offence punishable by a division 4 fine (a maximum of $15 000) if a trustee company makes a statement that is false or misleading in a material particular in any advertisement or notice that it publishes or issues in relation to a common fund. The clause would allow recovery of compensation for any resulting loss. Clause 22 provides that a person with a proper interest in the matter may require a trustee company to provide an account in relation to an estate managed by the company. The company may charge a reasonable fee for providing such an account. If a company fails to provide a proper account, the Supreme Court may, on application, order the preparation and delivery of proper accounts or an investigation of the administration of the estate or both.

Clause 23 provides that where a trustee company is appointed or acts as executor, administrator or in any other capacity under the measure, the manager and directors of the company are individually and collectively responsible to the Supreme Court in the same way and to the same extent as if they had been personally appointed to act in that capacity.

Clause 24 provides that a trustee company appointed or acting as executor, administrator or in any other capacity under the measure is to be subject to the same control by the Supreme Court as a natural person acting in that capacity and is to be similarly liable to removal by the Court.

Clause 25 empowers the Supreme Court to appoint an administrator to administer the affairs of a trustee company in so far as they involve the performance of fiduciary duties. Such an appointment may be made on the application of the Minister where it appears to the Court that proceedings have commenced to wind up the company, that the company is not in a position to discharge its fiduciary duties or that the company has committed serious breaches of its fiduciary duties such that the power to appoint an administrator should be exercised. Part IV (comprising clauses 26 to 31) deals with miscellaneous matters. Clause 26 makes it an offence punishable by a division 4 fine (a maximum of $15 000) if a trustee makes or includes in any document required by or for the purposes of the measure any statement that is false or misleading in a material particular.

Clause 27 is the usual provision for personal liability on the part of the manager and directors where a corporation commits an offence. Clause 28 provides certain evidentiary assistance to establish the capacity of trustee companies and their officers. Clause 29 makes it clear that the provisions of the measure are in addition to, and do not derogate from, the provisions of any other Act and that nothing in the measure affects the rights or remedies that a person has apart from the measure.

Clause 30 provides that offences against the measure are summary offences. Clause 31 provides power to make regulations.

Schedule 1, at clause 1, lists the companies that are trustee companies for the purposes of the measure. Clause 2 of the schedule provides that the Governor may, by regulation, vary the list contained in clause 1. Schedule 2 provides for the repeal of the current executor company Acts. The schedule provides for the return within six months of the money or securities required under those Acts to have been deposited by the trustee companies with the Public Trustee in trust as security for the proper discharge of their duties.

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

LAW OF PROPERTY ACT AMENDMENT BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Bill makes two amendments to the Law of Property Act, 1936.

Section 40 is repealed and a new section 40 substituted. Subsection (1) allows a person to be a party to a contract or conveyance in two or more separate capacities, with the proviso that a contract cannot be validly made unless at least two persons are parties to it. This addresses the situation where a Trustee Company is appointed the Trustee of a deceased person's estate and one of the beneficiaries is also a Co-Trustee. The new section enables a beneficiary to contract with himself and the Trustee Company in granting an indemnity.

Subsection (2) states that such a contract or conveyance is enforceable as if different persons had entered into it in those separate capacities.

Section 41 is repealed and new sections 41 and 41aa are substituted. These implement the recommendations of the Law Reform Committee's 77th Report. These were that

delivery in its present form be abolished and replaced with a statutory code which would clarify the method whereby the execution of deeds could be suspended pending the fulfilment of a condition. Section 41 is a statutory code setting out the procedure of execution of deeds. Section 41aa sets out the procedure for execution subject to a condition.

Clause 1 is formal.

Clause 2 repeals section 40 of the principal Act and substitutes a new provision to enable a person to enter into contracts in two or more separate capacities.

Clause 3 repeals section 41 of the principal Act and substitutes two new provisions. New section 41 sets out the rules that govern the execution of deeds. New section 41aa sets out the rules that govern the conditional execution of instruments (other than wills).

Clause 4 makes the new section 40 retrospective to the commencement of the principal Act and provides that the new sections 41 and 41aa do not apply to instruments executed before the commencement of this Bill or alter the effect of any act or omission occurring before that commencement.

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

TRAVEL AGENTS ACT AMENDMENT BILL

Second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Travel Agents Act 1986 was passed on 4 March 1986 as part of a uniform scheme for the regulation of travel agents, which scheme included the participating States of New South Wales, Victoria and Western Australia.

The Act came into operation on 23 February 1987 but the operation of sections 5, 7, 11, 21, 22, 23 and 24 was suspended until a date to be fixed by subsequent proclamation.

Sections 7 and 11 came into operation on 1 July 1987.

Sections 21, 22, 23 and 24 were not proclaimed to come into operation because they were inconsistent with the terms of the trust deed which regulated the Travel Compensation Fund created under the uniform scheme.

The sections were inconsistent because the Travel Agents Act was drafted prior to the settlement of the trust deed. The sections were consistent with a first draft of the trust deed, but the deed was subsequently altered.

An amending Act was passed on 4 December 1986 but the amending Act had been developed before the trust deed was finally settled by the participating States.

This amending Bill now seeks to bring the Travel Agents Act in to line with the trust deed.

In addition, it incorporates some housekeeping amendments. In particular, section 26 is amended by deleting an unnecessary provision; section 29 is amended by allowing officers of the Commissioner for Consumer Affairs to investigate and report upon matters before the Commercial Tribunal; section 37 is amended by allowing the Commissioner for Consumer Affairs or the Commissioner of Police to commence proceedings under the Act without the consent of the Minister.

Clause 1 is formal.

Clause 2 amends the definition of 'the compensation fund' to reflect that the fund is established under the trust deed rather than Part III of the Act.

Clause 3 substitutes sections 20 to 24. New section 20 provides that a licensed travel agent must be a contributor to the compensation scheme established by the trust deed and that the agent's licence is cancelled if the trustees of the scheme determine that the agent is not eligible or is no longer eligible to be a contributor.

New section 21 provides for an appeal to the Commercial Tribunal against such a determination of the trustees or against a conditional determination that a person is eligible, or is to remain eligible, to be a contributor.

Clause 4 amends section 26 of the Act by striking out subsection (2). The subsection is unnecessary having regard to the terms of the trust deed.

Clause 5 amends section 29 of the Act. The amendment enables the Commissioner of Consumer Affairs and the Commissioner of Police to cause any person under their respective control or direction to investigate and report on matters as requested by the Registrar.

Clause 6 amends section 37 of the Act. The current provision provides that only the Commissioner of Consumer Affairs, an authorised officer or a person acting with the consent of the Minister may commence proceedings for an offence against the Act. The amendment allows the Commissioner of Police or a member of the police force acting in an official capacity to commence proceedings.

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

MINING ACT AMENDMENT BILL

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Discussions with opal miners' associations over the last few years have resulted in agreement to vary the size of precious stones claims and to reduce the initial term of registration of a precious stones claim from twelve months to three months.

Administrative difficulties exist both for the opal miner and the Mining Registrar in the renewal and surrender of consolidated precious stones claims. The amendments included in the Bill provide for an initial term of three months and repeal the provisions for consolidation. Introduction of a larger precious stones claim will be achieved by varying the regulations.

The existing Act provides for disputes relating to exempt land and compensation for damage to land arising from the conduct of mining operations to be determined by the Land and Valuation Division of the Supreme Court. This procedure can in some cases result in delays and significant

cost to the litigants. The Chief Justice has agreed to jurisdiction in these matters being transferred to the Warden's Court where a claim does not exceed $100 000. This is the same limit placed on the Local Court of Full Jurisdiction. Claims exceeding $100 000 will be dealt with by the Land and Valuation Court. There will be a right of appeal to the Land and Valuation Division of the Supreme Court on any matter determined in the Warden's Court. These amendments will allow many matters to be dealt with speedily in the lower court.

The exempt land provisions, which prohibit the conduct of mining operations on exempt land until a waiver of exemption is negotiated, do not at present apply to operations conducted on a miscellaneous purposes licence. In some cases these can adversely affect adjacent land owners and it is proposed to provide the same benefit of an exemption as applies to prospecting, exploring and mining. Some of the present provisions relating to miscellaneous purposes licences are not consistent with those for mining leases and the Bill contains amendments to remedy this.

The Minister has the power to require a bond on a mining tenement as a guarantee against statutory liabilities and for rehabilitation of land disturbed by mining operations on the tenement. The penalty for failure to lodge a bond within three months of it being requested is prohibition of further operations or cancellation of the tenement. At present the Minister can only request a bond after a tenement has been granted. As it is possible for significant damage to be caused during the three months before action can be taken for failure to lodge a bond, the Bill provides powers for the Minister to require a bond to be lodged as a condition precedent to the issue of a tenement and, where a bond is requested on an existing tenement, for him to prohibit mining operations if the bond is not lodged within one month and to cancel the tenement if the bond is not lodged within three months of the request.

Procedural problems exist in the issue of a new lease to a party who successfully plaints the holder of a mining lease in the Warden's Court for forfeiture. The Bill provides for what is in effect a compulsory transfer of the lease under the same conditions for the remainder of the term of the forfeited lease.

The remainder of the amendments are minor and address current administration and procedural difficulties.

Clause 1 is formal.

Clause 2 provides for commencement on a date to be fixed by proclamation.

Clause 3 inserts in section 6 of the principal Act a new definition 'the appropriate court' the effect of which is to give jurisdiction to the Warden's Court in matters relating to exempt land and compensation for damage arising from mining operations where a claim does not exceed $100 000 and the Land and Valuation Court where the claim exceeds that amount. The definition of 'owner' is amended so that the term is restricted to a person whose estate or interest in land is one that entitles the person to immediate possession of the land, who has the care, control or management of the land by virtue of a statute or who is in lawful occupation of the land. The new definition will exclude persons such as mortgagees.

Clause 4 amends section 7 of the principal Act by substituting a new subsection (2). The new subsection omits specific reference to the Commissioner of Highways or councils but preserves the exemption formerly enjoyed by them by providing that the recovery of extractive minerals is not to be regulated by the principal Act nor is royalty to be paid for their recovery where the operations to recover extractive minerals are authorised by another Act. This will benefit bodies such as the E & WS Department but will limit the exemption to those activities that are specifically authorised by other legislation.

Clause 5 amends section 9 of the principal Act by inserting the word 'exploring' in the closing words of subsection (1) thus providing that exploring as well as prospecting and mining are not authorised on exempt land until the exemption is waived. The amendment also provides that a mineral claim may be pegged out on exempt land without the need to first negotiate a waiver of exemption. Subsection (3) is amended by substituting 'the appropriate court' for 'the Land and Valuation Court' so that claims under that subsection will be dealt with by the Warden's Court where they do not exceed $100 000. For the same reason, subsection (3a) is amended by substituting for 'the Court' 'the appropriate court'. A new subsection is inserted extending the definition of 'mining operations' for the purposes of section 9 so as to include in that term any operations or activity for which a miscellaneous purposes licence may be granted.

Clause 6 amends section 19 of the principal Act by making it clear that a private mine is not exempt from provisions of the principal Act which specifically apply to a private mine or the operation of a private mine. The main purpose of this amendment is to allow the provisions of section 76 of the principal Act relating to production returns to apply to a private mine.

Clause 7 amends section 44 of the principal Act by revoking subsections (3), (4) and (5) and by substituting a new subsection (3). The new subsection provides that a person cannot be the holder simultaneously of more than one precious stones claim and repeals the provisions whereby it was lawful for persons to consolidate claims with those of up to three other persons. This has the effect of repealing the provisions for the consolidation of precious stones claims while retaining the present restriction on a person from holding more than one precious stones claim at a time.

Clause 8 amends section 46 of the principal Act and provides that a precious stones claim must initially be registered for three months and thereafter annually. A new subsection is inserted providing for the surrender of a precious stones claim.

Clause 9 inserts a new section that makes it an offence for a person, not having lawful authority or excuse, to enter or remain on land, the subject of a precious stones claim, without first obtaining the consent of the owner. Police officers and others acting in the course of carrying out official duties are not affected by the section. The section is not intended to affect civil liability.

Clause 10 amends section 52 of the principal Act and removes the obligation of the Minister under subsection 52 (2) to give notice of an application in the Gazette. This provision is inserted through clause 11 in section 53 of the principal Act in an amended form.

New subsections (5), (6) and (7) are inserted to make the provisions for miscellaneous purposes licences in respect of area and rental the same as those for mining leases.

Clause 11 substitutes a new section 53 and repeals procedural matters relating to applications for miscellaneous purposes licences and introduces similar requirements to those presently applying to mining leases under sections 34, 35, 35a and 36 of the principal Act.

Clause 12 substitutes a new section 57 which will allow a person to enter any land, including exempt land, for the purpose of pegging out a claim but retains the present restriction on entering exempt land for prospecting, exploration and mining until the exemption has been waived.

Clause 13 amends section 61 by substituting in subsections (3), (4) and (5) the 'appropriate court' for the 'Land

and Valuation Court' thus enabling the Warden's Court to deal with claims under those subsections where those claims do not exceed $100 000.

Clause 14 amends section 62 of the principal Act enabling the Minister to require an applicant for a mining tenement to enter into a bond. A new subsection (3) is substituted giving the Minister the power to prohibit mining operations if the requirement to enter into a bond is not complied with within one month from the time allowed for compliance and to cancel the mining tenement if it has not been complied with within three months.

Clause 15 inserts a new section 66a that provides for cases of unusual difficulty or importance to be removed from the Warden's Court into the Land and Valuation Court. Either court may make the order removing the case into the Land and Valuation Court and where a case is removed into the Land and Valuation Court that court may exercise any of the powers of the Warden's Court in relation to that case.

Clause 16 amends section 69 of the principal Act by substituting subsection (3a). The new subsection provides that where an application for forfeiture of a mineral claim or precious stones claim has been made the claims cannot be surrendered nor will they lapse until the application has been determined.

Clause 17 amends section 70 of the principal Act by substituting subsections (3) and (4). The effect of the amendments is to allow a forfeited lease to be transferred from the Crown to the applicant without the applicant making a separate application and such transfer is to be for the balance of the term of the lease.

Clause 18 adds a new subsection to section 76 of the principal Act the effect of which is to place on the operator of a private mine the same obligations relating to returns as are placed on the holder of a mining tenement by section 76 of the principal Act.

Clause 19 amends section 80 of the principal Act by including in subsections (2) and (3) a reference to a miscellaneous purposes licence. This will enable a miscellaneous purposes licence to be granted in respect of land that is already subject to a mining tenement.

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

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Coober Pedy Miner's Association Incorporated has expressed concern about the dangers to which tourists to the opal fields may be exposed by wandering at large on land that is the subject of precious stones claims. The association, on behalf of its members, fears that such persons may suffer injury as a result of coming into contact with explosives or dangerous machinery or by falling down shafts. The likelihood of such accidents occurring is increased where such persons wander about, as they do, during the hours of darkness.

It is proposed to tackle the problem by inserting a section in the Mining Act 1971 that will make it an offence for a person to enter or remain in land that is the subject of a precious stones claim.

In the event of such a provision becoming law the need for the provisions contained in section 18a of the Summary Offences Act 1953 will be no longer required. It is hoped that this Bill and the Bill to amend the Mining Act 1971 will become law at the same time.

Clause 1 is formal.

Clause 2 provides for commencement on a date to be fixed by proclamation.

Clause 3 provides that section 18a of the principal Act will be repealed.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

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

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Bill be now read a second time.

Due to the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The principal object of this Bill is to make some minor but significant changes to the seat belt legislation as it applies to children.

First, the Bill extends the application of the seat belt provisions so as to require children in the one to under 10 age group to wear a suitable child restraint or a seat belt (if fitted) when travelling in a passenger car manufactured before 1 July 1976. Existing legislation does not do this, as those vehicles are not required by law to be fitted with upper anchorage points for child restraints. However, it is considered that children in that age group should be wearing a seat belt (where seat belts have been fitted) if a child restraint is not available. Even at the age of one, a child is safer in a seat belt than in no restraint at all.

The second amendment to the seat belt provisions applies to passengers from 10 years of age and over. The Act currently requires such a passenger to wear a seat belt if one is available in the same row of seats. In other words, a passenger in an early model vehicle with seat belts fitted only in the front row of seats could travel unrestrained in the back seat. With children under 10, a seat belt must be used if available, whether in the front or rear seat, so, to be consistent, the Bill proposes amendments deleting reference to using a seat belt in the same row of seats for passengers aged 10 or more. This is a further step forward in simplifying the seat belt laws. The relevant section has been partly redrafted so that hopefully the community at large will have a better understanding of the requirements of the law regarding seat belts and children.

The Bill also contains several other minor amendments.

A definition of 'pedestrian' is proposed as including persons confined to wheelchairs. At present the Act requires

the driver of a vehicle approaching a pedestrian crossing or when turning left or right at an intersection to give way to pedestrians. It is considered necessary to put it beyond doubt that a person in a wheelchair has the rights of a pedestrian when crossing a road, whether the wheelchair is motorised or manually operated.

In 1984, an amendment was made to section 40 of the Act to enable road making vehicles to—

- drive or stand on any side or part of a road
- pass another vehicle on a specified side
- make right turns from any position on a road.

At the time, the understanding was that road making included road maintenance. However, a subsequent opinion from the Crown Solicitor advised that if road maintenance vehicles were to be included an amendment to the Act would be necessary. The Bill accordingly seeks to resolve this matter.

Clauses 1 and 2 are formal.

Clause 3 inserts a definition of 'pedestrian' which clarifies that a person in a wheelchair is a pedestrian. This is relevant for those provisions of the Act that spell out the duties of drivers in relation to pedestrians on the roadway.

Clause 4 makes it clear that road making vehicles as well as road maintenance vehicles are exempt from the provisions of the Act set out in section 40.

Clause 5 deletes reference to vacant seats in the same row of seating positions from the provision dealing with adult passengers, and recasts the provisions relating to the wearing of seat belts by children. New subsection (2) applies to all children between the ages of one and 16 (that is, one or more but under 16) who are passengers in motor cars that are equipped with seat belts or child restraints. The effect of the provision is that, if there is a vacant seat in the car that is equipped with a seat belt or child restraint, the child must sit in that seat and wear the belt or, if the restraint is suitable for the child's age and size, use the restraint. A child using a belt or restraint must have it adjusted properly. New subsections (3) and (4) apply to children under the age of one year. The effect of these provisions is that if there is a vacant seat in the car, the child must occupy it and must be in a child restraint suitable for the child's age and size. It should be remembered of course that the driver of the car is the one guilty of an offence if subsection (2) or (3) is breached.

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

BUILDING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.4 p.m. the Council adjourned until Thursday 10 November at 2.15 p.m.