LEGISLATIVE COUNCIL

Tuesday 15 November 1988

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

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

ASSENT TO BILLS

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

Appropriation,

Cultural Trusts Act Amendment,

Loans to Producers Act Amendement.

PUBLIC WORKS COMMITTEE REPORTS

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

Reynella Primary School, Replacement—Report (Paper No. 180),

Noarlunga Hospital—Report (Paper No. 181).

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Tourism, for the Attorney-General (Hon. C.J. Sumner):

Accounting Standards Review Board—Report, 1987-88.
Department of Environment and Planning—Report, 1987-88.

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

Land Agents, Brokers and Valuers—Regulations—Mortgage Financing.

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

Children's Services Office—Report, 1988.
Department of Fisheries—Report, 1987-88.
Food Act 1985—Regulations—Standards and Bread.
Sexual Reassignment Act 1988—Regulations—Certificates and Returns.

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

City of Port Lincoln—
By-law No. 1—Repeal of By-laws.
By-law No. 10—Public Health.
By-law No. 15—Combustible and Flammable Materials.
By-law No. 51—Penalties.

MINISTERIAL STATEMENT: HON. C.J. SUMNER

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: I wish to make a statement to the Council concerning arrangements that have been made to cover the absence through illness of the Attorney-General (Hon. C.J. Sumner). As most members would be aware, during past weeks the Attorney-General has been placed under enormous strain by a series of unsubstantiated allegations, rumour and innuendo.

In an effort to end these debilitating personal attacks, the Attorney recently decided to bring the issue into the open. In the Parliament he named himself as the subject of these rumours and offered to grant immunity from action for libel to anyone who had allegations to make or evidence to present. No such allegations were made; no evidence was presented. No apology was made by those who made allegations or by those who fuelled the rumours and innuendo. This was a courageous move which the Attorney-General took because of his belief in the need to protect the integrity of his office.

As a result of the strain that he has been under, the Attorney-General is suffering from exhaustion and severe stress and has sought, and is now receiving, medical care. This means that he has had to absent himself from his Parliamentary and Ministerial duties. An Executive Council meeting was held earlier today and Acting Ministers were appointed to administer the Attorney-General's various portfolios.

I inform the Council that the Minister of Education is now the Acting Attorney-General; the Minister of Health is now Acting Minister for Corporate Affairs and Consumer Affairs; and the Minister of Agriculture is the Acting Minister for Ethnic Affairs.

The strain of the past week has taken a heavy toll on the Attorney-General's personal life and has deeply affected his wife and children. That heavy toll has now fallen on the Hon. Chris Sumner himself. He is paying a heavy price for having the courage to confront unsubstantiated rumour and innuendo. I expect that all members would appreciate the need now to give the Attorney-General and his family some breathing space and wish him a speedy recovery.

MINISTERIAL STATEMENT: STIRLING COUNCIL

The Hon. BARBARA WIESE (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: I want to appraise members of developments regarding the liability claims against the District Council of Stirling arising from the 1980 bushfires. On 3 November Justice Olsson handed down his decision involving the council, in which the liability it had previously been held to bear was further tested. The court held in favour of the plaintiffs. F. S. Evans and Sons Pty. Ltd. having been passed into liquidation, the District Council of Stirling is therfore liable for damages. A large number of similar claims have also been made against the council.

I met yesterday with the Chairman of the District Council of Stirling, Mr Willett, District Clerk, Mr. Dobrzynski and Local Government Association Secretary-General, Mr Hullick. The Chairman informed me that the council had met that morning and, having considered its position from all perspectives, had decided it would not pursue any further appeal.

Ms President, the difficulties posed by the judgment have been a matter of serious concern to the Stirling council and community and local government generally. Equally, the potential failure of a public authority is a matter of serious concern to the State Government. In this context of widening public unease, and having made a full assessment of the situation, yesterday I outlined to council and LGA representatives a plan of action which I propose to follow to deal with the situation. The proposal that I outlined has the following objectives in mind:

- To address the complete set of legal, financial and management problems which characterise the situation.
- To share responsibilities in manageable proportions by all affected parties.

- To maintain the role of the elected council to manage the affairs of the district.
- To devise an appropriate division of responsibility amongs all parties.
- To provide security, certainty and confidence for the busfire victims and the Stirling community.

One of the difficulties in grappling with this situation is that the size of the problem cannot be stated with any final accuracy since a number of claims are subject to assessment by the courts and it may be some months before the final figure is known. From available estimates, however, it would appear that a final figure of $10 million to $15 million is likely. For the purpose of the Government's proposal to deal with the situation, a figure of $15 million has been assumed. It may well be that the final figure is lower than this.

The main features of the package are as follows:

- Financial responsibility for the damages payment should be shared between the Stirling council and the wider local government community.
- Stirling ratepayers will not be required to pay any rate increase beyond the 1988-89 level to fund their portion of responsibility.
- A series of Government initiatives are proposed to facilitate the availability of funds, ensure a speedy settlement process and prevent this situation ever recurring.

It is proposed that council be responsible for up to half of the final cost of damages payments. Within its current budget, without impacting upon works or services in the area, the council has significant capacity to first, redirect discretionary funds to support long-term borrowings and, secondly, to rationalise other resources available to it.

A secondary contribution from the wider South Australian community could appropriately be made by the funds distributed by the Local Government Grants Commission. This program provides funds ($57 million 1988-89) for the purposes of equalising the capacity of councils to provide similar services at similar cost. The needs of the council are therefore consistent with the objective of the program. It is envisaged that the funds would be made available over time in order to minimise the impact upon other councils. The Government will make submissions to the Local Government Grants Commission to this effect, and I have sought the support of the Executive of the Local Government Association of South Australia in joining such submissions.

I have spoken to the Chairman of the Local Government Grants Commission, Mr Gordon Johnson, to inform him of the Government's intention in support of additional assistance for Stirling. I have similarly informed the President of the Local Government Association, Mr Malcolm Germein. I want to make perfectly clear that our actions will in no way compromise the independence of the commission. We will simply be putting our views to the commission and we will obviously abide by the umpire's decision.

For its part, the Government will make available a steady cash flow of funds to council, as required, through the Local Government Finance Authority. Both funding components will require the Government to give up part of its own allocation of global borrowings as agreed between the Commonwealth and States. The margins which normally apply to local government borrowings will be waived by the Government.

Financial assistance from the South Australian Government does not appear to be required at this time. The range of circumstances outlined above is adequate to meet the scale of the problem identified to this point and there is therefore no need for any wider call on taxpayers funds. This situation will, however, be monitored as settlements proceed. Clearly, it is not possible at this stage to do any more than identify the components of the financial management package. The Government will need to await more definite details on the amount of council's liability. Additionally, the Government will need to await the outcome of joint representations to the Local Government Grants Commission. The matter which needs to be stressed, however, is that Stirling ratepayers will not be faced with further rate increases on account of the bushfires.

It is appropriate that the local government community should take up part of the responsibility, reflecting its interdependence as an institution. The Government proposals, however, are intended to minimise any impact upon local government finances. I would like to assure councils that the Government will actively pursue measures to this end. It is anticipated that the effect of a Grants Commission acceptance of the Government's proposition, which would involve staging assistance over a 10 year period would, at most, result in no more than around 2-5.5 per cent of its total annual allocation being diverted to Stirling. In addition, the Premier has written to the Prime Minister suggesting a review of interstate relativities under the Local Government (Financial Assistance) Act which, if successful, could nullify the impact of any redistribution.

The Government has also addressed itself to a number of wider issues arising from this matter. We intend to monitor closely the process of settlement of all outstanding claims. If undue delays or intolerable legal costs arising out of the settlement process occur, the Government will consider any separate procedure required to meet the circumstances.

The difficulties posed by this situation are such that the Government is committed to ensuring that no part of South Australia is faced with a similar predicament in future. I last year proposed to the Local Government Minister's conference a national review of local government liability which was completed earlier this year. The Government is currently considering proposals to more specifically define the duties of councils, to more appropriately define liability in certain circumstances and to alter the law of liability in joint actions.

In addition, the Government is examining proposals to reform public liability insurance arrangements for local government. The Government and the Local Government Association are committed to ensuring that the circumstances facing the Stirling council will not arise in future. The national project, to which I earlier referred, recommends the establishment of a national insurance authority, owned and managed by local government, which will provide better, cheaper and more stable insurance. However, the South Australian Local Government Association has submitted to me for consideration a proposal for a State-based pooling arrangement for liability insurance which could be operative from 1 July 1989.

I am confident that revised insurance arrangements will in future protect the community, and I am sure all councils will now be keenly aware of the need to hold adequate cover. I commend the association for the initiative it has shown in this regard. Ms President, the package of measures I have identified was known to the Stirling Ratepayers Action Group prior to the meeting held last night and reported since in the media. It came as no surprise whatsoever to me that this group has not given support to the propositions. This is the same group which has been enticing some ratepayers to break the law and burden fellow members of the Stirling community; the same group which has

attempted to engage the council in contracts beyond its legal powers; the same group, Ms President, which has played no constructive part in this debate.

From the telephone calls to my office today it is clear, first, that many people in Stirling are much relieved today; secondly, that the information regarding the Government's proposals was not clearly understood by at least some people attending the meeting—apparently some confusion exists over whether rate levels can now be maintained to meet the liability or whether further rate increases are required; the former is the case—and, thirdly, that everyone wants to see this matter resolved.

The Stirling council has welcomed the Government's proposals; the Local Government Association has agreed to play its part in placing the proposals before its Executive; the Local Government Grants Commission will consider the Government's submissions; and the Department of Local Government is pursuing a range of matters referred to earlier in my statement. Only the Stirling Ratepayers Action Group—addressing a meeting attended by 300 people, according to the *Advertiser*—continues to call for the taxpayers of the State to pick up the entire responsibility for this matter. The Government does not believe that this group has a worthwhile contribution to make to this debate whilst it takes its current approach. The members of the Stirling community will not, I am confident, be swayed by the misguided pronouncements of this group.

The package proposed is an appropriate solution to the problem which has beset the council and bushfire victims alike for the last eight years. It not only provides financial certainty for the residents of Stirling, it also ensures the financial capacity for council to meet its obligations and will finally bring recompense to those who suffered loss in the fires. In view of the council's decision not to appeal against the latest Supreme Court judgment it is now opportune for the Stirling council and its ratepayers, the local government community and the State Government to cooperate fully in bringing this chapter to a close.

QUESTIONS

ADELAIDE CHILDREN'S HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about the Adelaide Children's Hospital.

Leave granted.

The Hon. M.B. CAMERON: Twice this month I have raised the matter of the Adelaide Children's Hospital. On 1 November I stated that three specialist surgeons had resigned over continued frustrations about the lack of available beds for patients. Two days later I reported that a further 20 beds had been cut from the hospital's capacity due to financial constraints—and that only 165 beds were now available to be used on a daily basis, 50 less than its approved capacity. Now, I understand from information given to me that the hospital has a deficit of $3.9 million. I understand that, at a meeting at the hospital last night, staff were told if the board did not accept a set of South Australian Health Commission guidelines aimed at overcoming this situation the board could be asked to resign.

I gather that a working party—made up of two senior members of the Health Commission and two members of the Children's Hospital board—has been set up to inquire and report upon the position the hospital has been placed in by continuous budget cuts. It appears that many of the hospital's present problems stem from repeated funding cuts during the past few years and the continued reduction in hospital beds. The budget cuts and bed reductions, I am informed are an absolute disaster. Beds are the baseline of any hospital and the fewer beds you have in a hospital such as the ACH the higher the bed/day cost rises for the infrastructure available.

I am informed also that the bed reductions are not only reducing the viability of the Adelaide Children's Hospital but are also placing undue stress on patients and medical and nursing staff. Medical staff are becoming very angry about the severe restrictions being placed on the number of patients that they can admit to the hospital and on the number of operations that they can perform in any one session. I gather that on numerous occasions beds have been unavailable for patients and, as a result, additional pressure has been placed on medical staff to discharge patients earlier than usual. It is alleged that there is a motivation on the part of the powers that be to destroy the institution. They are not my words; they are the words of other people.

This year, according to the Health Commission Blue Book (and we cannot use any other figures as we are still waiting on answers to budgetary questions from the Health Minister), the Adelaide Children's Hospital has been allocated a budget of $49.5 million—$1.4 million less than last financial year, or a cut of $4.4 million in real terms when inflation is taken into consideration. Last year the hospital was subjected to a special cut of $700 000 on top of a three-quarter per cent cut in its budget, amounting to $358 500, which was demanded from all other metropolitan hospitals. In other words, last year the hospital was asked to take a cut of more than $1 million, or $5.6 million when inflation is considered. On bed numbers, as I have already said, the Adelaide Children's Hospital now has only 165 beds open on a daily basis compared to the 274 for which it was approved when the present Government came to office in 1982.

Despite the Minister of Health's statements to the media as recently as 3 November that the Health Commission is awaiting Federal Government approval to increase bed numbers to 200, statistics in the commission's Blue Book show that the hospital has an approved bed capacity of 215. At the same time, the Adelaide Children's Hospital's 1988 annual report released on 21 September clearly indicates that the hospital has for some time requested the Health Commission to lift restrictions on bed numbers, and I quote in part:

> Our availability of staffed beds to meet the expectations of both the public and referring medical practitioners is frequently less than that which the hospital views as desirable. To this end negotiations commenced with the South Australian Health Commission to have the current ceiling lifted.

My questions are: is it true that the Adelaide Children's Hospital board faces the threat of dismissal unless it accepts a set of guidelines aimed at overcoming a deficit of $3.9 million? What steps will the Government take to restore adequate funding levels to the Children's Hospital so that it can maintain its role as the major paediatrics institution in South Australia? What negotiations have taken place with the Commonwealth on raising bed numbers at the Children's Hospital, when did those talks begin, and could the correspondence associated with that be provided to Parliament?

Finally, will the Minister explain why bed reductions at the Adelaide Children's Hospital have occurred as recently as 28 October, yet the Health Commission was aware of the need for additional beds at the hospital and had begun talks with the Adelaide Children's Hospital on lifting the

current bed ceiling? In fact, the Minister indicated that there was no shortage of beds and that negotiations were taking place.

The Hon. BARBARA WIESE: The sort of action about which the honourable member is talking in terms of dismissal of a board of a hospital is very dramatic, and I am quite sure that action of that kind will not take place with respect to the Adelaide Children's Hospital or any other hospital board in South Australia while the current Minister of Health occupies that position. The Minister of Health and his predecessor have always been very concerned about negotiating with people on matters of disagreement. I am sure that, in this case, if some of the circumstances as outlined by the honourable member are matters of disagreement between the current Minister and the board, those matters will be the subject of discussion. I will refer the questions asked by the honourable member to the Minister of Health and bring back a reply.

LOCAL GOVERNMENT FINANCES

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Local Government a question about local government finances.

Leave granted.

The Hon. L.H. DAVIS: Last Thursday I questioned the Minister of Local Government about Commonwealth general purpose financial assistance for local government. I made the point that in 1988-89 South Australia would receive 8.789 per cent of total Commonwealth financial assistance to local government. However, in 1989-90—the next financial year—Commonwealth financial assistance to local government will be based on a new formula, that is, the State's share of population as at the end of December 1988. I estimated that South Australia's share of this nation's population will be 8.51 per cent at the end of this year.

In 1988-89, local government in South Australia received $57.35 million from the Commonwealth Government. Key figures in local government have claimed that the changed formula—where South Australia's 125 councils will receive only 8.51 per cent, instead of 8.789 per cent of Commonwealth funds—will slash $750 000 off the amount of available local government moneys. A significant number of councils in both the metropolitan and country areas receive over 50 per cent of their funding from the Commonwealth Government. This new formula could see some councils receiving not only less Commonwealth moneys in real terms for the first time but also a cut in money terms—in other words, a cut of more than the rate of inflation, as much as 7 per cent or 8 per cent.

In addition, we have just heard the Minister's statement today that the Government's proposal to meet the liability claims against the District Council of Stirling will involve a commitment by all councils in South Australia to forgo some of the funds that they receive from the Grants Commission. The Minister stated that that could involve 2 per cent or 2.5 per cent of the Local Government Grants Commission annual allocation being diverted to the Stirling council over a 10 year period. That, in addition to the adjustment in the formula that I have just mentioned, could well mean very difficult financial circumstances for many councils in inner metropolitan Adelaide and in many rural areas. In fact, the plight could be quite desperate for some councils in the next financial year.

The Minister's statement foreshadowed a 2 per cent to 2.5 per cent cut in Grants Commission moneys to all councils in South Australia on top of the changed formula which she has admitted will come into operation next year. Given these circumstances, what action will the Government take to ensure that no councils will be financially embarrassed or disadvantaged by these greatly changed circumstances?

The Hon. BARBARA WIESE: I do not believe that the Hon. Mr Davis truly understands the position that may face local government in this State if he believes that the circumstances that are about to be introduced by the Commonwealth Government or, indeed, the proposal that I have put to the Local Government Association would have a dramatic impact on local government finances.

An article which appeared in the *Sunday Mail* on the weekend and which was based on a question asked by the Hon. Mr Davis in this place last week, is vastly misleading and, in fact, confuses two separate issues with respect to Commonwealth funding arrangements for local government. It confuses the *per capita* funding arrangements that the Commonwealth Government proposes to introduce for local government next year with the new principles that have already been introduced in the distribution of local government funding under a new formula which was agreed to in 1987 and which is bringing about a redistribution of local government allocations based on new equalisation principles across councils in South Australia.

During the past financial year we have seen the first effects of that redistribution. However, the agreement reached between the South Australian Local Government Grants Commission and the Commonwealth Government ensures that during the course of the phase-in period for this new formula, (over a period of seven years), no council in South Australia will suffer a cut of more than 10 per cent in its funding in any one year.

The new principles and the new formula which was agreed to last year have been accepted by the local government community. Of course, some councils are not happy about it in the least, as they will receive a reduction in their funding as a result, whereas other councils in South Australia will receive substantial increases over time. Certainly the Grants Commission expects a reduction in funding once a per capita arrangement is introduced into South Australia, but as far as one can judge at this stage it would not be a significant amount of money.

Under the proposal that I have put to the Local Government Association with respect to the solution of the Stirling council bushfire problem, the proportion of local government funding involved would be about 2 to 2½ per cent over a period of 10 years. This would have a small impact indeed on local government revenue during the course of any one year—about half a per cent. I do not think that that is an unreasonable burden. Indeed, members of the Local Government Association accept that the local government community at large has a responsibility in this matter to assist a fellow council which is facing a financial crisis because of most unusual circumstances.

I also indicated today in my ministerial statement, which the Hon. Mr Davis chose to ignore, that the Government is also making submissions to the Prime Minister to achieve some recompense, and for a variation in the funding that would apply to the various States under the proposed per capita arrangements. I cannot say at this stage whether or not that submission will be successful. We will be pursuing it; we will be pressing it with all vigour. If we are able to achieve that, it will certainly reduce the impact of any decision that might be made by our own Local Government Grants Commission to assist the Stirling council. It is most unhelpful for the Hon. Mr Davis to enter this debate on subjects that he knows very little about at a time—

The Hon. L.H. Davis: You said I was wrong and you've admitted I was right. You've hanged yourself.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —at a time when negotiations are taking place with local government in order to reach a satisfactory solution to the problems faced by the Stirling council. It is not helpful in the least for the Hon. Mr Davis to attempt to mislead local government into believing that there may be an enormous burden placed upon it by possible arrangements at the State or Commonwealth level. It is just not so. When compared with any financial cuts in Commonwealth funding imposed on the States in the past three years, the local government community would most certainly have to admit that, regardless of the arrangements made by the Commonwealth, it has received a much more favourable deal from the Commonwealth than have the States.

They are the facts of the matter, Ms President, and I believe that, when the issues are examined fully by the local council community in this State, there will be an acknowledgment and an agreement that the proposed actions to deal with these issues are fair and equitable.

PRISONER REMISSIONS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about prisoner remissions.

Leave granted.

The Hon. K.T. GRIFFIN: Last Friday, the Minister of Correctional Services replied publicly to questions I asked about the granting of 76 days remission off the prison sentences of some 70 prisoners in Port Augusta Gaol. I understand that those prisoners gained that remission on the basis of what appears to be an extraordinarily generous four days for every one day or part of a day when the prisoners had been deprived of privileges. That was in addition to the one-third of the non-parole period remitted for good behaviour, and another 30 days which the prison manager has a discretion to grant under the Correctional Services Act.

What brought this whole question out into the open and to the attention of the Opposition was that amongst those prisoners granted this remission of 76 days was the son of the Minister of Correctional Services. When the Minister replied to my questions about the legal basis for the remission—because there is nothing in the Correctional Services Act about it—he is reported to have said that it resulted from the exercise by the Governor of the prerogative of mercy and, if that is the case, it must have been a recommendation of Cabinet to the Governor-in-Council to grant that remission. My questions to the Minister, as a member of Cabinet, are:

1. Did Cabinet approve the granting of 76 days remission to those Port Augusta prisoners?

2. If Cabinet did approve, who made the recommendation and did the Minister of Correctional Services withdraw from the discussion and decision?

The Hon. BARBARA WIESE: The answers to the honourable member's questions are as follows: Yes, Cabinet did make a decision. The submission was brought to the Cabinet, as I recall—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —by the Minister of Correctional Services. No, the Minister of Correctional Services did not withdraw from the Cabinet room during the course of the discussion; the submission relating to a large number of prisoners, as I recall, was brought to the Cabinet and the submission was the same for each and every one of them. The decision was taken by Cabinet in the normal way, based on the principles upon which the arrangement is made, and the decision was the same in respect of every single person on that list. If the honourable member is suggesting that there was some improper action in that because the name of the Minister's son may have been on that list, I think it is most unreasonable and unfair and should not be alleged in this place. There is no basis whatsoever upon which to suggest that the decision taken by Cabinet is an improper one.

The Hon. K.T. GRIFFIN: As a supplementary question, is the Minister able to indicate the reason why that remission was not gazetted, as ordinarily the decisions of the Governor in Council are gazetted?

The Hon. BARBARA WIESE: I am not able to indicate why that happened, if indeed it did, but I will seek an answer to the question and bring back a reply.

STIRLING COUNCIL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Local Government a question relating to the Stirling council and the Ash Wednesday fire damage.

Leave granted.

The Hon. I. GILFILLAN: Recognising that the informative statement by the Minister does lead to some serious questions about the situation, I believe it is generally accepted that the events of that day in 1980 were akin to a national or State disaster, and it is unfortunate in many people's minds that in fact it was not recognised as a disaster, thereby avoiding all this embarrassment, suffering and economic chaos. I ask the Minister to comment in her answer on whether she believes there was the scope for declaring the event a disaster, thereby involving Federal Government assistance immediately in that perspective. I turn specifically to the statement, wherein the Minister states:

> The proposal outlined has the following objectives . . . To share responsibilities in manageable proportions by all affected parties.

In the belief that the State is affected, I ask the Minister to indicate how the State Government is in fact sharing its part of the responsibility in this matter in a financial way. The Minister also, in indicating how the Stirling council was to deal with the situation, said:

> The council will be responsible for up to half the final cost of damages payments within its current budget. Without impacting upon works or services in the area, the council has significant capacity to, first, redirect discretionary funds to support long-term borrowings and, secondly, to rationalise other resources available to it.

I point out that that is a very vague statement and I ask the Minister to be specific in her answer as to where are, and how large are, these discretionary funds, and how she foresees the rationalising of other resources to make a significant difference to the current Stirling council economic situation.

The Minister later referred to the Local Government Grants Commission's directing a contribution to the councils and said that there should be, through that, a surrendering of a proportion that the councils would be getting, specifically to the Stirling council. Does the Minister not see that as a direct subsidy by the other local councils specifically to the Stirling council, with no State Government involvement? What does she see as being the State Government's reaction if the umpire's decision in this mat-

ter (and she said she would abide by the umpire's decision) is against the application?

Finally, in her statement the Minister gives the Stirling ratepayers an assurance about their rates:

> The matter that needs to be stressed, however, is that Stirling ratepayers will not be faced with further rate increases on account of the bushfires.

I point out that the reason for the existence of the Stirling Ratepayers Association, about which the Minister makes some unfortunate comments, is specifically because the impact of this year's rates has been found to be intolerable by a very high proportion—and it may well be over 50 per cent—of the Stirling ratepayers as of now, with the rates that currently apply. When the Minister talks about further rate increases on account of bushfires, does she mean from the currently unacceptably high rate, or does she mean from the rates that pertained before this latest rate levy?

The Hon. BARBARA WIESE: I will attempt to remember all those questions—and I am sure that the honourable member will remind me if I fail to respond to any of them. The first question related to whether or not the capacity existed for the Ash Wednesday bushfire in 1980 to be declared a national disaster, and thereby attract Federal Government involvement. As the honourable member would know, the Labor Party was not in Government in 1980 and was therefore not party to the deliberations that took place at that time. I understand that the Liberal Government of the day considered that issue. I can recall, from the media statements, that that issue was raised as a possibility, but it was rejected. I guess that the process that has developed since then is one of the consequences that flowed from the decision made at that time not to declare the Ash Wednesday bushfires a national disaster.

The Hon. I. Gilfillan: Do you think it was the right decision?

The Hon. BARBARA WIESE: Well, I am not in a position to make that judgment at this point, as I do not have the information before me that the then Government had when it made the decision as to whether or not the bushfires at that time qualified for national disaster status.

The Hon. Mr Gilfillan then went on to talk about the State Government's contribution, as pertaining to the solution that I have proposed to the Stirling council and the Local Government Association, in meeting the quite extensive debt that is likely to flow once damages claims for the Ash Wednesday bushfires have been settled. As I have indicated in my ministerial statement, the State Government giving up some of its share of the global borrowings that would apply during the course of the next few years, or whatever, is considered desirable, in order to assist the council in meeting the problem that it has.

We do not suggest that the local government part of the global borrowings will be called upon but it relates to a section of the borrowings that would otherwise be available to the State Government. Thus, the Government will be making a direct contribution in this area. The Government also proposes to forgo the margins that would normally apply in cases where councils are borrowing money. I understand that the percentage that would normally apply in these instances would be about .4 per cent. So, that is also a financial contribution by way of forgoing revenue that would otherwise accrue to the State Government.

I have also indicated in my statement that, until we are in a position to know the final amount of money for which the Stirling council may be liable, it is not possible for any further decisions to be made about what moneys might be necessary. However, should there be some shortfall outside the general arrangement that has been proposed then, of course, the State Government would look at the matter again.

The honourable member asked how the Stirling council would meet its share of the proposed arrangement. The Stirling council has set aside substantial discretionary funds to meet various legal costs and expenses, which expenditure will now not be necessary. Those funds could be redirected towards debt servicing of a loan which it is suggested that the council should take out.

The Hon. I. Gilfillan: How much?

The Hon. BARBARA WIESE: I am not in a position to say exactly what that amount is, although I am sure that the honourable member could find that out from the Stirling council. I think it is some $600 000 to $700 000—I might be wrong and, if so, I will be happy to correct that at a later date.

As to the other council resources that might be available for council to examine with a view to rationalisation, a number of issues are involved in this regard. First, part of this relates to the various landholdings that the council has. I understand that there has already been some assessment of the value of the landholdings that the council has within its district, and there would be the capacity to look at the sale of some of that land. I believe that some of the land involved in the assessment that has already been made relates to its reserves in the area. However, I do not believe that it will be necessary for the council to have to contemplate the sale of reserves in order to raise the sort of money that would be necessary to service a loan, over time.

As to how the council's assets would be rationalised, clearly, that matter would have to be addressed by the council itself, and it would have to make decisions that it believed were appropriate in the interests of the community that it serves. What I can say is that, based on the discussions that I have had with the council Chairman and the District Clerk yesterday, in principle, at least, and without studying the figures much more closely, they could see no problem with the proposal that I put to them or in respect of the council's capacity to meet the costs that would be involved.

The honourable member talked about the impact of a rate increase for the Stirling ratepayers due to this proposal. I am very happy to clarify this point. The rate increase that has applied this year will continue. It will not be withdrawn. The council does not have the capacity to withdraw the rate increase that was imposed this year. However, that will be the end of the contribution that would need to be made by Stirling ratepayers by way of a rate increase for bushfire claims purposes.

That is not to say, of course, that the Stirling council, like all other councils, will not at various times in the future and in the normal way make assessments about whether or not there is a need for rate increases, based on works programs or cost of living increases, and other things that councils base their judgments on. However, it should not be necessary for the Stirling council to impose an additional rate burden on its ratepayers for the purposes of covering the cost of the bushfire claims over and above that which has been imposed this year.

The Hon. I. Gilfillan: How much was that?

The Hon. BARBARA WIESE: There was a 27 per cent increase in rates this year.

The Hon. K.T. Griffin: That will form the base.

The Hon. BARBARA WIESE: That will be part of the base, yes. There will be no need for any additional increase to occur, according to the figures on which the calculations for this proposal have been based. I believe that Stirling ratepayers will be very relieved that it is possible, first, for

the Stirling council to meet half of the costs without increasing the direct rate burden on ratepayers and, secondly, that the council's reserve funds (and other actions that could be taken) should be sufficient to cover the debt that council is likely to incur, without affecting works and services programs.

With respect to the Local Government Grants Commission and any decision it might take, that is not something about which I can speculate at this time. There is no point in speculating about the results if the Grants Commission should deny the submission that the State Government is proposing to put to it. All I can say at this stage is that the Government will be putting a submission to the Grants Commission. We believe there is nothing within the terms of the legislation to prevent the Grants Commission considering such a submission, but of course we recognise the independence of the commission and its rights to assess the proposal according to its own judgment of the situation and its responsibilities therein.

The Hon. I. GILFILLAN: By way of supplementary question, in light of the Minister meeting with the chairman and clerk of the council yesterday and her surprising lack of information regarding the discretionary funds and assets or other resources, will she undertake to provide this Chamber with specific details, both in quantity and value, of the discretionary funds and other resources to which she referred in her ministerial statement?

The Hon. BARBARA WIESE: I will provide as much information as I am able to provide on those issues.

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Local Government a question on the Stirling council.

Leave granted.

The Hon. DIANA LAIDLAW: The Minister addressed the issue of rates in her press statement yesterday and again in her ministerial statement today and I seek clarification. The Minister noted that it is part of the package and stated:

> Stirling ratepayers will not be required to pay any rate increases beyond the 1988-89 level to fund their portion of the burden.

I was not clear from the Minister's answer a moment ago to the Hon. Mr Gilfillan whether that includes a component for CPI adjustments or whether the Minister is saying that the real increase this year of 27 per cent will decline in real terms for ratepayers in forthcoming years because it will not take account of CPI adjustments. Will the rates increase because CPI adjustments will be taken into account on the 27 per cent increase? The point was raised with me today and it does not surprise me that there is some confusion amongst ratepayers, as expressed at the meeting. I seek the Minister's clarification.

The Hon. BARBARA WIESE: As I understand the matter, the component of this year's rate increase for Stirling and relating to bushfire claims was of the order of 21.8 per cent. The overall increase for rates this year was of the order of 27 per cent. It would be my view that it will not be necessary for any further increase to be imposed on Stirling ratepayers to cover the costs of claims that the Stirling council will be liable for as a result of cases currently before the courts. Any increases in rates that might be imposed by the council in future years will be based on the normal range of issues that a council will take into account in determining whether or not there should be a rate increase. These would include such things as the consumer price index, increases and other matters relating to a council's work program or the range of services that it may wish to provide for its ratepayers.

WASTE DISPOSAL

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government a question on a medium temperature incinerator at Wingfield.

Leave granted.

The Hon. M.J. ELLIOTT: Disposal of waste is becoming a major problem world-wide. A *Four Corners* program a couple of weeks ago referred to the severe problems now being encountered by the United States. An article entitled 'Packer moves into waste disposal' in the *Business Review Weekly* of 29 January this year stated:

> Early last year, Consolidated Press formed the National Waste Co. Ltd. For four years, Consolidated had held the rights to the Superburn medium temperature industrial waste furnace. In mid-August last year, National Waste contracted to buy out South Australian transport and waste company, Hopkins Waste Liquid Disposal Pty Ltd, which ran an industrial liquid waste plant at Wingfield, north of Adelaide. The Hopkins site contained heavy metal, acidic and chlorinated wastes. It did not have a licence to take these wastes, but some waste truck drivers had keys to enter the site after hours. The South Australian Waste Management Commission became aware of the dumping of toxic waste but there was little it could do immediately because there was no adequate alternative site.

The article further stated that the South Australian ALP convention at one stage recommended that the Government become involved in waste disposal as the site owner and the last paragraph notes that a spokesman for the South Australian Minister of Local Government said that a recommendation would go to Cabinet asking it to rescind its earlier decision to involve the Waste Management Commission in depot ownership. It has been put to me that just as a temptation existed for some drivers to dump non-authorised waste at the Hopkins site, a similar temptation may occur to mix intractable waste with the authorised waste before it reaches the site of the incinerator.

In an earlier answer the Minister assured us that intractable waste would not be burnt in the medium temperature incinerator, but waste disposal firms in the past have been notorious for putting things where they should not go. As an example of what can go wrong, should PCB's, which are highly toxic, find their way into the incinerator and are incompletely burnt, they form an even more dangerous substance known as dioxin. The people in the northern suburbs would not be tickled pink about that! I ask the Minister the following questions:

1. Has Cabinet rescinded its decision to involve the Waste Management Commission in depot ownership?

2. What procedures will be put in place to guarantee that intractable wastes will not find their way into the incinerator?

3. What consideration has been given to the placement of the medium temperature incinerator outside the metropolitan area?

The Hon. BARBARA WIESE: The Government has taken no decision that would prevent the Waste Management Commission owning depots. That matter has not needed to be brought to the Government's attention. In fact, no proposal has been put to the Government (at least during my time as Minister of Local Government) for the Waste Management Commission to take up ownership of a depot. However, there would be nothing to stop it from being so involved if it was considered desirable.

As to the last two questions, I would need to consult with the officers of the Waste Management Commission in order to reply fully to the questions that the honourable member asked. It is my recollection that there has not been a discussion involving the location of a medium temperature incinerator outside the metropolitan area, because the view

was that the areas available within the metropolitan area are perfectly satisfactory and capable of doing the task. However, I will refer those questions to the Waste Management Commission and bring back a more detailed reply.

CITICENTRE ACCOMMODATION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Community Welfare and the Minister of Health a question about the Citicentre accommodation dispute.

Leave granted.

The Hon. J.F. STEFANI: On 26 September 1988 it was reported that Public Service Association members picketed the Citicentre building, preventing occupation of the building by South Australian Health Commission and Department for Community Welfare staff. This was over a dispute involving the Labor Government's own occupational health and safety regulations. As a result, association officials, departmental officers and building and local job representatives proceeded to assess selected work stations in the building.

As a consequence, a working party comprising nine people was established to oversee the application of the Government's office accommodation committee guidelines as they applied to this new office accommodation. My questions to the Minister are:

1. How long has the nine person working party been in operation?

2. How many hours have been expended by the nine public servants involved in this overseeing capacity?

3. When will the project of overseeing the occupation of the building be completed?

4. Will the Minister advise whether the accommodation space in this building is sufficient to consolidate the services in one location and house all staff under the new criteria of office accommodation agreed to by the working party?

5. What additional or alternative office accommodation will be required, and at what additional cost, now that the working party has established new office occupation criteria?

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

STIRLING COUNCIL

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the liability of Stirling council.

Leave granted.

The Hon. PETER DUNN: The Minister in her statement implied that the liability of the Stirling council would be spread across the State in the form of a restriction of grants or a lessening of grants made to other councils in order to pick up the Stirling council loss due to its fires. If spreading that debt across the State means fewer grants to other councils, how will they pick up the funding for sealing and maintaining—even just the clearing—of roads? I received a letter containing photographs showing what has happened to some roads in my own area because of the disastrous conditions last Monday, and extra grants will be needed to clear those roads.

How will that be funded if, in turn, the grants are lessened because the Minister and the Government seem to have ducked their responsibility? How will the councils cover those grant losses, and will they have to increase their premiums? Has the Minister looked at what increases there will be on insurance premiums now that local government will have to cover itself for its own liability, as appears from the Minister's statement?

The Hon. BARBARA WIESE: If I can take first the last question, concerning insurance, the fact is that councils have always been responsible for covering the cost of premiums for their own public liability insurance. What has emerged from the Stirling council situation and the dire situation that has developed from the disastrous Ash Wednesday bushfire claims is a realisation by local government across the State—and not only across the State but also across the nation—that a huge number of councils in South Australia do not have adequate public liability insurance to cover potential accident or disaster that may happen to them at some stage.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Just listen to the reply and you will find that you are so wrong that it does not matter. The fact of the matter is that last year, because of my concern about the Stirling council situation, I raised the question of public liability insurance for local government at a Local Government Ministers' conference, and all Ministers around Australia agreed with me that there was a very serious problem to be addressed. We therefore established a study which has looked at the question of public liability insurance and has recommended a range of initiatives which could be taken and which would assist councils in this area in future. One measure is the establishment of a public liability insurance scheme that would enable councils around the State, and possibly nationally, to pool their resources and create an insurance scheme.

The Local Government Association in this State, to its credit, has taken up this matter. It is well in advance of any other State LGA in determining what would be suitable for South Australia, and we support fully its efforts in attempting to put together an appropriate scheme and will do whatever we can to facilitate it. The fact is that the scheme that is currently being proposed by the LGA—

Members interjecting:

The Hon. BARBARA WIESE: Ms President, do I have to put up with this?

The PRESIDENT: I was about to call the Hon. Mr Dunn to order.

The Hon. BARBARA WIESE: The fact of the matter is that the scheme that is being proposed by the LGA would allow for quite significant insurance coverage to the tune of approximately $25 million to be available to councils in this State at no additional premium cost whatsoever for South Australian councils. That is what the LGA's own consultants and insurance advisers have told them. That is a matter which we will verify for ourselves when we are being asked to participate in making such a scheme work and in allowing it to be established.

If that is so, it means that the situation of councils in this State will be considerably enhanced and, if any council in the State wished to have insurance cover over and above that which could be provided through such an insurance scheme, it would be at liberty to take out additional cover in order to protect it in whatever circumstances it felt it needed such protection. This is one of the positive things for the Stirling council that has come out of this disaster, because it will lead to the establishment of an effective insurance scheme for all local government authorities in South Australia if not nationally.

RACING ACT AMENDMENT BILL (No. 2)

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

This Bill proposes amendments to the Racing Act 1976 that are designed to give effect to those recommendations in the Report of the Committee of Inquiry into the Racing Industry accepted by the Government. It also proposes to amend various sections of the Act, which specify penalties, to conform with the Mitchell committee recommendations on penalties. The amendments proposed are as follows:

First, that the Act be amended in order to specify that the controlling bodies of the three codes be responsible for liaising with Government and statutory authorities, forward financial planning, and for the general promotion and marketing strategies of the code.

Secondly, that a Racing Appeals Tribunal be established to hear appeals from all codes. At present only the trotting and greyhound racing codes have an independent appeals tribunal. The South Australian Jockey Club hears appeals against decisions of the stewards. It is essential that a review of their decisions is carried out in a forum untainted by the appearance of partiality. The existing system is an anachronism and can never have the appearance of dispensing justice. The Government has consulted closely with the codes on this matter, and has reached agreement with them regarding the establishment and operation of such a tribunal.

Thirdly, to change the title of the Trotting Control Board and the term 'trotting' to Harness Racing Board and 'harness racing' respectively. This variation will bring the code in line with the title and term being used nationally and in other countries.

Fourthly, that the word 'Control' be deleted from the title Greyhound Racing Control Board, because it is outdated and would improve the image of the code. Trotting has also had the word 'Control' deleted from its title.

Fifthly, to change the title of the Betting Control Board to Bookmakers Licensing Board. When the Betting Control Board was first established, it did control all betting. That is no longer the case, and the title is now a misnomer.

Sixthly, that it be mandatory for the Betting Control Board to have regard primarily to the interests of the racing industry, when deciding to grant or renew a licence. This would enable the Betting Control Board to consider the servicing of the ring as the over-riding factor when deciding licence renewals.

Finally, to allow the Betting Control Board to fine bookmakers as a disciplinary measure in addition to cancelling bookmaking licences and permits. The committee of inquiry was of the opinion that there would be some situations that are met more adequately by a fine rather than more drastic measures.

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 section 5 of the principal Act which contains definitions of terms used in the Act, The amendments are all consequential to amendments made by subsequent clauses of the measure.

Clause 4 inserts a new section 7a relating to the duties and functions of the committee of the South Australian Jockey Club as the controlling authority for horse racing. Under the proposed new section, the committee has the functions of developing and implementing plans and strategies for the management of the financial affairs of the horse racing code and for promotion and marketing in respect of the code. The committee is required under the section, in performing its functions and exercising its powers under the Act, to consult with the Minister.

Clauses 6, 7 and 8 make amendments either changing the name of the Trotting Control Board to the South Australian Harness Racing Board or changing references to trotting to references to harness racing.

Clause 9 amends section 16 of the principal Act relating to the functions of the Harness Racing Board. Under the amendments, the board has, in relation to harness racing, the same financial planning and promotion and marketing functions as those provided by clause 4 for the South Australian Jockey Club, and the same duty to consult.

Clause 10 is a consequential amendment only.

Clause 11 repeals section 23 which provides for the appointment of appeal committees for harness racing. The repeal is consequential to the amendments made by clause 18 providing for a Racing Appeals Tribunal.

Clause 12 is a consequential amendment only.

Clauses 13 and 14 change the name of the Greyhound Racing Control Board to the South Australian Greyhound Racing Board.

Clause 15 amends section 33 of the principal Act relating to the functions of the Greyhound Racing Board. The clause makes amendments corresponding to those made by clauses 4 and 9 for the controlling authorities for the other codes.

Clause 16 repeals section 40 which provides for the appointment of appeals committees for greyhound racing.

Clause 17 makes an amendment consequential to the establishment of a Racing Appeals Tribunal.

Clause 18 inserts a new Part IIA providing for a Racing Appeals Tribunal. Proposed new section 41a provides definitions of terms used in the new Part.

Proposed new section 41b provides for the establishment of a Racing Appeals Tribunal to consist of a President and one or more Deputy Presidents and panels of assessors for the three codes of racing.

Proposed new section 41c provides that for the purposes of hearing an appeal the Tribunal is to be constituted of the President or a Deputy President and two assessors from the panel for the code to which the appeal relates. Under the section, the tribunal, separately constituted, may sit simultaneously hear separate appeals.

Proposed new section 41d provides for appointment of the members of the tribunal and the term and conditions of office as a member of the tribunal. Under the section, the President and Deputy Presidents must be legal practitioners of not less than seven years standing and the panels of assessors for each code must comprise persons with knowledge and experience of that code. Proposed new section 41e protects members of the tribunal from personal liability.

Proposed new section 41f provides for appointment of an officer of the Public Service as Registrar of the tribunal.

Proposed new section 41g defines the jurisdiction of the tribunal. Under the section, the tribunal may hear an appeal against—

(a) a decision made under the rules of the controlling authority for a code of racing—

(i) disqualifying or suspending a person from participating in that code in any particular capacity, or

(ii) imposing a fine greater than the amount prescribed by the Minister by rules under this Part;

(b) a decision made under the rules of the controlling authority for a code of racing disqualifying or suspending a horse or greyhound from participating in that code (but only when made in conjunction with a decision referred to in paragraph *(a)*; or

(c) a decision of a controlling authority or registered racing club requiring a person not to enter a racecourse or training track.

Proposed new section 41h empowers the Minister to make rules relating to appeals to the tribunal. Proposed new section 41i makes provision for various matters relating to proceedings on appeal to the tribunal. Under the section each appellant must lodge with the Registrar as a bond a prescribed amount which may not be refunded unless the appeal is allowed in whole or in part or the appellant satisfies the tribunal that the appeal was instituted genuinely on reasonable grounds and not for the purpose of delay. Appeals are to be by way of rehearing upon the evidence at the original hearing, but the tribunal is authorised to receive fresh evidence.

Proposed new section 41j provides for the powers of the tribunal to summons witnesses, documents, etc., to require answers by witnesses and to administer oaths.

Proposed new section 41k requires the President or Deputy President presiding on an appeal to decide all questions arising on the appeal but allows advice and assistance to be obtained from the assessors sitting on the appeal.

Proposed new section 41*l* provides that the tribunal is to act according to equity, good conscience and the substantial merits of the case and is not bound by the rules of evidence.

Proposed new section 41*m* provides for the decisions and orders that may be made on determination of an appeal.

Proposed new section 41*n* provides that a decision of the tribunal is final and binding on the persons and bodies affected.

Clauses 19 and 20 make consequential amendments only.

Clauses 21, 22 and 23 make amendments changing the name of the Betting Control Board to the Bookmakers Licensing Board.

Clauses 24 and 25 insert new provisions to the effect the Bookmakers Licensing Board must have as its primary consideration, in determining applications for bookmakers' licences or renewal of such licences, the interests of the racing industry.

Clause 26 inserts a new section 104a empowering the board to impose a fine not exceeding $5 000 on the holder of a licence if of the opinion that the licensee should be disciplined but that cancellation or suspension of the licence would not be warranted or appropriate in the circumstances.

Clauses 27 to 31 all make amendments consequential to the various name changes proposed by previous clauses.

The schedule to the measure converts all penalties for offences against the Act to the new divisional penalties established under the Acts Interpretation Act. Apart from those penalties amended by the Racing Act Amendment Act 1988, all monetary penalties (which have not been altered since the Act was enacted in 1976) are doubled.

The Hon. J.C. IRWIN secured the adjournment of the debate.

LOCAL PUBLIC ABATTOIRS ACT REPEAL 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 repeal the Local Public Abattoirs Act 1911. Prior to the enactment of the Meat Hygiene Act 1980, it was the practice of local government to own and operate service abattoirs for local farmers and butchers. At one time or another Whyalla, Port Augusta, Port Pirie and Port MacDonnell operated such abattoirs. In order to do this they needed a legislative framework, hence the Local Public Abattoirs Act 1911, formerly known as the Abattoirs Act.

Following the report of the Joint Committee on Meat Hygiene legislation, the Meat Hygiene Act was enacted in 1980. As a result of this Act, the Local Public Abattoirs Act was no longer needed and many provisions of the Act were repealed at the same time as certain provisions of the Meat Hygiene Act were brought into operation.

However, before all sections of the Meat Hygiene Act could be brought into operation, it was necessary to prepare regulations dealing with the licensing, construction and hygiene of abattoirs. While this was being done, parts of the Local Public Abattoirs Act had to be kept in force.

In February 1981, the meat hygiene regulations and all sections of the Meat Hygiene Act were brought into operation. On this event the Local Public Abattoirs Act and its regulations became redundant. By that time only one abattoir board, Port Pirie, was left. Shortly afterwards the abattoir was sold to the lessee.

There are now no abattoirs run by local government, but even if in the future local government should seek to re-enter the abattoir business no specific legislation would be required. The Local Public Abattoirs Act 1911 has served its purpose and should be repealed.

Clause 1 is formal.

Clause 2 repeals the Local Public Abattoirs Act 1911.

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

ADOPTION BILL

In Committee.

(Continued from 9 November. Page 1371.)

Clause 4—'Interpretation'—which the Hon. Diana Laidlaw had moved to amend as follows:

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

The Hon. DIANA LAIDLAW: Last Wednesday I moved to amend this clause in order to restrict the eligibility to adopt to those couples who have been legally married for five years. That debate came to a rather abrupt end when we learnt that the Democrats would not participate in normal procedures in this Chamber. Publicity (and the issue has attracted much attention) has suggested that if the Liberal Party had not insisted on calling for a division on the legislation the Bill would have proceeded through on the day and time which we had all anticipated and that was

last Wednesday. I want to make it quite clear that the Liberal Party has consistently viewed this matter most seriously.

For some two years now, since first releasing our position paper on this subject, we have indicated that we believed that this issue was important. The two Liberal Party representatives on the select committee did not agree with the decision. We called for a division on the amendment in the other place and we certainly intended to call for a division on the same amendment when the Bill came before the Council. I did not mean to suggest that, if we lost the division relating to that amendment, we would oppose the Bill. However, since last Wednesday, I do not recall receiving as many phone calls in support of the Liberal Party's amendment, other than perhaps relating to issues such as abortion which we debated earlier this year.

I am pleased that, perhaps in some respects, this unforeseen stalling of the Bill gave the Liberal Party more opportunity to publicise its position. I repeat that the Liberal Party did not intend to be pressured by actions on the part of the Democrats, for whatever reason, into not moving an amendment relating to a principle about which we felt most strongly.

The Hon. CAROLYN PICKLES: I oppose the amendment moved by the Hon. Ms Laidlaw. In moving the amendment, the Hon. Ms Laidlaw claimed that today marriage is the most permanent family situation for a couple. Her interpretation rests on information from a recent Institute of Family Studies survey. However, her interpretation is somewhat flawed. The cited evidence does not say anything about the length of time of such relationships. The survey quoted in the magazine *The Institute of Family Studies* states that, in cases where a woman was in a *de facto* relationship at the time of the birth of a child, about 20 per cent of these relationships had ended by the time the child was only 18 months old. However, this survey revealed nothing about the length of the relationship prior to the conception and birth of the child, and we believe that would be a very important statistic to note.

The Bill allows for a couple living in a stable *de facto* relationship to be eligible to adopt a child on the same basis as a legally married couple. All couples must have been living in a stable domestic relationship for at least five years. Surely, two people who have been living together for at least five years, even if they are not legally married, have made a real commitment to the relationship and are capable of providing a child with a permanent, caring and stable environment. We cannot assume that, simply because a couple do not have a legal marriage document, they lack commitment, or that the relationship will not be a permanent one; nor does marriage guarantee permanence.

Estimates from the Australian Institute of Family Studies indicate that 30 per cent to 33 per cent of marriages which took place in the mid 1970s will end in divorce. That is a very high statistic indeed. One-third of marriages which took place in the 1970s will end in divorce. It should also be noted that couples cohabiting in *de facto* relationships cannot avoid legal rights and obligations by not marrying. In most legal and financial aspects of our society *de facto* relationships are equated with legal marriage relationships.

The Hon. Ms Laidlaw also stated that, by including *de facto* couples as prospective adoptive parents, this would extend the already lengthy waiting list. Surely this is not an issue which should be reduced to a case of supply and demand. What we are talking about in this Bill is the best interests of the child, and that has nothing to do with the number of parents who want to adopt.

The interests of the child are best served by considering the quality and stability of the relationship of the prospective adoptive parents. This has been specified in the Bill as being a period of at least five years. Of course, there is no guarantee that any relationship will be ongoing, even if it has been maintained for five years. Even the happiest of marriages that set out positively can often end quite tragically in divorce with unfortunate consequences for the children.

I assume that the Hon. Mr Lucas will either be voting against these amendments, or moving a further amendment because, during the passage of the Reproductive Technology Bill in November last year, he moved an amendment to include people who are not married but who are cohabiting as husband and wife and who have cohabited continuously as husband and wife for the immediately preceding five years. The amendment related to the criteria for access to the IVF program. I fail to see the difference between the criteria to be adoptive parents and the criteria to become parents as a result of IVF procedures. In both situations we are talking about the interests of the child, and those interests would be the same in both cases.

I am interested in what the Hon. Mr Gilfillan will do in relation to this Bill. Mr Gilfillan opposed the amendment to the Reproductive Technology Bill moved by the Hon. Mr Lucas. Therefore, despite the assertions by the Australian Democrats that the honourable member will support the Government on this issue, we are never quite sure what his Party will do until they actually cross the floor, one way or another, as I hope they will do today without any undue delay. I oppose the amendment.

The Hon. BARBARA WIESE: The Government opposes this amendment. There are very good reasons for doing so and most of them have been encapsulated very well by both the Hon. Ms Pickles and the Hon. Mr Bruce in the contributions that they have made here, both today and last week when this matter was last before the Committee.

However, there are a couple of issues, following the comments that have been made by the Hon. Ms Pickles, that I would also like to draw to the attention of the Committee. In particular, I refer to comments in relation to studies that have been undertaken, or reported, by the Institute of Family Studies because it is an influential and authoritative body. In many instances the research carried out by that organisation has quite a significant impact on parliamentarians and members of the public in helping to shape community attitudes.

When introducing the amendments, the Hon. Ms Laidlaw quoted from Dr Edgar of the Institute of Family Studies concerning *de facto* relationships and their alleged instability. Ms Laidlaw's interpretation of Dr Edgar's information and comments is dubious, to say the least. First, by comparing the break-up rate of *de facto* couples 18 months after the birth of the first child and the break-up rate of married couples after five years, statistically speaking, Ms Laidlaw is comparing apples with oranges. One would first need to know how long the couples had been together prior to the birth of the child. If it was five years, then the break-up rate in relation to both groups would be similar—20 per cent for *de facto* couples and 17 per cent for married couples in the five to 10 year category.

In addition, the Adoption Bill requires couples to have been together for five years. The Hon. Ms Laidlaw would need to demonstrate that after five years in a stable relationship the risk of break-up is any greater than for a married couple. We are discussing a different group of couples: those who are prepared to make a lifelong commitment to a child—and that is a very different group from

the sample from which Dr Edgar's comments have been drawn. There is no doubt that many *de facto* relationships are entered into temporarily and that many such couples eventually either marry or separate.

However, in research commissioned for the Institute of Family Studies in 1982, Dr Sarantarcus indicated that there are two distinct groups of couples in *de facto* relationships: those who see the arrangement as temporary and intend to marry and those who have no intention of marrying but, nevertheless, have a strong and permanent commitment to the relationship. This Bill requires that couples applying to adopt a child be in a stable relationship of at least five years duration. The stability and commitment of that relationship can only be a matter of assessment made to the best of our professional ability for both married and *de facto* couples.

The argument that a couple choosing not to marry are any less committed to one another is not a valid one in our current society. People have all sorts of reasons for not marrying, many of which are not related to lack of commitment. A marriage certificate in itself is by no means a measure of commitment to a relationship. Surely one measure of commitment is the willingness to undertake the lifelong responsibility of adopting a child. It is important to pause and think about that because, it seems to me, that it is an extraordinarily important aspect. People upon whom we are sitting in judgment in this place are making a decision about a lifelong commitment to care for a child.

Adoption is about finding the best families for children who, for whatever reason, are unable to remain with the family into which they were born. Adoption arrangements are intended to be permanent. Unlike the Hon. Ms Laidlaw's assertions that the Government contradicts itself with its permanent placement principles, the Government does not accept that children placed with couples with at least five years of a stable relationship behind them are at any greater risk of placement break-down. Adoption is not about waiting lists for children or meeting the demand for a child. The fact that fewer babies are now available is a red herring in this argument and should not be introduced.

Since last week further inquiries have been made of the Institute of Family Studies concerning the question of *de facto* couples. The institute has now advised the Government that there is no evidence to suggest that couples in *de facto* relationships for five years would have any less stability than those legally married for five years based on that factor alone and, further, based on available research data.

A number of papers have been supplied by the institute. Two of those papers were written by a research fellow of the graduate program in demography at the Australian National University. The author states:

> The relationship between unmarried partners is not very different from that between legally married spouses. Both unmarried and married partners express happiness and satisfaction with their partners and their relationships, face similar pressures and have similar hopes about their futures.

The second quote that I think is relevant here is as follows:

> *De facto* partners with children and married partners with children did not differ in their expected family size. *De facto* partner's responses in the survey about children and families also indicated that they valued children as much as married partners. Many said that they loved children and that having children had brought them and their partners closer together. Thus ... there appeared to be little difference between *de facto* and married partners in their attitudes towards children.

That is the basis on which we should make judgments on this question whether or not a provision such as has been moved by the Hon. Ms Laidlaw should be included. Just as members of the Liberal Party hold very strong moral convictions that it is important for people to be legally married before they should adopt children, there is also a very strong moral conviction amongst a very large section of our community that it should not be necessary for people to hold a marriage certificate in order for them to have the capacity to adopt children. It seems to me that in this day and age, when these matters are largely accepted by the community (as has been indicated by the passage of legislation in this place relating to other issues), we should also accept the same right for people in such relationships to apply under the provisions of this Bill. We should respect the rights of *de facto* couples to adopt children, just as we respect the rights of legally married people to adopt children. I strongly—

Members interjecting:

The CHAIRPERSON: Order!

The Hon. BARBARA WIESE: I strongly oppose the amendment.

Members interjecting:

The CHAIRPERSON: Order! There is no limitation on the number of times members can speak in Committee. I would ask members to keep their comments until they have received the call.

The Hon. M.J. ELLIOTT: There is always the capacity for people to quote a particular set of figures and interpret them in a particular way. That is the way of statistics. What is important is that what we are talking about here is a couple who may be married or may have cohabited for five years, and who have made a very significant decision to adopt a child. At that point what is most important is that an assessment be made by those who determine who adopts, as to whether or not this particular couple is the most suitable, and can offer the best home in which the child can grow up. I think that in reality few *de facto* couples will adopt, but should they make the application and should they offer the best home available then of course they should be the ones who are offered the child for adoption. We can forget the statistics. They can be manipulated. The amendment is not warranted if one faces the facts.

The Hon. G.L. BRUCE: I also oppose the amendment. I opposed it in my second reading speech and I oppose it now. I can understand what the Hon. Ms Laidlaw is on about. I believe that a public commitment to a marriage or a partner is a strong commitment and it should put an extra bind, if you like, on the relationship. Unfortunately, however, in the times in which we live, that often puts an undue pressure on the relationship. I take as an example the case of a *de facto* couple living together. It is easier for a woman to maintain her independence in a *de facto* relationship than in a marriage. If she is working, bringing in money and has a commitment to a home there is a mutual respect and regard which means that, while the people have not bound themselves, they have a freer relationship as a result of the job and the money.

Possibly there is a balance as a result of a better financial structure in a *de facto* relationship than often occurs in a marriage, to the extent that the wife works. I say 'wife' advisedly because the community still believes in the concept of the husband as a breadwinner. I do not go along with that concept, because I believe that there should be equality in marriage, but I know that some of the people I mix with believe in the concept of the man as the breadwinner. Perhaps in *de facto* relationships the job security of the wife is an advantage. So in turn a stable home can be built up, the partners knowing that it is based on mutual respect and respect for the earning capacity of one another.

I take Mr Elliott's point and I go back to the Bill on page 3—I believe that the general principle covers everything. 'In all proceedings under this Act, the welfare of the child to whom the proceedings relate, must be regarded as of

paramount consideration.' Surely, the investigation of those couples, their relationship, their financial aspects and everything that is relevant must be taken into consideration for the purposes of an adoption application. The bottom line is, what is best for the child, not what is best for the people who are wanting to have a child to maybe satisfy egos or because the woman has not been able to conceive and says, 'This is doing something to me, I need a child to fulfil me.' The bottom line is, is this a stable proper home into which a child can be brought? I believe that the saving factor, the general principle, covers all of that.

I understand what honourable members are saying about the commitment of a marriage and a relationship. It is a public commitment and it should be binding but we have heard the Hon. Carolyn Pickles say that at least 30 per cent or 40 per cent of marriages end in divorce, and that is a huge proportion. I pick up the *Advertiser* every day and read headlines like 'Marriage no longer a way of life for Western civilisation'. The pendulum swings the pendulum swings and I do not doubt for a moment, in a few years time, considering the way society is going, that the pendulum will swing back to the commitment of marriage, but I do not see why a child should be denied the right to be raised in a stable home whether it is a *de facto* or a married relationship. I believe that the factor to be considered is what sort of home the child is being taken into. There are plenty of married couples' homes into which I would not take a dog; there are fights, arguments and hassles all the time. Plenty of *de facto* relationships fall into the same category, but the bottom line is, what is best for the child? I understand what some members are saying about marriage. Do not think that I do not recognise the sanctity of marriage; I have a strong commitment to it, but I believe that there is room to manoeuvre in this matter.

I also said in my second reading speech that we will have the functions of a panel who can monitor the situation. Some members say it will be a tame tooth panel which will not do anything, just sit there and not meet. I would think that they would be falling down on their obligations if they do not meet and if they do not consider and make recommendations if they see things are going wrong. So there is a double safeguard: the functions of the panel and the general principle looking after the welfare of the child. I oppose the amendment on those grounds.

The Hon. K.T. GRIFFIN: I agree with the comment of the Hon. Mr Bruce that the interests of the child are paramount. But he does not pursue that to its logical conclusion. He looks at it only in the sense of the stability of the relationship at the time of the adoption; he does not look ahead to the point where there may be a break-up of the relationship. In a *de facto* relationship there are no laws which govern the way in which the parties are to relate to each other when that *de facto* relationship breaks up. When there is a marriage, there are very well defined legal bases for determining this relationship.

The Hon. G.L. Bruce: Don't they apply the same to a *de facto* relationship?

The Hon. K.T. GRIFFIN: They don't; the Marriage Act applies to marriages.

The Hon. G.L. Bruce: Are you saying there is no right to property or anything in a *de facto* relationship?

The Hon. K.T. GRIFFIN: There are many fewer legal requirements relating to the distribution of property, maintenance and those sorts of things which apply in relation to a *de facto* relationship than apply to a married relationship. The fact is that as the Hon. Diana Laidlaw has indicated—

The Hon. Carolyn Pickles: Do you want to change the law?

The Hon. K.T. GRIFFIN: I do not want to change the law; what I have said over the past five years since you have been pushing for making *de facto* relationships the same as for marriage—you want an A class licence or a B class licence, an A class marriage or a B class marriage. What you are pushing for is equality between *de facto* and marriage relationships in the way in which the Act applies to them. If you want to do that, come out publicly and say it but do not hide behind this basis of what is and what is not stable. The fact is that the Marriage Act governs the relationship between couples who make a legally binding commitment to each other and accept that if there is to be a break-up in the future, if one is to die and the other has some concerns about property, then certain legal obligations will follow. With respect to *de facto* relationships, let us acknowledge them for what they are. They may be stable relationships but the law does not govern the way in which they are to relate to each other; the way in which their properties are to be distributed when they break up.

The fact is that in terms of adoption, there are already a grossly inadequate number of children who are the subject of adoption and it is my view that the interests of the child in the longer term require that we address not only the question of stability of relationship at the time when the request for adoption is made and the order for adoption is made, but also what is likely to happen to the child in the future if the relationship ceases to be stable.

The only major report on this issue of *de facto* relationships was carried out in New South Wales. My colleague, the Hon. Diana Laidlaw, has referred to that report in her address on the second reading. That major New South Wales report very strongly rejected the proposition that, so far as adoption is concerned, a *de facto* couple should be able to adopt children.

I make one other comment; that the Minister has stated that we ought to respect the fact that other legislation has been passed by this Parliament and therefore is the law and is accepted by the community. The fact that legislation passes this Council does not mean that every member of the Council has agreed with it, nor does it mean that the majority of the community support it. All it means is that the Government has got the numbers in the Lower House with an electoral system which requires it to get less votes on a two-Party preferred basis than the Liberal Party and it means that in the Legislative Council, where there is proportional representatation, the Australian Democrats, who sit on the cross benches, because of the way in which they have interpreted their role, are largely there to ensure that the Government legislation passes.

That does not mean that the majority of the community supports legislation which passes this Council and I would suggest that if you took a public opinion poll (which seems to attract the Premier on so many occasions and also the Prime Minister), you would find that on the issue of adoption there would be a substantial majority of the community who would be opposed to *de facto* couples being able to be considered for adoption purposes and actually being able to adopt children. I suggest that there is a very strong element of fallacy in the arguments put by the Minister as to why we should support this proposition.

The Hon. J.C. BURDETT: I support the amendment. The Hon. Mr Elliott referred to the fact that statistics can be interpreted either way and that we can use the figures any way we like. I am not going to argue with that. I rely on this basis, that as the Hon. Mr Bruce said, the paramount consideration is the welfare of the child, not of the parents and not morality. But in my view there is much more chance that the welfare of the child will be better served by

a couple who have made a lifelong commitment to each other and I fail to see how, if the prospective adoptive parents have not made a lifelong commitment to each other, how they can be expected to make a lifetime commitment to the child, one that is likely to be stable. It is certainly true that many marriages break up and that there may be many *de facto* relationships which are in fact stable. But if the prospective adoptive parents are not prepared to make a lifelong commitment to each other, how can it be expected that they are the most likely parents to be able to support the child for life.

The Hon. Mr Griffin has referred to the very small number of children in this State who are available for adoption. That small number can nowhere near fulfil the needs, if that is the appropriate term, of childless married couples, those couples who cannot have children and who want to adopt children. While I support the position that it is the interests of the child that are paramount, not those of the prospective adopting parents, I cannot conceive that there would not be plenty of married couples, who have made a lifelong commitment to each other, to take up—and probably many times over—the number of children who are available for adoption. For those reasons, I support the Hon. Ms Laidlaw's amendment.

The Hon. CAROLYN PICKLES: It is somewhat amazing to hear members opposite cast a slur upon such an enormous number of people in our State who are living in a happy *de facto* relationship, and also upon their children.

The Hon. Diana Laidlaw: Don't distort what we have said.

The CHAIRPERSON: Order!

The Hon. CAROLYN PICKLES: I know many, many people who have made a lifelong commitment to each other but who are not married in the legal sense of the word. I do not know what marriage actually means these days. It no longer does mean—

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: The Hon. Miss Laidlaw would not know much about marriage.

The Hon. Diana Laidlaw interjecting:

The CHAIRPERSON: Order! I call the two members to order. All comments will be addressed through the Chair.

The Hon. L.H. DAVIS: On a point of order, Ms Chair: I would ask for a withdrawal of the remark made by the Hon. Ms Pickles. I think it reflected unfairly on the Hon. Ms Laidlaw, and I ask her to withdraw it and apologise.

The Hon. CAROLYN PICKLES: Ms Chair, I withdraw the remark. But it is a difficult situation for me to stand up here in this Chamber, and to listen to the debate, because I, too, have lived in a *de facto* relationship—and I am not ashamed to admit it. My *de facto* relationship subsequently ended in marriage, as most *de facto* relationships do. It is certainly one that involves a longstanding commitment. I resent the remarks of the members opposite, who cast aspersions upon people and, in fact, imply that they are not suitable people to bring up children. We obviously have to look at what is in the best interests of a child. I think here we have forgotten the very oldfashioned four-letter word—which is love. People who live in *de facto* relationships love one another, care for one another, make a lifelong commitment to one another, and stay together for the rest of their lives—as do some married couples, but by no means all of them.

There are no guarantees in this life that people can live together forever, happily, and, in fact, some horrific relationships can occur in marriage. There are people who consistently beat up their wives and, to be even-handed about this, there are women who consistently cheat on their husbands. I know, personally, people living in *de facto* relationships who make very good parents, and had they not been able to have children naturally I would see no reason at all for them not to be able to adopt a child. The fact that a piece of paper suddenly makes a person a fit person to have a child, I think today is outdated.

The Hon. G.L. BRUCE: I listened with great interest to the Hon. Mr Griffin's remarks. In her reply I would like the Minister to tell me what the legal difference is between a *de facto* relationship, in the settlement of property or anything, and a marriage relationship. I am not clear on this and I would be happy to be advised by the Minister on the matter of the legal situation pertaining to the break-up of a *de facto* relationship as opposed to a married couple. It has always been my understanding—although in my case it has never had to be put to the test—that a *de facto* relationship involves claims, under South Australian law, that people can claim that they have contributed to the purchase of a house and furniture, and so on. It is my understanding that being a *de facto* does not deny one the right of a legal claim on property and the management of that property. I would like the Minister to clear up this matter in her reply.

The Hon. PETER DUNN: I wonder at the Hon. Carolyn Pickles's disparaging remarks about *de facto* relationships. Members on this side of the Chamber have not said anything like that, we have not passed any aspersions on *de facto* relationships. Likewise, I do not think the Hon. Ms Pickles' remarks about married people was very clever. If, after five years, two people are not prepared to make a commitment to marriage, if they are not prepared to say that they are willing to join in marriage and to love each other for the rest of their lives—

The Hon. Carolyn Pickles interjecting:

The Hon. PETER DUNN: —or for a long period, how in the world can those people make a commitment in relation to bringing up a child to the best of their ability? I think it is a very hard argument. For instance, why did the Hon. Ms Pickles get married? It was because she wanted to make a commitment to the other person. I think the same argument could apply to bringing up children; they have every right to be brought up in the best manner possible and with every possible amount of love. For people who are not prepared to marry, why is that the case? What is so terrible about it? It is still the most popular thing that is done in this State. It is a very popular way of living together, being married, I might add. I believe that the Hon. Ms Pickles' remarks about the Hon. Ms Laidlaw were very badly misplaced. At this stage the Hon. Ms Laidlaw has chosen not to get married, and one of these days she may.

The Hon. CAROLYN PICKLES: On a point of order, Ms Chair: I did apologise for those remarks, and I withdrew them. I would ask the honourable member to do the same.

The CHAIRPERSON: The Hon. Mr Dunn has been asked to withdraw his remarks.

The Hon. PETER DUNN: Well, Madam Chairman, I don't think I have made any disparaging remarks about the Hon. Ms Pickles.

The Hon. Diana Laidlaw: I don't think my marital status has anything to do with this debate!

The Hon. PETER DUNN: I don't believe that the argument has developed to a stage—

Members interjecting:

The CHAIRPERSON: Order! The point was raised that the Hon. Ms Pickles made some remarks regarding the Hon. Ms Laidlaw and, when requested to do so, the Hon. Ms Pickles withdrew those remarks. The Hon. Mr Dunn has now made some remarks regarding the Hon. Ms Pickles

and he has been requested to withdraw those remarks. Will the Hon. Mr Dunn do so?

The Hon. PETER DUNN: Madam Chairman, I will take your advice, and if you ask me to withdraw them—

The CHAIRPERSON: I am not 'Madam Chairman'—I draw the honourable member's attention to that fact.

The Hon. PETER DUNN: And therefore I take your advice and I will withdraw them.

The CHAIRPERSON: Thank you.

The Hon. PETER DUNN: But I am of the opinion that the remarks made about the Hon. Ms Laidlaw were not very well placed.

The CHAIRPERSON: Order! Those remarks have been withdrawn and apologised for. I suggest that they not be referred to again.

The Hon. T. CROTHERS: Madam Chair, I rise on a point of order. I am having some difficulty in following the Hon. Mr Dunn. I wonder, Madam Chair, whether you could just refresh my memory and indicate what gender you are—just so as to clear up the difficulties that I am having in understanding just who is in the Chair.

The CHAIRPERSON: There is no point of order. The Hon. Mr Dunn knows quite well the method of address to me when I am sitting in this Chair.

The Hon. T. CROTHERS: On a further point of order, Ms Chair: the difficulty that I am having—

The Hon. K.T. Griffin interjecting:

The CHAIRPERSON: Order! Before the honourable member takes his further point of order, I wish to respond to the interjection from the Hon. Mr Griffin. There are some people who do address me by my preference, which is to be called Ms; there are others who do not and who use the word 'Madam'. I am prepared to accept either, but it is false to say that Mr Griffin, amongst others, adopts my preferred means of address. I will not accept the word 'Chairman', and I have stated so to all members of this House. When I am sitting in this chair I can be referred to as 'Chairwoman', 'Chairperson' or 'Chair'. My preference is for 'Chair', but I am quite happy to accept any of the other forms of address—but not 'Chairman', seeing I am not male.

The Hon. G.L. BRUCE: My understanding is that the Hon. Mr Dunn has not withdrawn his remarks. I am quite concerned that it has been taken to a personal level in this Chamber. My understanding is—

The Hon. L.H. Davis interjecting:

The Hon. G.L. BRUCE: No, that is right. My understanding is that upon the withdrawal and apology of the Hon. Ms Pickles, that expunged it from the record and it cannot be referred to. I would expect that when the Hon. Mr Dunn was called upon to respond in like manner and withdraw, that it also would be the end of it. It should not be debated to a personal level in this Chamber. I would expect that the point of order that I am raising, that the member withdraw and apologise, be part of the issue.

The CHAIRPERSON: I think that the Hon. Mr Dunn has withdrawn his remarks. I ask that remarks withdrawn be not referred to.

The Hon. PETER DUNN: Madam Chair, I accept your ruling. I withdraw the remarks and apologise to members opposite, who seem to have a hearing difficulty at the moment. I again refer to the fact that if one cannot make a commitment for marriage, it is difficult to understand why they cannot. If I want to drive a motor car, I have to pass a licence test. Ms Pickles I notice is having a fit on the other side of the Chamber. She is having a spasm because of my analogy. We make commitments throughout our lives and we must with something as important as raising children.

I have three children who are grown up and relatively well adjusted. They are the greatest joy of my life. If a couple wishes to raise children and give them a proper upbringing, which is so difficult in today's world, it is not unreasonable to say that that couple ought to be married, as is normal today. It is not normal to live in a *de facto* relationship. I accept that there are many such relationships, for various reasons. However, it is reasonable for us to request that they go through the marriage ceremony and make a commitment to one another in front of many other people that they will love and look after the person that they have chosen to marry. For those reasons I support the amendment.

The Hon. BARBARA WIESE: I hope that we will not spend much longer on this issue as it is very clear that people have fixed positions on it and are not likely to be convinced by any debate that might take place in this Chamber on the pros and cons of the matter. I will address a few points in winding up the debate on the issue before we vote. A reference was made by the Hon. Mr Burdett to the inadequate number of children available for adoption, or whether or not *de facto* couples should be eligible to apply for adoption. I repeat the point that I made earlier that this is not a matter that ought to be discussed in this context. What we are discussing here is not the rights of parents, whether they be married or *de facto* parents, to adopt children in looking at the provisions of the Adoption Bill. We are looking at and should be concentrating upon the rights and interests of the children concerned.

The real issue is whether or not a child will be placed in a stable and nurturing environment. A judgment about whether or not a stable or nurturing environment can be found in a *de facto* relationship or a legal marriage is something to be determined by the people assessing couples and their suitability for adoption. Hopefully, people in the position of assessing a stable relationship will not display prejudice towards those who have chosen a *de facto* relationship any more than one would expect the assessors to show prejudice towards people who have a marriage certificate when the question of adoption is before them.

The Hon. Mr Dunn has talked about the need in his view for people to be married in order to demonstrate their fitness and commitment to children as well as a capacity to bring up children. Without going through the arguments again, I remind him that they are his values upon which he bases his views and his life. Other people in our community legitimately hold a different view about relationships and what constitutes a satisfactory and reasonable way of living. As parliamentarians we should respect the rights of those people in our community just as we respect the rights of people who choose to marry. There is no way of changing the Hon. Mr Dunn's position on this matter, I presume. I simply ask him to accept that other people have a different set of values and their rights ought to be respected.

The Hon. Mr Bruce raised a point relating to the adopted children of *de facto* couples, should the couple part. It is my understanding that, with respect to such issues as property settlement in the case of a marriage break-up, the principles of the Commonwealth and State laws would apply by way of common law. Under the Administration and Probate Act, which is State legislation, matters relating to inheritance or succession would include the children of *de facto* couples. More importantly, under amendments to the Commonwealth Family Law Act which have been in effect since April of this year, adopted children in *de facto* relationships would be treated in exactly the same way as

children of married couples or adopted children of married couples.

This has been in law since April this year, so there should be no concern in the future about the rights of adopted children of *de facto* couples should this Bill pass in its current form. I encourage the Committee to oppose the amendment and support the Government's legislation as it stands.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw (teller), R.J. Ritson, and J.F. Stefani.

Noes (10)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Pair—Aye—The Hon. R.I. Lucas. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. DIANA LAIDLAW: In respect of subclause (2) and the insertion of the definition of 'Aboriginal', the Liberal Party had called for this when the Bill was introduced last October, and I am very heartened to see that, as a result of the select committee, we now have the definition of 'Aboriginal'. It is our view that there are very important provisions in this Bill relating to the adoption of Aboriginal children. I was a little alarmed about the contributions of some members in the other place in respect of those aspects of the Bill, and I have since informed them that it was the Liberal Party which called for them in this place and that Liberal Party members of the Committee supported them strongly.

Clause passed.

Clause 5 passed.

Clause 6—'Functions of panel.'

The Hon. DIANA LAIDLAW: When the Liberal Party was undertaking discussions on the reform of adoption policy and practice in South Australia, we spoke with members of the panel. They had not been asked by the Government to be involved in the review of the laws and took some exception to that, especially as one of their functions under clause 6 (1) *(a)* is:

to make recommendations to the Minister generally on matters relating to the adoption of children;

Also, under clause 6 (1) *(e)* they have the following responsibility:

to undertake such other functions as may be assigned to the panel by regulation.

There is also a whole range of other matters of which the Minister could quite easily have asked the advice of the panel in relation to review of policy and practice. It had not been asked to do that, and it had not met for some considerable time. The Hon. Mr Bruce, in his contributions in respect of our amendments on *de facto* relationships, talked about the panel meeting to discuss a range of those issues. I seek clarification on how many times the panel has met in the past year or so, and whether it is the intention of the Minister that it will meet more regularly than I understand, has been the practice in the past, particularly as, according to the Minister's own second reading explanation, so much of this legislation will be left to administrative procedure plus regulation.

The Hon. BARBARA WIESE: The panel was consulted prior to the drafting of this Bill, and met twice to give its views on the drafting of the Bill that came before Parliament in 1987. It has not been considered appropriate for the panel to meet while the select committee was meeting and hearing evidence and, subsequently, making its own recommendations to Parliament, and while the new Bill, which has been based on the recommendations of the select committee, was in the process of being brought before the Parliament. As I indicated, the panel was consulted on the drafting of the original legislation, and the Chairperson of that panel was on the original adoption review committee which was appointed by the previous Minister of Community Welfare.

Regarding the preparation of regulations that will flow from the passage of this legislation, most certainly, the panel will be consulted in the drafting.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'No adoption order unless preferable to guardianship in certain circumstances.'

The Hon. DIANA LAIDLAW: In debate on clause 4 the Minister commented on recent changes to the Family Law Act which was amended in April this year to incorporate guardianship options. It was of some considerable concern to the Liberal Party that, if this Bill were passed in the form proposed in October last year, it would hardly be possible to advocate guardianship options in preference to adoption if those changes had not been made to the Family Law Act, so it is heartening to see that the Federal Government has made those changes.

However, submissions from the Aboriginal Child Care Agency indicated that it was concerned that, in the case of Aboriginal guardianships, if guardianship was also to be preferred as an option to adoption, the Family Law Act should also make some reference to Aboriginal placement principles, as we have sought to do in this Bill. This matter was raised in the other place, where the Minister indicated that she would provide further advice when the Bill came before this Chamber. Is that information available?

The Hon. BARBARA WIESE: Since the matter was before the other place, inquiries have been made at the Federal Government level to ascertain whether or not such principles apply under the provisions of the Family Law Act. As a result, we have been advised that currently they do not. I am not in a position to say whether or not the Federal Government intends to include such principles at some later stage.

Clause passed.

Clauses 11 to 26 passed.

Clause 27—'Provision for open adoption.'

The Hon. DIANA LAIDLAW: I seek clarification about an answer which the Minister provided in the other place when the Hon. Ms Cashmore asked a question about subclause (1), which provides:

Subject to a direction under subsection (3), the Director-General must disclose—

(a) to an adopted person who has attained the age of 18 years—

(i) the names, dates of birth and occupations, if known, of the person's natural parents;

The Hon. Ms Cashmore asked whether this paragraph meant that, once an adopted person had attained the age of 18 years, the Director-General had to disclose a copy of the adoptive person's original birth certificate in addition to that other identifying information. The Minister replied:

Yes, from now on; it is not retrospective. People will be made aware of all that as part of the adoption counselling processes.

Was retrospectivity referred to only because of the veto provisions, or does the Minister suggest that there should not be across the board access to the birth certificate?

The Hon. BARBARA WIESE: With respect to retrospective adoptees, the situation would be that, unless a veto was in place, that information would be supplied. The question relating to the provision of birth certificates is covered by

clause 41 of the Bill, which deals only with the provision of certain information, but would not necessarily include a birth certificate. It would apply to the provision of information which was contained in departmental records. In summary, unless a veto was in place, the information would be available.

The Hon. DIANA LAIDLAW: The suggestion by the Minister in the other place that the birth certificate would not be supplied across the board retrospectively should not give rise to any fear that that practice will arise if this Bill is passed?

The Hon. BARBARA WIESE: That is correct; there should be no fear that that would occur.

The Hon. DIANA LAIDLAW: Paragraphs *(a)* and *(b)* of subclause (3) relate to this issue of the veto and the provision that the Director-General must not disclose certain information contrary to the direction of the adopted person or natural parent. The Liberal Party has strongly advocated this position, so we support this provision. However, I refer to a letter which I received from the President of Jigsaw who, like the President before him (Mr Elliott), sought that these veto provisions not apply to adoptions pre-1967 and that the veto provision should apply only to those adoptions that occurred between the proclamation of the new Act and 1967 when the Act was amended in order to introduce the secrecy provisions. He has written a very strong letter on behalf of the committee of Jigsaw arguing that such veto provisions should not apply in respect of adoptions that occurred prior to 1967. In that letter he urged an amendment which would reflect those concerns of Jigsaw.

While alerting my Party to the point of view expressed in that letter, I did not seek to move an amendment on this matter mainly because I remain very firmly of the view that veto provisions will be applied only in very few instances, and that has certainly been the practice elsewhere.

If adoptions were pursued before 1967, in the full understanding that a copy of the birth certificate would be available, I cannot see that, since we have returned to that practice, people who undertook those adoptions would now have qualms about having their identity known through access to a birth certificate. Of course, that will again be possible with changes to this Bill. There are so many groups of people and dates involved in this issue that, as a result, it is not always easy to make the position clear. I respect the reason why the Government believes that pre-1967 adoptions should not be subject to a veto. I have not pursued that issue because I do not believe that it will arise. However, if it does arise, it can be brought back to the attention of the Parliament.

The Hon. BARBARA WIESE: The Minister of Community Welfare also received representations along the lines outlined by the Hon. Miss Laidlaw. As a Government we agree with the position that the Hon. Miss Laidlaw has expressed and believe that, in practice, those concerns will not be realised. The legislation has been framed for that reason. Of course, should any problem emerge the Government would examine it. However, we anticipate that, in practice, there will be no problem.

The Hon. DIANA LAIDLAW: I refer to clause 27 (4), which provides:

> The Director-General may, before disclosing information to a person under subsection (1), require the person to attend an interview.

The select committee recommended that that interview be mandatory. When the issue was raised in the other place on behalf of the Liberal Party, the Minister indicated that she would seek further information on that subject. Certainly, what is in the Bill would seem to be a watering down of the select committee's recommendations in relation to mandatory interviews as distinct from mandatory counselling as is the case in other States. Is there any further advice on this matter and is it the intention of the Government to charge for those interview services given that it would require a person to undertake such an interview?

The Hon. BARBARA WIESE: The advice given to the Minister in another place concerning the inclusion of a clause which would deal with the provision of a mandatory requirement was that it that it should not be included in the legislation as a mandatory provision. However, it is the intention of the Minister that this should be a mandatory requirement. Therefore, administrative procedures will be set in place to ensure that that occurs, in practice, even though we have been advised that it should not be included in legislation. As recommended by the select committee, it would be the intention of the Minister to impose a fee in this matter.

The Hon. DIANA LAIDLAW: Has the level or range of that fee been determined, or discussed?

The Hon. BARBARA WIESE: I understand that that matter is still under discussion. Therefore, I cannot give the honourable member any information as to what the ball park figure is likely to be. However, I am sure that it will be discussed with the various people advising the Minister. I have no doubt that it will be a fee considered reasonable by the parties involved.

Clause passed.

Clauses 28 to 41 passed.

Clause 42—'Regulations.'

The Hon. DIANA LAIDLAW: This clause deals with the regulation-making power. There is no doubt that in this Bill a tremendous amount will be left to regulations and administrative procedures. The Minister has acknowledged that in her second reading speech. I accept that practice but advise that the Liberal Party will be taking a keen interest in the drafting of those regulations and their presentation to the Subordinate Legislation Committee because we recognise the sensitivity of this issue and the magnitude of the changes that this Parliament is addressing. Because of the sensitivity of this issue the Liberal Party will monitor the manner in which consultation is undertaken with the organisations involved. One only has to observe the recent situation in relation to ETSA to recognise that these processes can get out of control very quickly when issues are not talked through with all the people and organisations that will be most affected by the regulations. I stress those points and indicate that the Liberal Party has a continuing interest in this subject.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 1430.)

The Hon. K.T. GRIFFIN: This matter came before this Council last Thursday. At that stage I indicated that a number of issues needed to be addressed and I sought leave to conclude my remarks. I indicated on that occasion, and I indicate again, that the Opposition has supported the Grand Prix and its conduct, and in the past has offered its congratulations to the Australian Formula One Grand Prix Board for the way in which it has conducted the Grand

Prix. Those congratulations should extend to last weekend's Grand Prix activities.

I indicated on each of the previous occasions that we have considered legislation with respect to this matter, that whilst the Premier might endeavour to develop an attitude in the community (and particularly among the media) that we are being obstructive, we are doing nothing more than exercising our responsibility as members of Parliament by raising questions about not only aspects of the drafting of the Bills before us but also about the principle of recognising that any infringement of individual property and other rights ought to be kept to a minimum, notwithstanding that the concept of the Grand Prix is to be accepted and applauded.

The views of those out in the community who do not necessarily agree with the Grand Prix ought at least to be respected. Members of the Opposition have drawn attention to particular difficulties with respect to the conduct of certain businesses, difficulties which we believe ought to be appropriately addressed by the Government as the body ultimately responsible for the Grand Prix.

Several matters need to be clarified. During the course of the debate in the other place last week, the Premier was asked about the attendance figures for this year's Grand Prix. On that occasion he did not respond with any information which might indicate how sales were going. He did indicate on Sunday 13 November and again yesterday that he would be in a position to give the attendance figures at fairly short notice. He said that the financial data would not easily be compiled in a short time, but would have to await the publication of the report; at least, it would be some time before the data were put together.

Some questions have been raised about the attendance figures for this latest Grand Prix. I would have thought that, now that the event is over, there could be an indication as to the attendance figures on each day; the extent to which seats were unsold (keeping in mind that some seats were added this year); how the figures compare with previous years; and whether any assessment has been made of the reason why attendance figures were down, if in fact they were down.

This weekend there has also been some discussion about the possible extension of the Grand Prix track into the parklands. The Premier gave the impression in the other place that he did not know much about it. I suppose that is not surprising when one considers the response in the other place, when the Premier indicated that he had not been personally involved in the negotiations in London. I find that somewhat surprising. I would have thought that as Premier he would want to ensure the absolute success of the negotiations. It has been my experience that even with competent officers it is important that Ministers do get involved in negotiations. I find it difficult to believe that the Premier was not aware of the discussions about future Grand Prix, and was not able to say whether or not there would be any extension of the Grand Prix track into the parklands. Some newspapers have speculated that greater numbers would possibly compete in the future Grand Prix and that that may require the extension of the pit straight further out into the parklands.

Now that the event is over and as we lead towards the planning for next year's Grand Prix, I would like to know whether, in the context of current negotiations, any extension of the track into the parklands is likely and, if so, the extent of that extension. The debate over whether or not there is to be any extension into the parklands was really resolved in 1984, when the Australian Formula One Grand Prix Act was passed by the Parliament. It was on the basis that Victoria Park Racecourse was in some way to be involved in part of the track and that areas of public road and parklands would be subject to the provisions of the Act which gave very wide powers to the Government of the day in respect of, in a sense, compulsory acquisition of roads and parklands for a period of up to five days. As I say, I think that the argument about extensions into the parklands was put and resolved in 1984. Some further extension must, of course, depend upon the negotiations in respect of future Grand Prix, and I would like to know what is the context in which such extensions may be contemplated, even if that is not yet positively known.

There is also a question of a public holiday. The Premier is reported to have said, 'Maybe we ought to change the Adelaide Cup holiday from May through to October or November, whenever the Grand Prix is held in Adelaide.' That would be not an additional holiday but a substitution one for the other. That, understandably, has raised a great deal of concern at the South Australian Jockey Club, which is concerned to maintain its public holiday for the Adelaide Cup. I make no comment on the desirability of that holiday, except to say that when the holiday was first proclaimed it was, as I recollect it, for the purpose of a centenary Adelaide Cup and it was never intended to be continued year after year into the 1980s and 1990s. On the other hand, now that it is a feature of the holiday calendar, I suppose it would be very difficult, if anybody wanted to, to terminate that holiday.

In relation to the Grand Prix, I believe that there are some difficulties which the Premier's superficial reaction has certainly not taken into consideration. The first is that, if you have a public holiday, you pay penalty rates of pay and those penalty rates would apply not only to the Grand Prix organisers, subcontractors and those who are providing services at the Grand Prix itself, but also to every other institution and private sector organisation which is seeking to provide services to visitors and locals in respect of the Grand Prix.

Bus fares, hotel fees, meals, and a whole range of services would undoubtedly experience a hike in prices because of the need then to focus on penalty rates of pay. I believe that it would also present some difficulty in respect of the opening of shops throughout the metropolitan area for the convenience of visitors to Adelaide and for locals. Undoubtedly, there would be a claim for penalty rates of pay for those shops to be opened, and I believe that in those circumstances, rather than it being an advantage to South Australians for the day of the Grand Prix to be a holiday, it would prove to be a disadvantage and, in the face of the Premier's criticism of some hotels and motels which have put their accommodation rates up, he could then no longer level the same sort of criticism when the accommodation rates and other costs rose quite significantly to accommodate the penalty rates of pay that would then have to be paid on at least one day of the Grand Prix.

What I would like to explore with the Minister during the Committee stage—and I put it on notice now—is the extent to which the Premier is serious about a proposition to change the May Adelaide Cup holiday to the Grand Prix weekend and what sort of costs are likely to be involved, not only in the board's staging the Grand Prix but also in the provision of services to visitors and locals if a holiday were to be declared for the Grand Prix weekend.

Undoubtedly, this will cause concern for small business in particular because of the costs that they must already bear as a result of a very poor economic climate in this State. I am sure that they would regard this as yet another impost which, far from enabling them to provide a service,

might result in their contracting the services which they provide to tourists and others.

I would like the Minister also to give attention to the definition of 'Grand Prix insignia' in the Bill. Honourable members may recall that when one of the last amending Bills was before us there was a proposition by the Government to take over the description 'Grand Prix' in relation to this motor racing event. There was opposition from this side of the Council, and I believe that the Government finally saw the wisdom in the Opposition's opinion, that the attempt to take over the name 'Grand Prix' was really a most unnecessary intrusion into the rights of ordinary citizens, because there are so many products, publications, and events which can refer to Grand Prix but which might in fact be quite reasonably used in the context of a reference to some other Grand Prix.

I know that the reference to 'Grand Prix' in the proposed definition relates to 'where it can be reasonably taken to refer to a motor racing event' which is defined in the principal Act. However, it seems to me that that would have very wide ranging repercussions for ordinary South Australians, even for the newspapers, for example which might want to call a newspaper 'the Grand Prix edition'. One might want to run a 'Grand Prix' feature, but one may then be subject to the unnecessary regulation by the Grand Prix Board and the Government as a result of the powers which will be conferred by the principal Act as amended by this Bill.

I would like to ask the Minister to elaborate on why this is necessary in the light of the fact that there are, already in the principal Act, extensive definitions of 'Grand Prix insignia' which seem to give the appropriate protection within South Australia to all the variables which might be related to Australian Formula One Grand Prix in terms of description.

I think that the present description of 'Grand Prix insignia', to mean the expressions 'Adelaide Formula One Grand Prix', 'Adelaide Grand Prix', 'Adelaide Alive', 'Adelaide Formula One', 'Fair Dinkum Formula One' and 'Formula One Grand Prix', does provide adequate coverage of well known descriptions of the event which we saw last weekend. I am wondering why the Government feels the need to take—

The Hon. I. Gilfillan: Did you see it?

The Hon. K.T. GRIFFIN: Yes.

The Hon. I. Gilfillan: Down there or on television?

The Hon. K.T. GRIFFIN: Down there. I am just wondering why the Government needs to take these descriptions beyond what is already covered in the definition of 'Grand Prix insignia', as contained in the Act.

The Hon. L.H. Davis: They have not included 'Labor Alive' in there, I see!

The Hon. K.T. GRIFFIN: Labor is dead I think. However, on a previous occasion when we were considering amendment of the principal Act we agreed to the inclusion of 'Adelaide Alive', and we agreed to all the other variations, which I think are appropriate. However, I would like the Government to address the matter of what sorts of expressions might be causing concern. Is this an ambit claim? Is this a matter of real concern? The Premier tended to suggest that this might be required by the Formula One Constructors Association in its new manual, details of which I have sought earlier in my second reading speech.

However, that does not really address the issue, because that manual would apply to all other Grand Prix and to other countries where Grand Prix occur, and I would find it difficult to accept that the local law places an embargo on the use of particular descriptions other than through copyright, business names or trademarks. I have said all along that if there is a registered trademark, a business name or copyright, then that is protected under Federal law. One might even suggest that this Act is constitutionally invalid in so far as it seeks to go beyond the scope of the Federal copyright and trademark legislation. So, I would like details from the Minister as to why this is needed. Why do we want such an all-embracing reference to 'Grand Prix', in particular, in the context of this legislation?

In paragraph *(c)* of clause 3 of the Bill reference is made to the definition of 'motor racing event', which is presently defined in the Act as:

> . . . a motor car race—*(a)* that takes place in Australia;
>
> it does not have to be South Australia—
>
> and *(b)* that—
>
> (i) is approved by the *Fédération Internationale du Sport Automobile*;
>
> (ii) is entered in the International Calendar of the *Fédération Internationale de l'Automobile*; and
>
> (iii) counts for the *Fédération Internationale de l'Automobile* Formula One World Championship,
>
> and includes any other motor race, practice or associated activities held in conjunction with the race.

Clause 3 seeks to amend the provision by substituting the words 'includes any event or activity promoted by the board in association with the race'. I would suggest that that would have some interesting consequences, because, as I interpret it, it could relate to any motor car race, which might even be conducted the weekend before, or earlier in the year.

The Hon. I. Gilfillan: It has to be within the declared five days, though.

The Hon. K.T. GRIFFIN: Certainly, but it does not have to be on this track; it could be out at the Adelaide International Raceway, if it was approved by the *Fédération Internationale du Sport Automobile*. If it satisfies the other criteria but it is in association with the race, it does not necessarily have to be conducted on the track. I agree that the declaration of a period and an area is for a maximum of five days and that that relates only to parklands and public roads, so it cannot affect private property. However, it does suggest that events can be associated with the race but not necessarily run in conjunction with it. I would like some clarification of that.

The Government has, in fact, picked up an amendment which was raised by Mr Martin Evans in the House of Assembly, and this relates to clause 4. This clause seeks to provide that, because it is not always possible to get all the members of the Board together for a meeting to consider a certain matter, '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'.

I have some concerns about the way in which that is phrased, and I would like the Minister to consider an alternative, even to her amendment. In the area of companies, articles of association provide that a resolution signed by all the members of a board is in fact deemed to be a decision of the directors. The concern I have with this provision as it is in the Bill, or as proposed to be amended by the Minister's amendment, is that notice of the decision does not have to be requested. There is no provision for dissent or for the recording of it.

The Minister's amendment to clause 4 addresses the issue that 24 hours notice has to be given. That is good. Further, the amendment seeks to provide that the decision must be 'concurred in by a number of members not less than that required for a quorum of the Board'—which, as I understand it, is four. However, there is no indication of the way in which that decision will be evidenced. It can be by fax or by telex, or it can be by the form of writing—but it

would seem to me that, to put this beyond any area of controversy, the Minister should consider two further things, the first of which is that the indication of concurrence ought to be in writing and that those members who do not agree ought to be given the opportunity to record a dissent.

That is different from the companies area, because, as I say, most companies have the requirement that all members of a board must sign a resolution for it to be regarded as a decision of the board. In this instance, what I am saying is that, because of the need for only four members to concur in a decision, there ought to be some provision for a formal dissent to be recorded in writing by other members who do not agree with it. If that can all be brought together, I do not see any difficulty, and I think it would avoid any particularly controversial matters in future.

The Leader of the Opposition in the other place has raised the question of the power to hold shares in bodies corporate and to undertake, in effect, consultancy work outside the direct running of the Adelaide Formula One Grand Prix. So far as the shares in companies are concerned, that is already in the Act, and I do not propose to object to that. The only addition concerns interests in or securities issued by bodies corporate. So, that extends to something beyond shares, but because the overall concept is already in the Act, I do not propose to raise any questions on that. But, in terms of the entry into partnership or joint venture, I would like some clarification of what might presently be contemplated, or is even being considered, or whether there is any indication of what might be considered in the future.

I want to put on record the concern that the Leader of the Opposition has expressed about this board, a statutory body, being given the power to undertake consultancies interstate and overseas—in effect, to become more entrepreneurial. It is a concept which, as a matter of principle, the Liberal Party has difficulty with in the sense that Government agencies are there to govern rather than to become entrepreneurial, which of course, might lead ultimately to the same sorts of disasters which we are seeing in Western Australia, in New South Wales originally under the Wran Government, and in Victoria, and which, I must remind honourable members, we experienced here under the Dunstan Government, with the South Australian Development Corporation, which was wound up by the Liberal Government when it came to office in 1979.

Rather than indicating at this stage that we propose to move amendments, we place on record our concern but take the view generally speaking that in the context of the Adelaide Formula One Grand Prix, if it is the intention of the Government to become entrepreneurial, we would not support that; we would not oppose the proposition, but let that be judged on its merits in the future. If, as we believe may happen in the future with the Government becoming more entrepreneurial, it falls into holes, it ought to stand judged on its behaviour rather than the Liberal Party preventing the Government from embarking on that course.

I wish to raise two other matters: first, I refer to clause 6 relating to the formation of committees. I have some difficulty with the concept of the Chairman, even with the approval of the Minister, establishing committees to assist the Chairman. That responsibility ought to be exercised by the board. I have no difficulty with the board establishing committees to assist the board or the Chairman, but I do have concern about the Chairman appointing committees to assist the Chairman. It ought to be a matter of responsibility for the board. The board ought to be accountable to the Minister and the Minister ultimately accountable to the public. It seems that the Chairman, even with the approval of the Minister, going off and forming committees and subcommittees might not be keeping the board fully informed so that the board ultimately can be fully accountable. I have concerns about that and ask that the issue be addressed by the Minister when she replies.

The only other matter to which I will refer is the question of the Tobacco Products Control Act, which has been referred to in the other place in the context of some time limit being placed upon the application of the exemptions of the Australian Formula One Grand Prix from the cigarette or tobacco sponsorship and advertising provisions. We made our observations on that Act when it was before this place and drew attention to the hypocrisy of the Government in exempting certain events but not others from the provisions of that legislation. However, I ought to clarify that, as far as I can see, the prohibition on advertising does not apply to a tobacco advertisement authorised by the Australian Formula One Grand Prix Board as part of the conduct or promotion of a motor racing event within the meaning of the Australian Formula One Grand Prix Act 1984.

The prohibition on sponsorship does not apply to any motor racing event within the meaning of the Australian Formula One Grand Prix Act 1984. The sunset provision of 30 June 1992 applies only with respect to certain exemptions granted under section 14a of that Act. As I understand it, the specific exemptions under sections 11a and 11c of the Tobacco Products Control Act are not limited only to the Formula One race, but extend to all other motor racing events which might fall within the definition of that description in the principal Act, provided they relate to the Formula One program. I would like some clarification on that.

We would hope that the Committee stages of this Bill could be undertaken tomorrow once the Minister has had a chance to gain some answers to various questions and that there will be further consideration of questions during the Committee stages. We support the second reading.

The Hon. R.I. LUCAS: I support the Bill and place on the record my personal support for the operation of the Grand Prix in Adelaide. My colleague calls me a petrolhead. I am happy to agree with that description on this occasion. We have, on a number of occasions over the past four years, had the opportunity as an Opposition to indicate our attitude towards the Grand Prix in Adelaide. As the Hon. Trevor Griffin has said, on all occasions we have indicated our support for the Formula One Grand Prix here in Adelaide. There have been occasions when questions have been asked in relation to some specific aspects of the legislation or the operation of the Grand Prix, but there has always been solid support from the Liberal Party in South Australia for the Grand Prix.

I was disappointed, during the lead-up to the most recent Grand Prix, to note the statements by the Premier in relation to the legislation before us currently. We had suggestions from Premier Bannon, on his most recent overseas trip, hinting darkly that the legislation might be defeated or held up by the Liberal Party in South Australia and what a tragedy that would be for all supporters of the Grand Prix in South Australia.

The Hon. R.J. Ritson: That wasn't a very honest statement, was it?

The Hon. R.I. LUCAS: The Hon. Dr Ritson, who is much harsher than I in these matters, said that that was not an honest statement. I can only agree that it was not an honest statement and it was very disappointing to see the Premier playing Party politics on the international stage in relation to the Grand Prix. One could understand it if there had been some cause for him to make statements like that. There had been no discussion at all in South Australia

in the lead-up to this Grand Prix about the Liberal Party's attitude to the legislation. Indeed, when John Olsen, as parliamentary Leader of the Party, was contacted by the media, having heard of these comments from Premier Bannon hinting darkly that there may well be troubles with the passage of this Bill through the Parliament, he was quoted in the afternoon newspaper and other sections of the media as wholeheartedly supporting the Grand Prix.

He certainly indicated his preparedness, in general terms, to support legislation which would extend the term of the contract and remove the sunset clause from the parent legislation. I wish to refer to only three or four other matters and indicate some of the questions I intend asking during the Committee stage of the Bill. I do so at this stage to try to expedite the passage of the legislation through the Parliament. By raising some of these matters during the second reading stage, I hope to give some of the officers of the Grand Prix Board the time to prepare the information required.

The Hon. Trevor Griffin talked about the possible extension of the Grand Prix track farther inside the Victoria Park racecourse. Premier Bannon in his public statements, at least up until this weekend, indicated that possibility. The statements made by Mr Bernie Ecclestone and others on the weekend indicate that, wherever the Premier's information came from, it was sadly astray. I will be seeking confirmation from the Minister in charge of the Bill, but I understand that, next year, with the movement away from turbo-charged to normally aspirated engines, with the possible increase in the number of teams competing, the organisers will be conducting pre-qualifying events and that the number of cars racing in the actual event will be the same as currently.

It is important that the Minister resolve the conflict between the information reported by the media on the weekend, and the statements of Premier Bannon last week in relation to the number of teams and the requirement of the extension of the track. It would also be interesting to know from what information Premier Bannon made the statement that he did in the Parliament and publicly in relation to the possible extension of the track within the Victoria Park racecourse.

Sadly, again, the Premier has set the hares running on this issue unnecessarily, it would appear, creating some concern about the legislation before the Parliament at the moment. Perhaps, with better advice and consultation with Mr Ecclestone and others, the Premier, when the Bill was debated in the Parliament, would have been in a position to provide Parliament with factual information rather than the information he did provide.

Concern has been expressed in another place and publicly in relation to the extended powers of the Grand Prix Board. I must say that I would share the concern if the interpretation of the extra powers were to place the Grand Prix Board in a situation where it sought to rival, for example, the Paul Dainty Corporation or others in relation to a variety of entrepreneurial activities related or unrelated to the Grand Prix. I was comforted to see the assurance from the Premier in another place when he said:

> There is nothing sinister about this and there is no intention to compete with private enterprise or in other ways to undermine activity in this State—on the contrary.

That is a pretty important assurance, and it is unequivocal. It says that there is no intention to compete with private enterprise or in other ways to undermine activity in this State. Members of this Chamber will be seeking a similar assurance from the Minister in charge of the Bill in relation to the activities of the Grand Prix Board and the interpretation by this Government of possible new functions if the legislation as before us at present is passed.

The Hon. R.J. Ritson: So they won't be bringing down the Bengal Symphony Orchestra or anything like that?

The Hon. R.I. LUCAS: The Hon. Dr Ritson raises an interesting question: I must say I do not know the answer; I suspect not. The combination of that particular body and the Grand Prix I suspect is probably not a happy marriage. I would have some concern if that was to be the intention of the Bill, but the Premier has assured us in another place that that is not the case. I accept the fact that the Grand Prix Board, in its conduct of this four-day carnival in Adelaide (from Thursday to Sunday each year), must and does involve itself very capably with a range of other functions, such as the organisation of the concerts on the Sunday night.

I understand that Noiseworks performed on Sunday night. The concept of that concert to keep some of the people on site to enable the more orderly departure from the Grand Prix, so that, rather than having 100 000 people leaving at once, many thousands stay for the concert and leave later, is sensible traffic planning, in my view. As a resident of the nearby eastern suburbs, I think that is very acceptable to residents of those suburbs and is sensible planning from the Grand Prix Board. It is something which might not be seen in the first instance as being involved in the promotion or organisation of the Grand Prix, although in my view it is a sensible part of its organisation.

If it is that sort of thing in relation to the four-day event, and a greater variety of activities during those four days to attract people to Adelaide for the Grand Prix, I am personally not concerned about that version of wider entrepreneurial activity by the Grand Prix Board. The Premier indicated in another place that some of these activities were required because the Grand Prix Board had already involved itself in a range of other activities, and he instanced three areas: first, the attempt to save the ill-fated Three Day Event at Gawler; secondly, in relation to the Australia Day carnival or some such thing; and thirdly, of course, the involvement in the proposals for an entertainment centre in South Australia.

On the information given by the Premier, the Grand Prix Board has already involved itself in all of those activities. The Premier asked why the Grand Prix Board should not be involved in using its expertise in those areas, making money and helping to offset some of the cost of staging the Grand Prix here in Adelaide.

The question remains, if they have already done those things, whether they have done them illegally with respect to this parent legislation. What payments were made to the Grand Prix Board in relation to all three examples, and why do we need to extend the functions provisions in this legislation if the Grand Prix Board (with the agreement of the Government, because some of these matters were referred to the board by the Government) has already undertaken those functions over the past couple of years? I think that this Council needs answers to those and related questions.

I also have questions about the profit and loss figures on the actual running of the event. I know that the argument has been put about the flow-on effects to the South Australian economy of about $40 million or $60 million, depending on which economist one talks to. However, I am more particularly interested, as I am sure are all members in this Chamber, in the actual costs, income and expenditure for running the event this year and, obviously, for the past three years, where information was provided to the effect that the event ran at a loss.

I will also seek information about the ticket sales. The Hon. Mr Griffin referred to this matter, and information has already been publicly provided about the actual sales for the four days. From those public statements I understand that the attendance on the actual day (Sunday) was about 15 000 fewer, but that was compensated by increased numbers particularly on the Thursday and Friday, while I think the Saturday figure was much the same as that of last year. However, according to various spokespersons, for the four day carnival the overall figures were higher this year than for last year.

During the Committee stage I will seek information about the ticket sales at the end of the four individual days. As we approached the fateful day, we seemed to receive conflicting reports from spokespersons from the Grand Prix Board and the Government about the total ticket sales. These figures were particularly pertinent as to whether or not there would be a live television broadcast. We were told that the anticipated figure was $9 million in ticket sales, but I will seek the number of tickets sold at the end of each day. I am sure that the Grand Prix Board must have the total number of tickets sold at the end of each day, so during the Committee stage I will seek that information.

The number of tickets sold related to whether or not the event would be televised. I am sure that all members are aware of the game that is played by the Grand Prix Board. To be fair, it involves not only the Grand Prix Board: the same game is played in relation to the live telecast of the SANFL final. The telecast of that event is always in doubt until the last moment, but it is eventually telecast live. Information provided to me in that last week indicated that there was some agreement between the television station (Channel 9) and the Grand Prix Board which meant that, irrespective of the various public statements made by various Grand Prix spokespersons, a telecast of the Grand Prix would have to be undertaken on the Sunday.

During the Committee stage I will seek information about the nature of the agreement, if any, between Channel 9 and the Grand Prix Board relating to the live telecast of the Adelaide Grand Prix. The current situation is unsatisfactory and, whilst I can appreciate the need for such a situation from the point of view of the Grand Prix Board, as we approach a SANFL final or Grand Prix, it is unseemly yet again to have the scenario where everyone says, 'We don't know whether or not there will be a telecast' but, because of the importance of the live telecast to the Grand Prix and to the whole concept of the Grand Prix, everyone knows full well that there will be a live telecast.

During the Committee stage I will also ask about the extension of the contract. In another place the Premier mentioned a three year extension, and said that the Government wanted a longer extension. Again, on the weekend, Mr Bernie Ecclestone was quoted as saying that Adelaide could have it until the end of the century, or for another 12 years. I think that Parliament deserves to know the length and terms of that contract and what opting out provisions either party might have in relation to that contract. I again indicate my strong support for the Adelaide Grand Prix but, during the Committee stage, I will seek answers to a range of questions. I hope that, by raising some of those questions now, it will help to expedite the Committee stage.

The Hon. I. GILFILLAN: The Democrats have continued to have serious concerns about the Grand Prix, not so much as an event but, rather, in relation to its location, its choice of sponsor, its effect on the parklands and, as of recent times, the long-term projections about its economic viability. I have placed on file a series of amendments which deal with some of our concerns, and I will mention some of those. We are concerned about clause 4 (2a) which provides:

> 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.

The Hon. Trevor Griffin also addressed this matter. This is a very disturbing subclause which gives certain members of the board the power to make binding decisions under any circumstances. Mr Martyn Evans initiated a very worthwhile amendment in the other place. We have on file an identical amendment to the effect that, if there is to be a meeting or gathering of the board other than at a meeting, for its decisions to be binding it must involve all members of the board. It seems quite dangerous to leave the clause in its present form, and we indicate our concern about it. Other forms of amendment may suffice, but we will leave that to the Committee stage.

Clause 5 alters the functions of the board. It concerns us that the general approach to the board is to put it almost in the semi-deity class that it cannot fail and, therefore, it should be given more and more to do so that we can have so-called more and more success. I am prepared to acknowledge that the board has proved to be extremely competent, that it has shown flair, and that it deserves congratulations in that respect. However, let us not go overboard. Let us recognise that it ought to have limitations and that clause 5 *(a)* (1) *(a)*, which gives the board the power to negotiate and enter into agreements on behalf of the State under which motor racing events are held in Adelaide, provides far too wide a power for any board. I am particularly concerned about the provision relating to entering into agreements on behalf of the State.

We will therefore seek an amendment which will reduce that function to one of negotiation and the State itself, or the Minister thereof or whoever is appropriate, acting with the authority of the State will enter into any agreements.

Similarly, we are concerned about the extra functions of the board under paragraphs *(l)* and *(m)* of section 10 (2). Those functions are extraordinarily wide-ranging. The provisions virtually give the board *carte blanche* to involve itself in a whole range of issues dealing with shares and securities, partnerships, joint venture arrangements, the appointment of an agent, or contracts and arrangements with another person whether within or outside the State. I do not understand why these extraordinarily wide-ranging powers should be provided in this unfettered form and we will seek to reduce them.

Members will note that paragraph *(c)* of clause 5 provides that any of these functions or powers can be delegated to the Chairman or any other member of the board. So, we could have an extraordinary situation where one member of the board is the authority who enters into an agreement on behalf of the State or acquires and disposes of shares inside or outside South Australia. According to my interpretation, that could also happen overseas. So, this clause grants extraordinarily wide functions and powers to the board, far wider than we believe is appropriate and necessary. In fact, they are dangerous.

The proposal to extend the racetrack is totally unacceptable to the Democrats. One of our major and original objections is the location of the Grand Prix, intruding as it does on the parklands—let alone extending the track. Section 10 (2) *(a)* provides that the board may assume the care, control, management and use of public roads and parklands upon a temporary basis. The word 'temporary' becomes a very dubious and loose term in light of this Bill which seeks

to lift the sunset clause. Therefore, the word 'temporary' is an ambiguous word in the original Act.

The board does have the power of care, control, management and use of public roads and parklands, but the legislation does not define how far into the parklands that power extends. I seek a guarantee that there will not be further intrusion into the parklands.

The vast majority of the people of Adelaide—both those who ardently support the Grand Prix and those who do not—would most vehemently resent a further extension into the parklands. The deceitful use of language to allow the intrusion into the Victoria Park racecourse is just a nonsense. In fact, I hope that the Victoria Park racecourse is on temporary lease of the parklands. It is not anything different from just pure parklands.

The Hon. Barbara Wiese: Do you want to get rid of the racecourse?

The Hon. I. GILFILLAN: Eventually that racecourse should go off the parklands. I believe that the Adelaide City Council should enter into this debate. It has shown more responsibility in caring for the parklands in latter years, and I think that it should have its voice heard in opposing any further intrusion into the parklands.

The other issue which I did touch on is the Fosters sponsorship. We have resented the combination of alcohol and fast cars in such a persistent, repetitious intrusive way that the promotion of the Grand Prix presents to South Australia, and we also resent the continuing tobacco sponsorship. We agree that there is a substantial hypocrisy in the current application of Government legislation, which we support in essence, to ban tobacco advertising but we now see the craven attitude of the Government which apparently can see no mote in the eye of the Grand Prix, and having alcohol and tobacco, both the prime displayed products promoted through Adelaide incessantly in relation to the Grand Prix.

Unfortunately, I am concerned that, as far as this amending Bill goes, we will not see any particularly substantial assault on aspects of the Bill by the Opposition. Their attitude had been made supinely plain by the Leader of the Opposition in the other place that the Opposition would not only not oppose, but would not hold up the passage of this Bill. I believe that is most unfortunate: it really has meant that the Government can feel cocksure that it will have its way with amending this legislation.

The Democrats have serious concern about the repeal of section 29, which is the sunset clause. Granted, the Democrats are unlikely to be able to argue that the sunset clause should still apply, although I make the point that it may well be that, after the year 1992, those who are responsible for the Government's finances may very well wish that it had applied. There is no prophecy that guarantees to me that the Grand Prix will be a financial success to the State after 1992. But at the very least, if it were not to have retained a sunset clause until 1992, a further period of time should be put into the Act. Maybe the sunset can be deferred a few years, but to remove it completely and to give the impression that South Australia is now hooked on the Grand Prix indefinitely is very alarming to me, to the Democrats and to, I would venture, hundreds of thousands of South Australians.

So, in concluding the contribution of the Democrats to this second reading, we will, I suppose, in a somewhat disgruntled way, support the second reading in so far as this matter must be debated, and I hope in the Committee stage the debate will be constructive with some questions and answers and possibly some changes in the Government's attitude being achieved. We intend to raise the matters that I have outlined and I would urge members to seriously consider the amendments which the Democrats will be moving in the Committee stages. I support the second reading.

The Hon. T. CROTHERS secured the adjournment of the debate.

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

TRUSTEE COMPANIES BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 1380.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, which was introduced in the House of Assembly although it was essentially an Attorney-General's Bill. It was dealt with fairly quickly in the other place, even though it had been introduced only a few days prior to the debate commencing in that House. Consultation with trustee companies indicates that they are all happy with the Bill, which seeks to consolidate the law relating to the conduct of business by companies acting as trustees, attorneys and agents, and to provide a framework within which companies seeking to be approved may do so.

Trustee companies in South Australia carry on business under various enabling Acts at present because, without those Acts of Parliament, they would not be permitted to act as trustees for deceased estates and in other contexts. At present there are five trustee companies: ANZ Executors and Trustee Company (South Australia) Ltd, Bagots Executor and Trustee Company Ltd, Elders Trustee and Executor Company, Executor, Trustee and Agency Company of South Australia Ltd and Farmers Co-Operative Executors and Trustees Ltd. Some of those companies have been carrying on business as early as 1885.

Essentially, they carry on the same sort of business as is carried on by the Public Trustee. They are an important group within the trustee community because they provide a service to their clients in the preparation of wills and subsequently acting as trustees of deceased estates. They are particularly useful where there is a need for a continuing trustee. Of course, individuals always suffer from the disability of mortality, and that is not necessarily in the best interests of trusts, which continue for a long period of time.

The trustee companies make a charge for their services and, as I understand it, the charge is comparable with that of the Public Trustee although, under this Bill, the suggestion is that the maximum fees payable are in excess of those which presently may be charged by the Public Trustee. The concept of the Bill is good. It provides a code on a uniform basis to all companies, which presently carry on trustee company business. It gives the trustee companies the same powers as a natural person to act as an executor, administrator, trustee, agent, attorney, manager, or receiver, and to act for children or persons who are unable to manage their own affairs.

The trustee company can charge a commission against an estate committed to its administration and management. That commission is to exceed 7.5 per cent of income received on account of the estate and 6 per cent of capital value of the estate. The trustee company is also entitled to charge a commission not exceeding one-twelth 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. A trustee company can also charge for disbursements, fees for preparation and lodgement of tax returns.

The Supreme Court may, on the application of a person with a proper interest, reduce a trustee company's charges, if it is of the opinion that they are excessive. The trustee company is authorised to invest moneys held by it in trust in a manner authorised by the trust or in a trustee investment authorised by the Trustee Act or in a common fund established by the company. However, in respect of a common fund moneys which are required to be invested in trustee investments cannot be invested, as I understand it, in a common fund which is not vested in trustee investments.

Trustee companies are required to lodge periodic returns with the Corporate Affairs Commission, and in all respects except one the Companies (South Australia) Code will apply to their operations. The only exception is in relation to common funds, but a trustee company with a common fund will be required to provide information about the fees charged by the company, the rights of investors and the financial details of the fund.

I also sent this Bill to a number of lawyers and others, in addition to the trustee companies. I received several comments, particularly from the Law Society. Although I have not had a chance to discuss this with the Trustee Companies Association—although I propose to do that—I think it is important to include in *Hansard* details of some of the matters raised by the present Chairman of the Law Society Property Committee. He has stressed to me that these are not necessarily the views of the Law Society, which is currently considering a draft submission on the Bill. Although I am not yet able to indicate whether or not I am in a position to accept the points made or reject them, I think it important to give the Minister an opportunity to have these matters considered before the Bill is considered in Committee. I might also add that this is in the context, and must be taken as such, that, generally speaking, the Opposition supports the Bill.

The Chairman of the Property Committee, in expressing his own views on the Bill, says that it must be understood when considering this Bill that trustee companies are appointed as executors or trustees almost exclusively under wills or deeds prepared by themselves, on their own advice to their clients. They are under no obligation to accept the appointments. They are remunerated by commissions on both the assets and income of the estate or trust at rates which (and I quote):

> I understand are higher than are charged by the Public Trustee or would be allowed to a private trustee. Being remunerated by a commission, recent very substantial increases in land and house prices and values have resulted in a commensurate substantial increase in the commission earned by trustee companies.

The Chairman then goes on to make an observation on clause 4 of the Bill. Clause 4 outlines that a trustee company has the same powers as a natural person to act as the executor of the will or the administrator of the estate of a deceased person. Under subsection (3) a trustee company may, with the approval of the court or the Registrar and the consent of a person entitled to probate of the will or a grant of administration of the estate of a deceased person, apply for and obtain probate of the will of the deceased person or letters of administration of the estate of a deceased person. The point he makes is that, where more than one person is so entitled, the consent of all those persons should be necessary. Instead of the reference being to 'the consent of a person entitled', it should read 'the consent of the person entitled', with the emphasis on the consent of all those being entitled having to be obtained before the approval of the court or of the Registrar of Probates is obtained. I have some sympathy with that view. It may be just a matter of drafting, but I think it is something that needs to be considered. In respect of clause 10, the Law Society submission is as follows:

> Authorises trustee companies to charge perpetual trusts a monthly fee of one-twelfth of 1 per cent of the value of the fund. This is in addition to fees of 7.5 per cent on the income of the fund and, if the fund forms part of a deceased estate, 6 per cent of the capital value of the estate. No additional work is involved in the administration of a perpetual trust and there appears to be no reason for this fee. No attempt to justify it is made in the accompanying report.

It is correct that there is no attempt to justify the additional fee. It would be helpful to have some clarification of what is proposed, and it would also be helpful to have some definition of 'perpetual trust', because it is not defined in the Bill. If a fee is to be attached to the administration of a so-called perpetual trust, it seems to me to be important to at least define the basis on which that is to be determined. The submission goes on to deal with clause 11 as follows:

> Under subsection (2) a trustee company may if authorised—
>
> *(a)* by the instrument by which the estate is committed to the management of the company, or
>
> *(b)* by the beneficiaries of the estate,
>
> charge a commission or fee in addition to or instead of the commission authorised by the Act.
>
> We see no objection to *(a)* but consider *(b)* highly objectionable. It can be assumed that the testator or settler will have been informed of the rate of commission to be charged at the time he made his will or established the trust and decided to appoint the company on this basis. It would be highly improper for the company to accept such an appointment and subsequently to seek an additional fee from the beneficiaries.
>
> This provision also makes it possible for trustee companies to put unfair pressure on bereaved relatives of a deceased person when they are least able to think clearly and look after their financial interests.

The point does have some substance. It may be that something is intended that is not expressly stated in the clause. Again, it would be helpful to have some response on this provision from the Government. The submission then goes on to deal with clause 15, which deals with the establishment of common funds by a trustee. In effect, investments are pooled to get the best available rate of interest at higher than perhaps otherwise would have been achieved rates of return. Clause 15 identifies the provisions that apply to a common fund and investments in that common fund. The submisson is as follows:

> *(a)* It is unreasonable that a trustee company should be permitted to charge both 7.5 per cent commission on the income of an estate and a management fee of 1 per cent per annum on the capital amount invested in a common fund.
>
> If the common fund was earning, say, 14 per cent per annum, the management fee and commission the company could charge would be almost 15 per cent of the income of the estate and, in the case of a perpetual trust, about 22 per cent of the income of the trust.
>
> These companies should be entitled to charge estates commission under clause 9 or a management fee under clause 15, but not both. As the Bill stands, the trustee companies will have a very substantial conflict of interest. It will be in their own interests to invest estate money in common funds but in the interests of the estates that their money be invested directly in trustee investments or other investments authorised by the will or trust deed.
>
> Trustee companies should be entitled to charge management fees against investors which are not estates. In these cases, there is no double dipping.
>
> *(b)* Trustee companies are required under clause 20 to inform investors of the fee charged on the common fund before they invest and, under subsection 15 (13), of any increase in the fee. Investors should have the right to withdraw their investment if the fee is increased.

That matter needs some attention to determine what is the intention of the Government and the trustee companies with respect to the charging of either both those fees or one or the other. In my experience, most of the criticisms of the administration of estates, both with regard to public

trustee and private trustee companies, relate to the fees charged which, in some instances, bear no relationship to the work done, and a perceived delaying of the administration of the estate which is imputed by dissatisfied beneficiaries in particular as an intention to delay the administration for the purpose of acquiring a greater amount of commission because of the fact that it accrues on income and capital. I make no judgment about that.

They are the criticisms which periodically I and other legal practitioners have received. A perusal of the debate in the House of Assembly would indicate that similar sorts of criticisms have been received by many members of Parliament in respect to the administration of deceased estates. They undoubtedly have also received criticisms about the way in which lawyers handle files and about the charges that are made whether in deceased estates or many other matters. I do not for one moment seek to put a viewpoint which is one eyed but which attempts to deal with the issue as it is reflected in representations made to me and to other members of Parliament in respect of the administration of deceased estates.

It is important to get this right. I will certainly have discussions with trustee companies, because I do not believe in raising the issues without interested parties knowing what they are. My general practice is to consult, wherever possible, with those likely to have an interest in legislation. This piece of legislation has been the subject of consultation between the Government and trustee companies as well as trustee companies and me, and the matters to which I have referred in this part of the speech have only just come to my attention. I will take up those matters and, hopefully, the Government will also take them up with a view to dealing with the Bill before Parliament rises early in December.

For the purpose of enabling the matter to continue, I indicate that we support the second reading of the Bill. We certainly want to do everything that we can to facilitate its passage because it represents an important step forward in the regulation of trustee companies on a uniform basis rather than the individual Acts of Parliament which presently apply to those five trustee companies. I support the second reading.

The Hon. T. CROTHERS secured the adjournment of the debate.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1135.)

The Hon. K.T. GRIFFIN: This Bill is really a stopgap measure by the Government to assist it, so it claims, to overcome some of the significant delays in the courts. The Attorney-General, in introducing the Bill, claims that it will 'supplement and achieve efficiencies in the deployment of the State's judiciary'. However, it is difficult to see how this Bill will provide any efficiencies at all. Acting appointments of judges and magistrates are made from time to time, and that is already provided under the law at the present time. However, the system provided for in the Bill allows for a transfer of judicial officers between jurisdictions and for acting appointments to be for periods of no longer than 12 months. The Attorney-General is seeking to establish a pool of suitably qualified persons to be available for selection to sit on cases at short notice.

As I understand it, the Bill allows the appointment of a person who would be eligible for appointment to the relevant judicial office on a permanent basis to be appointed on an acting basis or a person who would be eligible for appointment to the relevant judicial office on a permanent basis but for the fact that he or she is over the age of retirement. It does, as I understand, allow retirees to be appointed on an acting basis. That would extend particularly to retired judges of the District Court and the Supreme Court, and to retired magistrates, although there are fewer retired magistrates than there are retired judges.

The retiring age for judges is 70, so we are really looking at appointments of retired judges after they have attained the age of 70. Under the Bill the Chief Justice must concur in any appointments made by the Governor. Any appointee may, with the support of the judicial head of the court in which the judicial office exists, exercise the jurisdiction of the District Court and a local court in the civil jurisdiction. The Supreme Court can also exercise the same power with respect to criminal matters as the District Court. All this is well and good but, in effect, it will be nothing more than an *ad hoc* and stopgap measure to try to plug the gaps. There will be no way by which this will overcome the longer-term problem of considerable delays in the courts.

Those delays are quite substantial. In the second reading explanation the Attorney-General said that in the Supreme Court at the end of June 1988 the delay in criminal cases was three to four months from committal for trial until the trial, and in civil cases from nine to 10 months. In the District Court the delay in criminal cases from committal for trial to trial is six months, and in civil cases 20 months from the date of setting down for trial until the trial. That 20 months, I would suggest, is quite wrong. The 20 month period, according to those who are practising in the District Court, is more like 30 months—2½ years. I made that allegation only several months ago, but the Attorney-General said that was not correct.

However, I am told by those who practise in the jurisdiction that it is something like 30 months from the date when a matter is ready for trial and set down for trial until it comes on for hearing. That is an extraordinary delay, and the old saying 'justice delayed is justice denied' can quite properly be applied to this situation in the District Court. I am told also that the delay is increasing at the rate of one month longer in every month that passes.

That is an extraordinary blow-out in the trial list. In the appeals tribunals the full bench hearing now takes 18 weeks to come on for hearing and a single bench hearing takes 10 weeks. Waiting times in the Magistrates Court fluctuate continuously but presently vary, according to the Attorney-General as at 30 June 1988, from six weeks to 28 weeks with an average of 12 weeks to 13 weeks.

What is this Bill going to do? It will allow the Government to say, 'We need three extra magistrates; we will appoint suitably qualified persons for a period of six months to help us with this problem'; or 'We need eight extra judges in the District Court'—and that is a prediction made by the former President of the Law Society—'but we are going to appoint a couple of acting judges to be able to consider a number of cases, to relieve a bit of the pressure.' It will not effectively meet the problem of delays, and what do we have? We might have some practitioners who want six months work as magistrates. This Bill will not stop them from being appointed if they have served a minimum of five years in practice.

If they are to be appointed as acting judges they would need to have served seven years. The system is open to abuse, because it could mean that a lawyer who needed a

bit of work and had the necessary qualifications in terms of service could be appointed; the magistrate might preside over a very difficult case and do something which did not meet with the approval of the Government but which need not necessarily be contrary to the principles of justice, and a Government could then refuse to renew the appointment or to make another appointment at some time in the future of that person who was meant to be in the so-called pool.

The other problem is that it may well deter the Government from really addressing the problem face on, and either making more permanent appointments or doing other things which are really necessary to speed up the hearing of cases in the courts.

In those circumstances, there is potential for abuse. I could not find from the Attorney-General's second reading speech whether the Chief Justice has approved this. From what the Chief Justice indicated to me when I was Attorney-General, he would have some real difficulty in appointing lawyers on an acting basis for six or 12 months. He would strongly urge and be prepared to support only permanent appointments, not acting appointments. I would like to know from the Government whether the Chief Justice agrees with the establishment of this so-called pool and these temporary or acting appointments.

It is important to address that issue because, if the Chief Justice is opposed to it, the Government should seriously rethink this proposition. I know that it is one of the hobbyhorses of the Attorney-General. He raised it during the course of questioning in the Estimates Committees, but just because it is a hobbyhorse does not mean to say that it should proceed if it does not meet with the approval of the Chief Justice or the Law Society. The Law Society has some concerns about it and a number of lawyers to whom I have referred it have also expressed concern about it.

During the Committee stage, I will address four areas specifically by way of amendment unless there is some satisfactory explanation to suggest that my understanding is incorrect. The first is that, as I understand, a District Court judge is not presently empowered to exercise the jurisdiction of a magistrate. Supreme Court judges can exercise the jurisdiction of a District Court judge and a magistrate so, rather than referring matters back to lower levels of the judiciary, the Supreme Court is able in one action to resolve all matters, no matter at which jurisdictional level they may apply. It is appropriate that the District Court should have the same opportunity to exercise that jurisdiction and, if my understanding of the present limitation on the powers of District Court judges is correct, I will propose an amendment to provide for that power to be exercised by District Court judges.

One of the curious aspects of this Bill is that it excludes the Industrial Court from the scheme, and it does so on the basis that, according to the Attorney-General, the industrial jurisdiction is a specialist jurisdiction. That is absolute nonsense. It is no more specialist than courts such as the Children's Court and appeals tribunals, which include equal opportunity, planning and other areas of so-called specialist jurisdiction. It must be remembered that appeals court judges are also District Court judges and appeals tribunals are part of the District Court system.

In some respects, the delays in the Industrial Court are worse than those in the other courts, particularly in the area of workers compensation. I do not see any reason why judges in any jurisdiction should not able to exercise all jurisdictions, including that of the Industrial Court. In fact, it would do the Industrial Court judges a lot of good if, periodically, they were able to be seconded to the District Court and, *vice versa*, District Court judges seconded to the Industrial Court. In a sense, there could be cross-fertilisation of ideas and assistance in reducing the lists. When I was Attorney-General I put up a proposition that some assistance should be given by District Court judges to the Industrial Court in the resolution of workers compensation matters, but I met a great deal of opposition from the Industrial Court itself.

Another provision in the schedule requires the service of a person considered for acting appointment to be taken into consideration and that that service will be not only service in South Australia in practising the law or as a judge or magistrate but also service which takes place outside South Australia.

That is very wide, because it could be interstate or overseas, or it could be from jurisdictions which have a high level of legal experience. On the other hand, it could be from countries which have a legal system that is less developed than ours, and the experience of a lawyer, judge or magistrate who is retiring from those overseas jurisdictions might not necessarily prove to be adequate in dealing with problems in South Australia.

I am told by some South Australian lawyers that even many interstate barristers who come to South Australia to appear in South Australian courts, notwithtanding their extensive experience in interstate courts, demonstrate a lack of understanding not only of the procedures in our courts but also of the local character and environment, and that creates some difficulty when they appear for litigants here. I propose that that amendment which allows other experience to be taken into consideration in determining what shall be an acting appointment should be deleted from the Bill.

The point has also been made to me that there is not the same immunity for acting appointees as there is for, say, the Supreme Court judges under section 11 (3) of the Supreme Court Act. Quite obviously, if these acting judicial officers act in good faith and according to the law, they should not be subject to litigation on the basis of negligence or acting beyond power, except where the prerogative writs apply. I suggest that during the Committee stage the Government consider further this question of immunity for these acting appointees.

I should make the point that there are adequate powers under the Supreme Court Act, for example, to make acting appointments. Those powers are also provided in the District Criminal Courts Act and in the Magistrates Act, as I understand it, so I am somewhat at a loss to know why this Bill is needed. Will the Minister in his reply indicate exactly how this will work, why it is really necessary, the inadequacies in the present law, and the extent of any shortening of the list that is likely to follow from the enactment of this legislation?

I do not know whether magistrates will be able to act as judges of the Supreme Court, or whether it will all be the other way, that is, Supreme Court judges and District Court judges will act as magistrates. We need some clarification of the scheme because, as the Bill is now drafted, it does not assist in an understanding of how the scheme will operate.

The suggestion has been made that, if the amendments are not carried, we should oppose the third reading of the Bill. At this stage, I am not prepared to go that far, because I think that we need a lot more information from the Government before the matter is finally resolved but, as I have indicated, I am concerned about some aspects of the Bill. Consequently, I think that this legislation should be the subject of much deeper consideration before we proceed further. However, to enable that to occur, I indicate that

the Opposition is prepared to support the second reading of this Bill.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

(Second reading debate adjourned on 10 November. Page 1431.)

Bill read a second time.

FIREARMS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 9 November. Page 1375.)

The Hon. R.J. RITSON: When I spoke on this matter last Wednesday before seeking leave to conclude my remarks, I canvassed the general proposition that the original control of firearms, namely, registration alone, was overtaken first by a reasonably generous system of licensing added to the requirement of registration. Now, this Bill, by a very strict system, requires an application for a licence, a cooling off period, evidence of some training, a permit to buy in the case of each firearm and endorsement of the licence with a list of conditions to which the use of each firearm will be subject.

I also made the point that, just as the New Zealand Government has seen fit to abandon the registry in favour of licensing as the proper instrument of control, perhaps the time has come in this State to recognise that the changes to the licensing system have overtaken the registry. The registry involves certain costly problems and perhaps we should follow New Zealand's example at least in the case of longarms but not in the case of hand guns. My colleague the Hon. Diana Laidlaw will move an amendment to that effect.

I refer now to collectors. This matter was raised during the select committee hearings and an unsatisfactory result was achieved. The select committee could have dealt with the matter at that time—it was a suitable body to deal with it—but perhaps because of some rather confusing evidence, the issue was put in the too-hard basket.

The best way to describe this sort of problem—some of the unintended consequences of the legislation—is to refer again to the Adlan collection. This afternoon I showed the Minister a photograph of this collection. It is an exquisitely crafted set of miniaturised copies of historic firearms ranging from canons and sabres to the German maxim, which was the first real attempt at machine guns as we know them today. All the working parts of that collection are in order. They are cute little fellows, some of them only inches long. There is no commercially available ammunition for them. They are priceless, will certainly never be used in the commission of a crime, yet the police admit that if the whereabouts of this collection comes to their notice they will seize it and deactivate or destroy it. The sorts of things that would have to be done to deactivate such fine and delicate mechanisms would amount to destruction.

I am sure that is an unintended consequence of the Act, and it is a consequence of the prohibition of possession of firearms with a barrel shorter than a minimum prescribed length. The purpose of the barrel length prohibition is based on the fact that some handguns are deliberately made small, less efficient, less powerful and less accurate in the interests of concealability for the commission of crimes. Really, they were made concealable in the case of the derringer—to be carried for self-defence in her lady's purse.

Certainly, I understand why the legislators at the time enacted that law. There is no possible target shooting use that attaches to the Saturday night special, for example, the short-barrelled revolver or the derringer. But, I do not think it was ever intended to have the effect that a perfect replica of an army 303 rifle scaled down to 10 inches should be a dangerous weapon and prohibited. However, that has happened, and I think it is a terrible shame that a bit of craftsmanship, such as the collection which I showed the Minister, must be hidden from the authorities instead of being exhibited.

So, I would ask the Minister to take that on board and consider doing something about some of the anomalies that apply to collectors. I suppose I can understand why the Government did nothing at the select committee, perhaps thinking it too hard, when I read the evidence of Inspector Tate, who appeared before that committee and made some remarks about collectors. I want to deal with those remarks because a constituent of mine who feels that they were inaccurate, wants me to set the record straight, as I will.

It was stated by the inspector to the select committee, particularly on page 48 of the transcript that, collectors and dealers can use their licence to cloak subversive activities. He cited an interstate dealer with stocks, including pistols, who was lending his pistols to criminals overnight for the commission of crimes and putting them back on the shelves in the gun shop in the morning. Obviously, that is a very serious course of action. But he then went on to say:

> It is a well-known fact that one northern collector has often made statements that he has illegal machine guns and working Bren guns stored, hoping that the South Australian legislation will allow him to legitimately bring them onto his own property. Members from the same society have stated that they have working model 50 calibre machine guns. The same people want a change in legislation to allow 50 calibre working ammunition to be made available in South Australia. The same groups want actual field days where they can fire the 50 cal and Brens and bazookas. A presentation by the association wants to legitimise the possession of bazookas. The great majority of the people do not want these things, the greater majority of people who use firearms are range people, and quite legitimate farmers, and Sunday shooters, etc. Suddenly a small group is covertly trying for their own ends, to legitimise it.

The one northern collector is the President of the Historical and Antique Arms Society and is present in the gallery at the moment. He does not have illegal machine-guns; he has some working machine-guns that are not deactivated which he owns but which he does not possess. They are currently held in secure storage by the Commonwealth Government. The question on which he made representation was the question whether, because of the historical nature of them, there could be a special permit for collectors to hold those firearms without deactivation.

However, to imply that he is doing something illegal when he is not, because he has not brought them into the South Australian jurisdiction (they are on Commonwealth property in secure storage), is a little unfair, and I take this opportunity of putting on record that he has not done anything illegal. They are machine-guns which would constitute an illegality if in defiance of the law he brought them into South Australian territory, but he has not done so.

The statement in the evidence, about a 50 calibre machine-gun and bazookas, and about his wanting to change the legislation to allow 50 calibre ammunition, needs to be dissected. He has a 50 calibre machine-gun, a bazooka and a police certificate of deactivation that was granted him in

1982. Why he would want the working ammunition for the deactivated gun, I do not know, but in any case one does not need a change in legislation to allow 50 calibre ammunition to be purchased. It is commercially available now.

The presentation by the association wanting to have field days where they fired the firearms is also a misrepresentation. With regard to firearms held in secure storage pending clarification of the law, representations were made to the police governing the conditions under which they might be taken from storage for the purpose of exhibitions, and dialogue occurred.

During that dialogue the question was posed by the police—not my constituent—do you want to fire them? The President of the society had not considered the matter before but, in response, he put up what he thought were his ideas of conditions and stringent controls that ought to be applied to him if he wanted to fire the guns. As to the sinister connotations that, first, he has illegal machine-guns—that is wrong; he has not. And, secondly, it is untrue to say that he has working model 50 calibre machine-guns and bazookas for which he wants ammunition. He has deactivation certificates for them and cannot use them. The representation that somehow there is something sinister being cloaked here, some ulterior motive, is quite hurtful to my constituent because what has been said about him (and he is the only person it could possibly be) is simply not true.

I do not think there is anything malicious in that. I do not seek to be critical of Inspector Tate. I just say that, to the extent that reading his evidence would lead the committee to be suspicious of the Antique and Historical Arms Society, it is wrong and misleading. Had the select committee pursued the matter a little more, it may have found a way to deal with some of the unintended consequences of the present legislation, namely, the furtive and secretive storing away of the Adlam collection, and it also would have found a way to provide for historical firearms such as the Maxim. I have just been handed a note which says that the Hotchkiss should be considered as the first of the modern machine guns—and I thank the Hon. Mr Crothers for that note.

However, the fact is that the military history and the collection of these firearms is part of our national heritage. The National War Museum is full of them, publicly held, and in various parts of Australia there are collectors' societies which own private museums of considerable historical value. The people involved are not individual Rambos or anything like that; these are private societies which are well constituted and well behaved. They should not be painted in the light in which they were put at the select committee. I do not know whether the thinking is that a legitimate and well conducted museum is okay if it is publicly owned but not okay if it is privately owned. There should not be any Karl Marx versus Adam Smith argument in this sort of debate.

So, in relation to those people who have valuable and historic collections, I plead with the Government to perhaps find a way of providing exemption so that such collections may be exhibited. I really do not think that a 40-year-old or 60-year old historic machine-gun in a museum, even if it can be fired, is a potential source of crime. I say again that, in relation to the big league criminals, the Government should look at people like those who knocked off the military armoury. This involved submachine-guns of no collector value, incidentally, but they turned up in Northern Ireland. This is the area of big bikkies, and I do not think that the Antique and Historical Firearms Society is in that league. I certainly do not think it presents a danger to world peace.

During the Committee stage the Opposition will try to find out from the Minister just what sort of firearms are used to commit crime. I know that the Minister cannot give me an undertaking to do anything at this stage, but I ask the Minister to at least talk to her colleagues about the Adlam collection, for example, about the matter of historical arms, in an endeavour to see whether the Government can come up with a workable solution, after proper consultation with the citizens involved, and to avoid the regulations being a laughing stock and people saying things such as were said in the select committee about my constituent, when threats to public safety, to peace and good order simply do not come from that sort of person.

Since I last spoke the Minister has replied by letter to a question I asked on 13 February about the firearms registry. That reply will reduce the number of questions that we have during the Committee stage, but I will still be looking at a couple of amendments. I support the second reading.

The Hon. PETER DUNN: This debate has gone on for a long time. We know how the Bill came into the Lower House, how it was emotionally debated there at some length, and how it went to a select committee. The present legislation, the result of the select committee, is certainly much better than the Bill originally introduced. Any debate about firearms brings in emotions. It is like abortion and contraception—an enormous amount of emotion is always brought into the argument with the result that it often prejudices sensible arguments and legislation.

After the New South Wales election it was interesting to note how the argument changed. I will spend only a few moments talking about this Bill in its broad context. We are not really talking about machine-guns, because they are not applicable in everyday use: we are talking about the sensible use of guns—long guns if one likes, those with a barrel longer than a few inches. Guns are in everyday use in country areas. I do not use them much myself because I am not fond of them; they are dangerous and one can shoot oneself with them.

The Hon. Diana Laidlaw: And others.

The Hon. PETER DUNN: Not necessarily, although later I will demonstrate how one can affect others with things other than guns. Guns are very necessary in the everyday lives of many country people. In this Chamber in the past 12 months so much of the legislation seems to be aimed at making life harder for country people. I guess that that is understandable under present conditions: this Government does not own and is not terribly interested in anyone living in the country.

The Hon. J.F. Stefani: They don't get many votes from them.

The Hon. PETER DUNN: If the Government continues along this line it will get fewer votes, and that was proven in New South Wales. This legislation is the result of a knee-jerk reaction by the Government to problems that have occurred, particularly in Victoria, and to a couple of occurrences in South Australia. Arguments have been advanced that overall only a reasonably small number of people are killed with guns.

Although I am not terribly fond of guns, I sometimes carry one in my vehicle when I am at home if I want rabbit stew for tea. I also carry one around if there are vermin in the vicinity. Guns are designed for this; they are the only humane way of killing vermin. As well, they are used to control pests—birds, foxes, rogue dogs, rabbits, kangaroos, emus, etc.—which must be eradicated, otherwise the country can be overrun by them. I have not fired anything other

than a .22 calibre rifle for a long time, and that is by design: I certainly have not fired in anger.

Those facts are a useful adjunct to what is necessary for a farmers livelihood these days. That has nothing to do with the argument that has developed in this place about villains using guns. The Hon. Terry Roberts looks at me quizzically. He would agree that you cannot stop these people getting guns. If we make the legislation such that people are forced to hide their guns, they will do so. Guns will go underground and there will be a trade in them as with drugs. They will become expensive items. Furthermore, they are not difficult to make. I have seen guns made from pieces of water pipe, and they were very effective at short range. If people want to have guns, they are available but I point out that one can kill by many means other than a gun.

The biggest killer in South Australia other than heart disease or cancer is the motor car. It kills and continues to kill, yet we have no debate about its restriction or use. If anything is lethal, it is a car in the wrong hands. Motorbikes kill so many more people than do guns. Knives also kill so many more people than do guns. We also noticed recently that even sheets can kill people. We saw evidence of that in our gaols, although I am drawing a long bow by using that example.

Let us not get terribly emotional about the argument. I hear people laughing at what I am saying. It sounds silly but, if members think about what I am saying, they will admit that it is true. Many countries which have fewer controls on the handling of guns also have lower crime and homicide rates. Switzerland, for example, has few gun laws, yet it also has a low rate of homicide by shooting. Of course, there are accidental deaths by shooting, but nothing to compare with the number of deaths involving motor vehicles. In fact, I have heard not a squeak from the Government about the enormous number of deaths caused by driving motor vehicles. Because we believe that motor vehicles are a useful adjunct to society and in getting people around, we do not take action. The fact is that they kill, and they continue to kill.

Up until this weekend, 188 people have been killed by motor cars in this State this year. I hear very little about what is being done to stop the road toll. The Government will not even improve roads on Eyre Peninsula in order to curb the death rate. Many things are worse than guns, but this debate has developed into an emotional argument.

I can understand that people who live in the city who do not have a need to use guns are frightened by them. It is quite understandable that people do not like them. I do not have a gun. I live in the city for a good deal of the time and there is no necessity to have one. There is a good case for those who collect guns and for those who have a need for one to have reasonable access to them. I looked at a couple of amendments of the Hon. Ian Gilfillan—

The Hon. M.J. Elliott: I hope we can get to them, if you don't take all night.

The Hon. PETER DUNN: Don't get excited about it. I was very interested in those amendments because they really do demonstrate the Democrat's thinking. I cannot see what use or value there is in locking up guns in steel cupboards, but I will leave that argument until we get to the Committte stage. It is a very unusual argument. I agree with what has happened. I support the Bill but we ought to be cognisant of the fact that not everybody agrees that we ought to shut up guns or get rid of them or be divested of weapons of that sort at all, because there is a necessity for them. If they are taken away, they will go underground and become a bigger problem than they are today.

The Hon. BARBARA WIESE (Minister of Tourism): I would like to thank members for their contributions to this debate. A number of issues have been raised during the course of the second reading debate to which I will reply or make some comment. I am sure that, if I do not cover the issues to the satisfaction of honourable members, they will be raised again during the Committee stage. I certainly hope that I can at least satisfy some of the matters that have been raised by various members during the course of this debate.

First, I thank the Hon. Miss Laidlaw for her contribution and the support that she has indicated on behalf of the Opposition for the second reading of this Bill. I also acknowledge her forbearance and patience last week in awaiting the corrected second reading speech. There was a bit of a problem, but the speech eventually appeared. I will make a couple of comments about her contribution. The honourable member is quite wrong in her assertion that the Government has vacillated for over a year in the preparation of this legislation. She claimed that the Bill introduced in December 1987 was a draconian and emotive response to community concern about the violent and tragic use of firearms in multiple murders. In fact, it was nothing of the sort. The December 1987 Bill attempted to put into law the recommendations of a task force established by the Minister earlier that year to consider the placing of conditions on handgun licences.

The Hon. Peter Dunn: Who was on that committee?

The Hon. BARBARA WIESE: Perhaps we can deal with that later. The Bill's objectives were quite narrow and certainly it was not the comprehensive reform of firearms laws as is proposed in the Bill now under consideration. The December 1987 Bill was introduced by the Minister to allow public debate over the Christmas recess. The Minister, during the course of his second reading explanation, quite clearly stated that that was his intention. The second Bill, the March 1988 Bill, incorporated the objectives of the December Bill in a different form and included other comprehensive changes recommended by the Commissioner of Police and the Australian Police Ministers Council. The December 1987 Bill was thereupon discharged. It is a matter of common knowledge that the March 1988 Bill was referred to a select committee in April 1988.

At that time the Government was congratulated by the Opposition for its wisdom in establishing a select committee. Now that the select committee has reported and the Government has heeded its recommendations and supported amendments to the March 1988 Bill, we are criticised for vacillating. The Hon. Ms Laidlaw supports provisions which allow courts to review licences concurrently with other proceedings. This will have a positive impact in cases of domestic violence where the potential exists for firearms abuse. The honourable member also supported the raising of the minimum age from 15 to 18 years; the provision which requires a permit for each purchase of firearms; the provision relating to the recognition of firearms clubs; the provision to ban silencers; and the provision to control the use of self-loading rifles and shotguns. Her support in these matters is acknowledged and appreciated. The honourable member also expressed a number of concerns, and I would like to make some comments about each of those.

The first related to minimum security requirements. A significant number of firearms, particularly handguns, are stolen each year. These firearms inevitably find their way into the criminal community and form the arsenal that must be faced daily by police, bank employees and other innocent, law-abiding persons. Minimum standards of security for the storage of firearms are provided in draft regu-

lations, not in the Bill itself. Most witnesses before the select commiteee supported the need for security but expressed the view that those suggested in the draft regulations may not be appropriate in all circumstances.

Accordingly, the draft regulations recommended by the select committee adopt a twofold approach. First, minimum standards are established. Alternatively, individuals may obtain police approval for other forms of security. There is strong justification for requiring owners of firearms to ensure that they are as secure as is reasonably practicable.

Concern was also expressed about whether sufficient resources will be provided to ensure that the Bill is workable. In recommending changes to the Bill, the Commissioner advised that no additional resources would be required. As those recommendations had been translated into legislation, it is apparent that there are resource implications, particularly at the initial establishment stage. These costs are likely to be computing related costs.

Staff time will also be required to establish training standards and accredit clubs and individuals to train and certify licence applicants as proficient in the safe handling of firearms. The Minister has already commenced dialogue with the Commissioner in relation to these resource issues and has also assured me that sufficient resources will be allocated to ensure the implementation of the proposals and that they proceed in a reasonable time frame.

Another concern that was raised was the question of bureaucratisation of the licensing process and the purchase of firearms. This is a difficult criticism to understand in view of the honourable member's support for the control measures. I believe that she should recognise that any control will necessarily pose some degree of inconvenience to the public. While in the majority of cases it would seem unnecessary, the filtering process is needed to identify applicants who are unfit and firearms which should not be allowed into circulation. It is a sad fact of life that much legislation of this type considered in Parliament is designed to deal with the recalcitrant or irresponsible 5 per cent of the population, yet its effects are felt by all persons, no matter how law abiding. The police are giving attention to the streamlining of the process. For example, multiple use forms covering registration and permit to purchase will be introduced. Generally, the inconvenience to firearms users will be minimal.

In his second reading contribution, the Hon. Mr Gilfillan also made a number of criticisms of the Bill. The first that I would like—

The Hon. R.J. Ritson interjecting:

The Hon. BARBARA WIESE: Yes. The first that I would like to address is the lack of retrospectivity. The Government and the select committee consider the non-retrospective nature of the Bill to be a strength. In relation to possession and usage rights, the Government has said from the outset that firearms which are legal now will remain legal after the commencement of the new Act. The Government has made clear at all stages that it does not consider it appropriate to declare illegal firearms currently legally held. The Government has never advocated confiscation. It would be quite unreasonable to adversely affect the rights of those persons who legally purchase firearms in good faith.

With regard to the new requirements that licence applicants be trained in the safe handling of firearms, it would be impracticable to apply this requirement to existing licence holders. There are approximately 125 000 licensed persons in South Australia. To advocate putting that number of people through such a course is an unreasonable expectation. An analogy can be drawn with the introduction of practical driving tests where existing licensed drivers were not required to undergo a practical test. The honourable member's concerns are appreciated. However, practicality is an unavoidable consideration. Other measures in the Bill will allow a speedy review of a licensee's suitability. These measures will, at least in part, address the honourable member's concern.

The Hon. Mr Gilfillan does not approve of the removal from the original Bill of the requirement upon dealers in ammunition to keep records of each transaction. The Government obviously sees merit in the keeping of records, and that is why it was included in the original Bill. However, the benefits that this will achieve are rather minor retative to the cost and administrative difficulty that it would impose on dealers. The Government believes that the compromise reached in the new Bill is reasonable. For the first time in South Australia, it will be an offence to purchase ammunition without authority, either by way of licence or permit. Non licensed persons but *bona fide* collectors of ammunition should not be permitted to purchase live ammunition. That was the third of the concerns that the Hon. Mr Gilfillan raised.

The points raised by the honourable member demonstrate that he does not appreciate that collectors aspire to obtain items of collection in as near original condition. Potential risks are associated with the collections of such items, but it is pointed out that collectors must comply with provisions of the Dangerous Substances Act and regulations under that Act in relation to both the purchase and storage of ammunition.

The fourth point that I want to address concerns the dissatisfaction that the Hon. Mr Gilfillan expressed with minimum storage requirements. He wanted those provisions to be stiffened up.

The Hon. R.J. Ritson interjecting:

The Hon. BARBARA WIESE: That could well be so. On this matter I point out that this merely underlines the difficulties expressed in the second reading explanation. It is not possible to please all the people all the time. The measure goes too far for some and not far enough for others. The Government believes that the right balance has been achieved, and that, after all, is what the select committee process is all about.

The fifth point raised by the honourable member suggested that the recommendation of the select committee that the Registrar issue a policy statement in relation to the administration of the Act points to a lack of clarity in the Act. This is simply not the case. It is quite usual for organisations or institutions to develop internal rules or policies relating to the administration of an Act of Parliament. Of course, these rules must be consistent with the provision of the law and cannot extend or diminish the law. They may, for example, be general rules to guide the exercise of a discretion. This is quite sensible, and it seems that the select committee was quite responsible in recommending that such internal rules, for want of a better word, be made public.

The Hon. Mr Gilfillan made a number of general points about the increase of violence and the depiction of violence on television, in videos and through other mediums. These are valid points, but they are not entirely relevant to the debate on this Firearms Act Amendment Bill. The South Australian Government is also concerned about many of the issues which were raised by the Hon. Mr Gilfillan and the Government is cooperating with the Commonwealth Government in the establishment of a national committee to examine violence and the causes of violence in Australia. We are very hopeful that the committee will suggest positive recommendations to tackle the problem of violence. During the past few months there has been correspondence between

the Premier and the Prime Minister about the establishment of this committee and various terms of reference have been discussed as possible appropriate terms of reference for such a committee. Among the issues that have been suggested as matters to be discussed by that committee are matters to which the Hon. Mr Gilfillan referred.

I mention in particular issues relating to gender in violence and also the impact of the mass media, including motion pictures and videotape recordings, on the incidence of violent behaviour. These are just two of the many issues that have been suggested as appropriate terms of reference to be addressed by such a national committee. I am sure that, as soon as agreement is reached among the various Governments in Australia about these matters, the committee will be established and it will begin its work on addressing ways of dealing with those very signficant issues to which the honourable member has drawn attention.

Finally, I refer to the contribution made by the Hon. Dr Ritson. He expressed some concern about historical firearms and referred in particular to the Adlam collection. Contrary to the view that was expressed by the Hon. Dr Ritson, the select committee did consider the issue of antique or historical firearms. I draw his attention particularly to page 12 of the report of the select committee.

The Hon. R.J. Ritson interjecting:

The Hon. BARBARA WIESE: Just wait a minute! Paragraph (m) on page 12 of the select committee report states:

> After receiving a considerable body of evidence from collectors of firearms and associated hardware, the committee recommends that the Registrar of Firearms commence discussions with accredited representatives of *bona-fide* collectors for the purpose of
>
> - determining which items or collections of items of historical, archaeological or cultural value warrant the issue of a special firearms permit pursuant to clause 5 (proposed section 12 (7)) of the Bill.
> - determining which class of items warrant exemption from the licensing provisions pursuant to clause 5 of the Bill (proposed section 11 (5) *(c)*).

That matter was addressed during the preparation of the Bill. I draw the honourable member's attention to new section 12 (7) which provides:

> An application for a firearms licence authorising possession of a dangerous firearm can only be granted if the Registrar is satisfied—
>
> *(a)* (i) that the dangerous firearm is required for the purposes of a theatrical production or for some other purpose authorised by the regulations;
>
> or
>
> (ii) that the dangerous firearm is of historical, archaeological or cultural value;
>
> and
>
> *(b)* that the applicant is a fit and proper person to have possession of the dangerous firearm.

It is intended that collections, such as the Adlam collection, will be covered by the legislation. I am advised that the Adlam collection, in particular, will be given high priority to be dealt with once this legislation passes.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. DIANA LAIDLAW: When will the Act come into operation? I noted that the Minister spent some time in reply addressing the Liberal Party's concerns about the resources that the Government will apply to the enforcement of this legislation. That remains a very major concern of the Liberal Party. We believe that no matter what zeal the select committee and the Parliament may apply, the Act will not be workable until proper resources are allocated by the Government.

The Minister's reply seemed rather unsatisfactory, although she did refer to the fact that extra staff will be allocated in relation to computing and training. I had hoped that, after the year and a bit that this Bill has been around and following all the discussion on the matter, the Minister could have been a little more specific in relation to how many staff will be required and the resources which will be allocated. I think those questions are extremely important when we are addressing this clause.

The Hon. BARBARA WIESE: It is difficult to say at this stage when the legislation will be proclaimed, because it will depend very much on the negotiations that are due to take place with the various firearms clubs as to appropriate training standards and the accreditation of people who train owners of firearms and certify that those people are proficient and safe users of firearms.

So, considerable discussions must still take place before those matters can be finalised; then it will be possible to proclaim the legislation. It is just not possible at this stage to say much more than that. With respect to the staffing implications which were referred to earlier, it is not anticipated that the additional computing requirements would have staffing implications. The area of concern would relate more to the matters that I have just addressed, concerning the provision of appropriate people for such matters as training and accreditation.

The Hon. DIANA LAIDLAW: I note again, in respect of clause 2, that there is a provision here that the Governor may suspend the operation of specified provisions of the Act until a subsequent day fixed by proclamation and then there may be various days for the Act to come into operation. With respect to clause 2 (2), is it the Government's intention that a permit system be brought into operation at an earlier date and that some other aspects of the Bill, for instance this training system and the concerns about staff for that training program, could be delayed? As the Minister would appreciate, not only has the Bill been around for a long time but there is considerable anxiety among some sections of the community that there be prompt response to some of these concerns about the use and possession of firearms.

The Hon. BARBARA WIESE: It is not possible for me to be specific about those matters at the moment because the Government will have to take advice from the Commissioner of Police about practicality and other things. This part of the Bill has been included in order to provide maximum flexibility to allow for whatever is recommended by the Commissioner of Police with respect to the issues addressed.

The Hon. DIANA LAIDLAW: At this stage, although this Bill is based on the select committee report which has been around since August, the Government has received from the Commissioner no outline of stages for implementation and specific resource allocation for that implementation process.

The Hon. BARBARA WIESE: As the honourable member would be aware, this has been a very contentious piece of legislation and it was the view of the Minister that it was not advisable to confer with the Commissioner of Police on these matters until the outcome of the legislation and its form became clear. Discussions with the Commissioner of Police can commence only once that occurs.

The Hon. Diana Laidlaw: Even though there is a virtually unanimous select committee report?

The Hon. BARBARA WIESE: As the honourable member would be aware, although there has been a select committee report to which most parties have agreed, nevertheless a number of quite important issues have been raised in the Parliament by way of amendment. They are not yet resolved. It certainly was not clear at the time of the reintroduction

of this Bill that the select committee's report would receive universal acclaim by all parties within the Parliament and, as a result of that, it was considered prudent to wait until that position became clearer before the Commissioner of Police was asked to address these questions.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

The Hon. R.J. RITSON: This clause produces a change which has the effect of banning the possession of silencers. The Minister previously referred to the amendment to the principal Act in respect of the use of dangerous firearms for theatrical purposes. When I asked her about silencers—about whether the interpretation was that possession was lawful but use in South Australia was not, and whether that was intentional so that dealers could perhaps find some way of getting rid of their stocks of silencers, and citizens could use their silencer by taking it to a jurisdiction where it is permitted, such as Tasmania—the Minister said, 'Yes'. Now we find a change of policy which is not supported by the evidence to the select committee. The police evidence was that, contrary to popular Hollywood views of silencers, in the first place they are effective only with low velocity ammunition such as subsonic 22 and perhaps some of the lower powered handguns. Why has the Government changed its policy about silencers, even though the police evidence was that they did not really pose a problem?

The police evidence actually suggested that they continue to be possessed and that their possession be licensed along with the licensing of firearms. Incidentally, I thank the Minister for having appropriate advisers in the Chamber. In what percentage of firearm crime is a silencer used? It is important for us to know how big a problem it is to the police that silencers are used to facilitate crime.

The Hon. BARBARA WIESE: As to the second question about the proportion of crimes that are committed involving the use of silencers, I am unable to provide that information.

The Hon. R.J. Ritson: Perhaps it doesn't happen.

The Hon. BARBARA WIESE: Perhaps there are no statistics. As to the reason for changing the definition of 'silencer', members of the Police Force have in fact found difficulty with the present definition of 'silencer', namely, 'a device attached to a firearm', because in a number of instances when people with a firearm with a silencer attached saw a police officer coming they simply detached the silencer from the firearm, which thus meant that it was no longer a 'silencer' as defined under the Act. It is now proposed that 'silencer' be defined as 'a device designed to be attached', whereby it will no longer be relevant whether the silencer is attached or unattached. This will make it much easier for a police officer to enforce the law in this regard.

The Hon. R.J. RITSON: My first question was: why has the Government decided to ban silencers? Previously it was lawful to possess a silencer. I suppose this was trusting people not to use it in South Australia but to save it for their Tasmanian holidays. However, I want some reassurance from the Minister that there is a substantial reason for doing this, that there is some mischief to be remedied. At this stage I do not know what it is, as I cannot find out what damage silencers are doing.

The Hon. BARBARA WIESE: I do not know how far back the honourable member is going, because under previous legislation it has been an offence to have a silencer in one's possession.

The Hon. R.J. Ritson: No, it has been an offence not to possess a silencer but to use one—because it does not become a silencer at all until, say, it is put on a rifle. Previously it was an offence to use a silencer but not to own one.

The Hon. BARBARA WIESE: We have not changed our position on the use of silencers. The Firearms Act 1977 included a provision which made it an offence for a person to possess a dangerous firearm or a silencer. When the Act was amended in 1986 the possession of a dangerous firearm was separated from the issue of possession of a silencer, but the situation remained the same. Under the 1986 amendments a person who has possession of a silencer is guilty of an offence. In this current legislation the question of whether or not the silencer can or cannot be attached to the firearm—

The Hon. R.J. Ritson: By the current definition of the Act it is not a silencer until it is on the firearm. I have one and will have to turn it in when this Bill passes.

The Hon. BARBARA WIESE: The point I am making is that the previous definition of a silencer made prosecution very difficult for police officers who sometimes found that people would disengage their silencer from the firearm thereby making it difficult for the offence to be acted upon. That is now being clarified by the amendment in the Bill. The situation with respect to the Government's position on silencers themselves has remained consistently the same throughout the past 11 years. It has always been an offence to possess a silencer.

The Hon. R.J. RITSON: I am sorry, but it has not. I possess a silencer but it is not a silencer for the purposes of the law until I put it on the rifle, which means that until now I have been able to use it in another jurisdiction that permits the use of silencers, but that will change. I was really asking why the Government wanted the change rather than wanting to hear the Minister's interpretation of the legislation.

The Hon. BARBARA WIESE: It was never intended that the law be interpreted in the way in which the honourable member has just interpreted it.

The Hon. I. GILFILLAN: I move:

Page 1, after line 29—Insert paragraph as follows:

(ab) by striking out from subsection (1) the definition of 'dangerous firearm' and substituting the following definition:

'dangerous firearm' means an automatic firearm, a self loading firearm (but not a pistol) and a firearm of any other class of firearm declared by regulation to be a class of dangerous firearm:.

This amendment embraces the semi-automatic firearm under the category of 'dangerous firearm'. I do not believe that anyone could conceive of a semi-automatic weapon as being other than a dangerous firearm. It is very difficult to justify on any grounds that a member of the public in a metropolitan location could have possession of a semi-automatic firearm for legitimate purposes. By defining 'semi-automatic' as a 'dangerous firearm' it leaves in the Bill the option for specific licences to be made by the Registrar for specific purposes, and I acknowledge that such purposes exist in rare cases. I canvassed the argument opposing the continued possession of semi-automatic firearms in my second reading speech, so I do not intend to go on at great length. The Democrats regard this as an important amendment and a significant move to allow the Government to do something positive about reducing the number of extraordinarily dangerous firearms in private hands in the metropolitan area and their widespread distribution in other parts of the State.

The Hon. BARBARA WIESE: The Government opposes the amendment. The issue was addressed by the select committee which took evidence from numerous people and concluded that legitimate uses exist for self-loading firearms. In fact, the committee felt that persons using firearms for

recreational and professonal hunting, collecting and displaying, or such other purposes as may seem reasonable, as well as those people who are members of recognised firearms clubs, should have the right to use self-loading firarms. The Government has accepted the view of the select committee and therefore opposes the honourable member's amendment.

The Hon. DIANA LAIDLAW: The Liberal Party opposes the amendment for the same reasons as outlined by the Minister. I have been advised by the Hon. Dr Eastick in another place, a member of the select committee, that this issue was canvassed at length. As with so many aspects of the Bill and the select committee report, compromises have been reached which acknowledge the practical aspects of possession and use of firearms in this State. I support the position in the Bill and oppose the amendment.

The Hon. BARBARA WIESE: It is the Government's intention, by way of regulation, to limit the style of self-loading firearms that would be considered appropriate in the categories to which I have referred and to exclude military-type self-loading firearms. So there has been some attempt in the Bill and by the Government to partly meet the concern of the Hon. Mr Gilfillan but, generally speaking, we would not wish to go as far as his amendment intends to take us.

The Hon. R.J. RITSON: I will comment briefly on this because the Hon. Mr Gilfillan's amendment is outrageous. The question of self-loading firearms came up in 1980 in some regulations and the then Government of the day was concerned by the so-called military style rifles, the problems being the ease of conversion in some cases to fully automatic operation, high magazine capacity, and the ability of somebody to go berserk with such a firearm and do a great deal of damage before being stopped. I agreed at that time with the intention to limit those firearms to perhaps a select few, but I disagreed with the method proposed, which was to allow all existing firearms of that type to remain and, using the Customs powers in combination with the police powers, to restrict purchases and imports in the future. That had the effect immediately of damaging competition because competitive firearms require frequent rebarrelling and other matters, but the number of such firearms in the community remained approximately the same.

The Government's approach to those firearms is much better with the special provision of additional classes of firearms to ensure, in particular, that they are held only by people with a need or with a club membership, and at least a satisfactory examination of who should be allowed to have them, rather than the old and the new approach of attrition that previously applied. We are talking about high powered centre fire material when we talk about military style self-loading firearms, but the Hon. Mr Gilfillan has introduced an amendment which would catch the little rim fire repeater .22 possum gun. I do not know whether he realises that a lot of .22 rifles have a repeater action. Perhaps that is his intention—I do not know. I do not know what his intention is based on, but it is certainly at odds with the Government's intention and it is at odds with the Liberal Party's intention at the time this debate arose in relation to self-loading military style rifles. Members should just discard the amendment as a silly idea and support the Government.

The Hon. I. GILFILLAN: I am appalled that it is left to regulations which we have not seen for the Government to reassure the public of Adelaide of the agreement, assuming that there is this consensus. There are forms of semi-automatic weapons currently available for sale which all Parties want to see prohibited, yet that is not spelt out in the legislation. We are left with some vague indication that it will be introduced in the regulations. The fact is that semi-automatics are a far more rapid method of dispensing dangerous missiles, either for death or injury, than the single shot, otherwise there would be no advantage in having them. It is a rather fatuous reflection or display of indifference by the Hon. Bob Ritson to the risk to the public from a profusion of dangerous firearms to be so blase to the incidence of semi-automatic weapons in the metropolitan area.

I ask people who I believe would have some concerns for their own safety and that of others in the metropolitan area (and I turn in this case to the Minister and to the honourable member who has responsibility for the carriage of this matter on behalf of the Opposition) and ask them both whether they feel safer and more at ease living in the metropolitan area, knowing that there can be, and quite likely will be, a greater incidence of ownership of semi-automatic weapons than if they were banned from the metropolitan area. That is a question to ponder when we as legislators are acting not on behalf of those who have some sort of love affair or infatuation with firearms but with the general safety, mental and physical health of the community in mind.

I believe that that is the question this legislation ignores, and that is why my amendment which we are currently debating seeks to make Adelaide a safer place as regards firearms. There is no doubt in my mind that a semi-automatic weapon is more dangerous and can, and indeed should, justifiably be classed as and declared a dangerous firearm in this legislation.

The Hon. DIANA LAIDLAW: I believe that the Hon. Mr Gilfillan's remarks warrant a brief response from me. I would not want it suggested that Opposition members and I in this place, in not supporting his amendment, do not care two hoots about the use of semi-automatic weapons or about their use in the metropolitan area. I would like noted on the record that I have given a great deal of personal consideration to this issue of possession of weapons, in particular in the metropolitan area, for the very fact that it was brought to my attention that there is little difference between the incidence of misuse of firearms in the country and in the metropolitan area.

While one would not like to see any misuse, whether in country or in city, when we look at this debate it is very hard to distinguish on any sound basis between misuse of a firearm in metropolitan and country areas. As I understand it, about 45 per cent of firearm licence cancellations between 1980 and 1988 resulting from the misuse of firearms were in respect of non-metropolitan licensees. Further, out of a police sample of 100 cancellations, 68 per cent concerned non-metropolitan firearms users. I know it is just a sample, but I suggest that that is a disproportionate level of misuse of firearms amongst people in the country compared with those in the metropolitan area.

That may be because generally, on a *per capita* basis, country people use firearms more often. I can assure members that, while I may have voiced my concerns more loudly than some in the Liberal Party, it was generally a concern amongst Liberal Party members. We are not gung-ho Rambos but are genuinely concerned about peace, security, law and order and family and domestic violence in general. We are confident that the issue was well canvassed during the select committee hearings and, in that regard, I suppose we are more fortunate than the Hon. Mr Gilfillan in that, as we had representatives on that select committee, we can rely on their advice in terms of the information that was received during the very lengthy hearings of that select committee. With confidence, we accept the determination

of the Liberal members of that committee. We are confident that this area will be addressed adequately in regulation. If it is not, we have a means in this place to disallow those regulations.

The Hon. PETER DUNN: There is a fine line between a self-loading firearm and a pump action or lever action rifle. There is little difference in the speed with which one can get the bullet out of the end of the barrel with either type of firearm. The Bill deals specifically with automatic-type rifles—where you pull the trigger, hold it and it continues to fire. I agree with the Government in saying that that is the definition of a dangerous rifle. That definition is sufficient and it puts a line between holding back the trigger and the gun's continuing to fire automatically and a specific action required for a pump or lever action rifle.

The Hon. I. GILFILLAN: The incidence of suicide, homicide, accidents and the use of firearms in crimes is indisputably higher as the number of firearms in a community increases. Statistics repeatedly make that point so, with respect to a comparison between the country and the city, the high incidence of accidents, homicides and suicides relate specifically to the large number of firearms in the rural area. As the second reading speech suggested, it is understandable that in farming areas and in animal husbandry there is reason for such communities to have firearms. There is also a hunting culture so most if not all farms have at least one firearm and quite often many firearms.

Statistically—it is not a matter of emotion—it is inarguable that the undesirable effect on a community of firearm accidents or misuse is directly proportional to the number of firearms in that population. Recognising that, the Democrats seek as far as possible to reduce the incidence of firearms generally and those, in particular, which appear to be unnecessarily hazardous. The semiautomatic rifle is more effective in getting more missiles out of a barrel than the single shot or bolt action firearm.

The Hon. R.J. Ritson: That depends on the magazine size.

The Hon. I. GILFILLAN: There may be a particular argument which indicates that certain operators can use gun bolts faster than others, so that only carries the argument to what I regard as semantics. The argument basic to this amendment is what we regard as the unnecessary proliferation of particularly lethal firearms in areas which have no justifiable use. There are a few justifiable uses and they can be granted by the Registrar in other clauses of the Bill.

The Hon. R.J. Ritson: What about .22 repeaters?

The Hon. I. GILFILLAN: A lot of people have been killed with .22 repeaters.

Amendment negatived.

The Hon. R.J. RITSON: New section 12 (7), page 4, relates to the granting of a firearms licence authorising possession of a dangerous firearm if the Registrar is satisfied of a number of things, and it refers to a theatrical production, or the historical, archaeological or cultural value. It has been put to me that that provision relating to historical, archaeological or cultural value, might not apply to the Adlam collection. It has also been put to me that, as a matter of policy, the Registrar is not granting such licences to private individuals but only to corporate bodies. Will the Minister indicate how the question of historical collections might be dealt with in the future in relation to individual owners? For example, a licence could be granted to individual owners, provided that they were members of a *bona fide* collection society. There are a lot of options, so could the Minister indicate Government policy on this matter?

The CHAIRPERSON: To which clause does this refer?

The Hon. R.J. RITSON: I thought it was clause 4, but I am in error. I am sorry, it is clause 5. Since I have asked the question and the Minister has taken advice on it, could I have latitude?

The CHAIRPERSON: If the Minister does not mind, I am happy to save time in that regard, and then we will return to clause 4.

The Hon. BARBARA WIESE: I have no knowledge about the way that the honourable member indicates the Registrar has made these judgments, but the select committee intended that the Registrar should consider both private individuals as well as corporate bodies, as long as they were people who were fit and proper to hold such licences. The Government intends that the Registrar should consider these matters in this way and I anticipate that that is what will follow from the passage of this legislation.

The Hon. I. GILFILLAN: I move:

Page 2, after line 15—Insert the following definition:
'pistol' means a firearm that is designed to be used with one hand:.

This amendment rectifies a deficiency in the Act and possibly in the Bill; 'pistol' was not defined. Whatever its purpose, it seems appropriate to have it defined.

The Hon. DIANA LAIDLAW: The Liberal Party supports the amendment, but for different reasons. As far as we are concerned, this is part of a package of amendments, the ultimate aim of which is to abolish longarms registration. Because we are making a distinction between longarms—such as rifles and shotguns—and handguns, it is important to define 'pistol'. That is why we support the amendment and have a similar amendment on file.

The Hon. BARBARA WIESE: The Government opposes this amendment. It is a fairly innocuous measure, but we prefer the definition of 'pistol' currently included in the regulations. The substantive reason for the Government's opposition to this amendment is that, in the case of the Liberal Party's advocacy, it is designed to lead to a scheme to limit registration, a concept with which the Government disagrees.

The Hon. Mr Gilfillan in his amendment distinguishes between longarms and pistols in relation to the question of security. The Government does not support his view on this issue, and for that reason opposes his amendment.

The Hon. I. GILFILLAN: What a perverse Government! There is no definition; the word 'pistol' is actually used in several places in the Bill, and yet out of nark—

The Hon. Diana Laidlaw: Pique.

The Hon. I. GILFILLAN: Pique is probably a much better word—refuses to support an innocent explanatory amendment implying all sorts of other suspicious interpretations and flow ons. It is a pathetic response by the Government.

Amendment carried; clause as amended passed.

Clause 5—'Substitution of Part III.'

The Hon. I. GILFILLAN: I move:

Page 5, after line 35—Insert new section as follows:

Security of firearms

13a. (1) A person who has possession of a firearm pursuant to a firearms licence must secure it in accordance with this section when it is not in use.

(2) In the case of pistols—

(a) if the licensee has possession of 12 pistols or less, the pistols must be locked in a safe made of steel or some other material approved by the Registrar;

(b) if the licensee has possession of more than 12 pistols, the pistols must be locked in a strongroom made of reinforced concrete and having a steel door of the prescribed thickness.

(3) In the case of all other firearms—

(a) the firearms must be locked in a safe made of steel or some other material approved by the Registrar;

or

(b) the bolt or firing pin of the firearm must be removed and stored in a locked container and the firearm must be locked in a cabinet (made of steel or some other material approved by the Registrar) that is securely attached to the inside of a building.

(4) The specifications (including locking mechanisms and quality of materials) of cabinets, safes and strong rooms used for securing firearms may be prescribed by regulation and where the Registrar approves a material for the purposes of a cabinet or safe in relation to which specifications have not been prescribed, the Registrar may determine the specifications of cabinets or safes made with that material.

(5) A person who fails to comply with this section is guilty of an offence.

This amendment relates to security and storage of pistols and other firearms. As I outlined in my second reading speech, it seeks to tighten up the storage and security of firearms held in private possession. It flows along the general line of the Democrats' amendments which is, as much as humanly possible, to reduce the likelihood of conditions which could lead to misuse of firearms and accidents.

My amendments have been on file for some time and the indication from the second reading speech is that most of what I intended to achieve in these amendments has been spelt out elsewhere; in particular, tighter security for the storage of pistols, particularly of 12 or more pistols, and an attempt to make all firearms less easily obtainable either by having them locked in a safe or, if the bolt or firing pin is removed to a separate place, in a cabinet.

I want to make only one point: there is an argument that more people are killed by means other than firearms, for example, motor vehicle accidents. I point out that the frequency, distribution and use of motor vehicles is so much more prolific in our community that the two do not compare. It is important for us to realise that we must deal with the significance of firearms in their own context and their effect on the community and not to step back from what should be proper and careful measures to control their misuse because there are other multiple killers in our society. I do not accept that, because there are other factors, other phenomena that kill people, we therefore should have less vigilance in attempting to reduce the potential accidents caused by the misuse of firearms. The Government Bill recognises that there must be much more security in the storage area. I congratulate the Government on going as far as it has but I do not believe that it is far enough—my amendment is to tighten up the security and the storage in respect of all types of firearms.

The Hon. BARBARA WIESE: The Government opposes this amendment although it fully supports the objectives that the honourable member is outlining in the sense that we agree that there must be appropriate security arrangements for the storage, etc., of firearms. It is the view of the Government that the provisions being suggested by the Hon. Mr Gilfillan in his amendment are rather onerous and perhaps rather impractical in some senses and we would prefer the approach which was outlined by the members of the select committee as contained in the Bill.

The Hon. DIANA LAIDLAW: I indicate also that the Liberal Party will be opposing this amendment. The provisions of the Bill in respect to security certainly are a retreat from the Government's original provisions relating to the security of firearms. However, we have continued to have some reservation even about the practical nature of the Government's proposals, and I made some reference to that when speaking during the second reading debate. There have been plenty of instances related to us whereby, if one starts highlighting where, in a home or business or wherever, one is going to 'secure' firearms in this instance, or drugs in the case of pharmacists, then one really is putting a siren or an alarm bell in place, because that is exactly what the people who wish to steal will be automatically attracted to.

I do not say that in just an off-the-cuff response, but it has certainly been highlighted in the past where this has been in practice whether it be wall safes in homes or, as I indicated earlier, drugs in pharmacies. So, we continue to have some reservations about the Government's proposals which in turn reflect the considerations of the select committee. We are prepared to support those recommendations but certainly we will not go to the extent proposed by the Hon. Mr Gilfillan as we believe that is impractical.

Amendment negatived.

The Hon. I. GILFILLAN: I move:

Page 10, after line 4—

Insert new section as follows:

Records

21ba. (1) A licenced dealer in ammunition must keep the following records in relation to each sale of ammunition—

(a) the date of the sale;

(b) the name and address of the purchaser of the ammunition;

and

(d) the kind and quantity of ammunition sold.

(2) A person who fails to comply with this section is guilty of an offence.

This amendment deals with the recording of sales of ammunition. I understood that it was the original intention of the Government that there should be recorded the date of sale, the name and address of the purchaser of the ammunition and the kind and quantity of the ammunition. The Democrats believe that that is a reasonable requirement. We are disappointed that the Government has stepped back from that original intention and even at this late stage I urge the Minister to reconsider.

As there are other obligations relating to the sale of ammunition and a more responsible recording and control of the sale of firearms and ammunition, without a record of the type proposed there is no meaningful tab kept on the sale of ammunition at all. For example, practices such as the purchase of ammunition which is then misused by being given to other sources or resold could go on completely without any recognition if there is no attempt to get the details sought in the amendment that the Democrats are now moving.

I ask the Government to reconsider its earlier position which was correct. These provisions are necessary if we are to keep control over where the firearms are sold and then licensed and held and there must also be records relating to ammunition.

The Hon. R.J. RITSON: The Opposition opposes the amendment. Frankly, ammunition controls are unlikely to be a significant factor in firearms crime control. The Opposition has produced in the amending Bill provisions for restrictions of sale, that is, it is an offence to sell ammunition to someone who does not have a licence for the type of firearm that would use that ammunition. If the Hon. Mr Gilfillan was consistent, considering the Bills that he has introduced in this Council on the sale of cigarettes, he would not merely make it an offence to sell cigarettes—but would require delicatessen owners or shopkeepers to keep a register of all cigarettes sold and, presumably, the fourth deputy assistant director of the department of cigarette inspection would go around all those cigarette outlets and sit down for hours poring through the register.

This is the type of wasteful bureaucratic humbug that the honourable member wants to introduce in this area—although he did not seek to do that with his tobacco Bill. The police would be involved in this, and heaven preserve us from wasting our police resources on such a thing when they should be out catching criminals who are breaking the

law in other ways. The number of transactions would be immense. I do not think the honourable member realises how many rounds of ammunition that quarter of a million firearms consumes. On behalf of my colleagues, I join with the Minister in supporting the sensible Government provision—to forbid the inappropriate sale of ammunition, whilst not throwing huge amounts of money and police resources towards a bureaucratic activity that would produce little return.

The Hon. BARBARA WIESE: The Hon. Dr Ritson and I are very much on the same wavelength on this issue, it seems. I had intended to draw the same comparison as regards the cigarette legislation in describing the Government's view on this issue in respect of the requirement for recording details of ammunition sales. The Government agrees that the benefits to be gained would not be significant when compared with the costs and inconvenience that would be involved in the process. That is not to say that the Government has not seen merit in the suggestion, since a provision along the lines proposed by the Hon. Mr Gilfillan was, in fact, included in the Government's original Bill. However, as a result of the select committee process and evidence presented to the select committee, Government members and subsequently the Government as a whole, were convinced that the provision was not practical and that the costs associated with it would far outweigh any benefits that might come from it. For that reason, the Government opposes the amendment.

The Hon. I. GILFILLAN: Proposed new section 18 provides:

A dealer who—
(a) fails to keep the prescribed records in relation to the firearms or ammunition in which the dealer deals;
(b) fails to submit prescribed returns to the Registrar in accordance with the regulations,
is guilty of an offence.

Obviously, records will have to be kept for the sale of both firearms and ammunition; this provision seems to be quite innocuous, if not fatuous, in that it does not require details to be kept as to whom the ammunition is sold. Thus, what on earth is the point of keeping the records? In themselves they will have little value in so far as apprehending a dealer who makes an illegal sale. If the Government is determined to reduce the amount of cost and effort in administering the Act, surely it would be a lot easier to remove from the dealer the obligation to keep the records.

The records relating to ammunition will be virtually valueless as far as achieving a prosecution or making evidence stick that the dealer is guilty of an offence unless there is a record of the sale of the ammunition to a specific person and—

The Hon. Peter Dunn: What about people who reload their own guns?

The Hon. I. GILFILLAN: That may well be a problem, but it is an example of what I regard as being sophistry—that you do not discount one sound argument by pointing out that there may be aberrations. It is ridiculous to argue that the requirement for a dealer to write in a book the name of the person to whom the ammunition was sold at the same time no doubt as filling in a bankcard form or other paperwork in relation to the receipt of money is so onerous that they cannot survive with that extra workload. In relation to the extra workload for the police, I would assume that it would be easier if written records were available for them to check for offences in this category. The argument just does not stand up. Unfortunately, it is another example where the original good intention of the Government has been watered down through the onslaught of the gun lobby and, apparently, the members of the Opposition who were on this select committee. I am very unhappy to hear that having originally intended to do this the Government has now walked away from what seems to me to be a very sensible provision.

Amendment negatived; clause passed.

New clause 5a—'Amendment of heading.'

The Hon. DIANA LAIDLAW: I move:

Page 10, after line 30—Insert new clause as follows:
5a The heading of Part IV of the principal Act is amended by striking out 'Firearms' and substituting 'Pistols'.

This amendment follows an earlier amendment in relation to defining 'pistol' and is part of the package of amendments that will address the issue of the registration of longarms. I note that many witnesses who appeared before the select committee referred to the same matter and called for the committee, and subsequently the Government and the Parliament, to get rid of this system of the registration of longarms because essentially it was ineffective, did not work and was a costly burden for the police and, ultimately, the holders of these firearms. I note that the select committee accepted that there are flaws in the accuracy of the system but suggested that those flaws were not sufficient to undermine the utility of registration. The report stated:

Notwithstanding these findings the committee recommends that the Registrar cause a review to be undertaken into the registration system with a view to improving its accuracy and maximising its operational benefits.

The Liberal Party finds this inclusion quite extraordinary, particularly in light of the reply from the Deputy Premier of 10 November that the Hon. Dr Ritson finally received to the five questions that he had persistently and patiently asked over the past year in relation to the registration of firearms, including longarms.

Before referring to the letter in more detail, I make the point that the Liberal Party is making a distinction between longarms (that is, rifles and shotguns) and pistols because of the question of how much easier it is to conceal what is broadly termed shortarms or pistols. That distinction is important in this question. I come back to the reply to Dr Ritson from the Deputy Premier which states:

The Firearms Act 1977 came into operation on 1 January 1980. This Act requires a person to be the holder of a current licence of the appropriate class in order to have a firearm or firearms in his/her possession. The owner of a firearm is also required to register the firearms in his/her possession.

To permit a smooth transition from the Firearms Act 1958 and Pistol Licence Act 1929-1971 to the new legislation, applications for licences of all classes were received at police stations from 1 December 1979, and these applications included a page for recording of any firearms owned by the applicant. The firearms listed by the applicant during the 'take-on' period were included on the automated index system without fee.

Although applicants were encouraged to produce any firearms they owned at the time of making their application, there was no compulsion for them to re-register their firearms under the new Firearms Act. Section 4 (2) of the Firearms Act 1977 states:

> Any firearm registered under the repealed Firearms Act immediately before the commencement of this Act shall be deemed to have been registered under this Act.

As section 4 (2) of the Firearms Act 1977 has never been amended, firearms registered under the repealed Act are still deemed legally registered under the current Firearms Act. Firearms registered prior to the 1977 Act were recorded on a manual card index system. The card index system must be retained as a record of these legally registered firearms.

Efforts have been made to cull cards from that card index when firearms are registered on the current computerised record system. However, there are approximately 200 000 firearms recorded on the card index, which has been kept for over 50 years and was the active record until December 1979.

The Commissioner of Police has estimated that there were between 250 000 and 300 000 firearms registered on the card system prior to 1980. By 30 April 1981 some 247 993 had been registered under the current Firearms Act and included on the automated index system. The discrepancy in figures would there-

fore probably be less than 50 000. It should be recognised that this figure is an approximation.

The Commissioner advises that the exact number of owners who have previously registered firearms but have not applied for a licence under the new regulations cannot be accurately assessed. The Commissioner of Police has advised that a significant effort in terms of staff time would be required to follow-up each registration included on the card index system with a house call as suggested in your question.

The Hon. Dr Ritson, as with other Liberal members—

The Hon. I. Gilfillan: He's got the Minister's ear.

The Hon. DIANA LAIDLAW: I am sure that Dr Ritson is simply reinforcing the concern that I am expressing.

The Hon. Barbara Wiese: No, he's not.

The Hon. DIANA LAIDLAW: He should be. Dr Ritson was expressing a concern shared by Liberal members of Parliament that if this registration system was to work it would require a considerable effort in tracing at least 50 000 people (as acknowledged by the Minister) to ascertain whether they still live at the address noted on the card system and whether they still have the firearm that they earlier indicated they had.

If they had moved on or if any person knew they had, a further course of action would be taken. The Minister has acknowledged the significant effort that would be required at a time of acute community concern about the wisest use of limited police resources in our community and the Liberal Party severely questions whether staff time should be used for this purpose of upgrading the registration system when it is questionable whether it will ever be effective. In fact should we strive for it to be effective at any cost when new provisions for licensing and permit systems are included in this new Bill? The letter continues, but I will not take up the time of the Committee to read it further.

I also note that two police officers in particular gave evidence before the select committee to the effect that they thought that the registration system was of some value to them, particularly when responding to calls of a domestic nature or of domestic violence. It was stated before the committee that in such instances police officers could phone the registry and determine whether a person at a particular address had registered a firearm.

The Hon. R.J. Ritson: To begin with, it is about 20 per cent inaccurate, and that is not counting the other—

The CHAIRPERSON: Order!

The Hon. DIANA LAIDLAW: That is just the point that I was coming to. Dr Ritson is very enthusiastic on this subject. I repeat that I would be most concerned for the safety of police officers if they visited a household believed to have an item registered on this system, a system that has been readily acknowledged by the Minister and the Police Commissioner to be most inaccurate. A household could be registered as having a shortarm, but the system is just so out of date and inaccurate that there could be any manner of weapons at that household. I also add that the system could suggest that are no firearms were held at a particular household but, to the horror of police officers, they could walk into a minefield. We all know that situations of domestic violence can be quite temperamental and that personalities can become quite inflamed. The use of a firearm in such a situation just makes the whole issue worse. I would be most concerned with respect to the evidence of the police in this regard because it would be most dangerous if they did visit such a household without at all times being aware of their vulnerability.

So, I question the value of the evidence given in such instances. I believe that I have outlined briefly the rationale for the Liberal Party's amendment to do away with the system of registration of longarms, and I hope that it receives the support of this Chamber as it has the general support of firearms clubs in this State.

The Hon. R.J. RITSON: I support the amendment moved by the Hon. Ms Laidlaw. It must have been a mammoth task for the police, when the Act was changed, to receive at one and the same time a whole lot of new registrants applying to all police stations across the State, and also to plough back through the card index system to bring that onto a newly acquired electronic data system. I can understand that, in that transfer, which must have consumed a great deal of police time, resources and money, the process has not been completed yet and that some 50 000 out of 300 000 registrations still have not been transferred onto an electronic data base.

This is now six years on. Those cards not transferred would, I understand, not receive automatic notification of the requirement to be licensed or of the expiry of a licence and the requirement to renew it. However, now that the system is so old it may be difficult to transfer it and rely on the information, because people will have moved, died or may have disposed of firearms without complying with the obligation to notify the registry. That defies correction without field work, which the Deputy Premier indicated on the advice of the Commissioner was really just too expensive to contemplate.

New Zealand considers a licensing system to be sufficient control, and I wonder whether we would notice any difference at all in the crime rate, now that we are about to introduce a good licensing system with cooling off periods and many safeguards, if we just followed New Zealand's lead and discarded those unentered cards, not wasting any more public money and police resources in trying to sort them out but merely using the permit-to-buy system and transferring information from that system to build up a new data base without trying to cleanse the old one.

It is a nice idea to have a tight ship. It would feel comfortable if everything was in order, but I think that it is time—without criticism of the police—to recognise the magnitude of the task with which they were faced at the commencement of this Act. I am told that there are large numbers of .303 Lee Enfield rifles with the serial number 1942—although I am not sure about that. The date 1942, the date of manufacture, was in some cases put on as the serial number. Those sorts of problems occur in small police stations all over the State. I think we should just accept the defects and perhaps ditch the 300 000 cards rather than waste police resources on them. I do not think that we would notice the difference in the crime rate. From here on we should concentrate on the very good provisions of this Bill that make it difficult to buy a gun on impulse or to buy a gun if one has a criminal record, and look to the future. For that reason and because I am inspired by New Zealand's course of action in this matter, I support the amendment.

The Hon. I. GILFILLAN: The Democrats oppose the amendment. There will be flaws in any system and there may well be quite significant flaws in the current exercise of the registration system, but more use is being made of computer electronic recording equipment and it is a responsibility of those who are running the system to get it right. As I noted in my second reading speech, the Registrar, who is the Commissioner of Police, is obliged to make a policy statement and various reports so that communication to the Government, the public and Parliament should be sufficient to enable us to keep tabs on how efficiently this system is working. To exclude longarms on the basis that it proves to be a problem to record ownership accurately seems to me to be a very feeble reason not to keep as full

a record as is humanly possible of who owns firearms in South Australia.

The Hon. Diana Laidlaw: Even if it is inaccurate?

The Hon. I. GILFILLAN: There is a degree of inaccuracy in everything.

The Hon. BARBARA WIESE: The Government opposes this amendment as well. When a similar amendment was moved in another place, the responsible Minister made clear that he felt it most inappropriate for this matter to be considered in the context of this Bill because the matter had not been canvassed publicly as a measure that would be contemplated by the Government. That is not to say that there has not been discussion about the issue in some sections of the community. The Minister feels that extensive consultation with community groups that may have some interest in the matter should take place before a measure of this kind is considered by Parliament.

The question of registration was considered by the select committee and it is worth reading from the select committee report so that it forms part of the record of this debate. On page 8 of the report, the committee stated:

A number of witnesses suggested that the registration of longarms be abandoned on the basis that

- the registration system did not contribute to the reduction or detection of crime and served no socially useful function;
- the registration records of the Police Department are inaccurate.

The committee acknowledges that the system of registration is provided under the parent Act and that neither the Bill nor the proposed regulations modify that system. However, the committee is of the view that as the registration system is a fundamental component of the firearms legislation in this State the matter warranted examination.

Evidence pertaining to the utility and accuracy of registration was tendered by individuals, organisations representing the interests of firearms users, senior operational police officers, an academic lawyer and a senior criminologist. Opinion on the utility of the system was divided amongst the witnesses.

On the basis of evidence presented, the committee finds that the registration system under the Act:

- provides a valued tool to operational police officers in risk assessment when responding to calls for assistance or attending upon scenes of actual or potential firearms violence;
- enables the controlled withdrawal of firearms from persons adjudged not fit to continue in possession (subject to review mechanisms under section 34 of the Act);
- assists police in tracing stolen firearms or firearms used in the commission of a crime and subsequently recovered.

Further the committee accepts that flaws in the accuracy of the system are not sufficient to undermine the utility of registration.

Notwithstanding these findings the committee recommends that the Registrar cause a review to be undertaken into the registration system with a view to improving its accuracy and maximising its operational benefits.

The Government believes that the views of the select committee should be heeded and the Minister intends to ensure that a review of the current system is undertaken so that any flaws or inaccuracies therein can be addressed and rectified. That action should deal with some of the criticisms which have been levelled at the current system and its usefulness as a record. But, if we were to abandon registration, as has been suggested by some people, we would remove any existing inventory which gives, particularly members of the Police Force, some indication of the location and existence of firearms. The amendment proposed by the Opposition would be very strongly opposed by the police in this State, because they find the current system, even with possible existing inaccuracies, to be a very useful tool in assisting them when they attend at scenes of domestic violence and, also, when they trace the movement of firearms from lawful use to criminal use.

That should not be overlooked by the Committee. On balance, the Government believes that the system should be maintained and reviewed in order to overcome any of the current problems relating to the accuracy of the records. The position that is being put by the Opposition is inconsistent in logic, because it is inconsistent to distinguish between pistols and longarms. If, as the Opposition suggests, the practice of registration of longarms serves no useful purpose, what can be the justification for introducing handgun registration? I believe that the Opposition's attitude is inconsistent. It would serve no useful purpose to agree to the amendment and, overall, the Minister—

The Hon. R.J. Ritson interjecting:

The CHAIRPERSON: Order!

The Hon. BARBARA WIESE: —would not wish to proceed with such a measure, even if it had merit, without extensive consultation first having taken place with the respective groups in our community who would wish to have something to say about it.

The Hon. R.J. RITSON: I have a brief question which can be answered just as briefly if the Minister will take advice: what is the approximate percentage of firearms crimes that involve first, longarms and, secondly, handguns where the firearm is in the hands of the registered owner?

The Hon. BARBARA WIESE: I am advised that that information is not available.

The Hon. R.J. RITSON: It should be readily available in crime statistics. Will the Minister undertake to provide that information? I will not delay the Committee, but I would like that information.

The Hon. BARBARA WIESE: I am happy to seek that information from the Commissioner of Police and will provide it at a later date.

The Committee divided on the new clause:

Ayes (8)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw (teller), R.J. Ritson, and J.F. Stefani.

Noes (9)—The Hons G.L. Bruce, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Pairs—Ayes—The Hons M.B. Cameron and R.I. Lucas. Noes—The Hons J.R. Cornwall and C.J. Sumner.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 6—'Application of this part.'

The Hon. DIANA LAIDLAW: The next amendments on file are consequential, I will not move them following the defeat of the last amendment.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Recognised firearms clubs.'

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

Page 11, lines 15 and 16—Leave out 'the Minister may, by notice in the *Gazette*, declare the club to be a recognised firearms club' and insert 'the Minister must, if the club applies for recognition, declare the club to be a recognised firearms club by notice published in the *Gazette*'.

By way of explanation I point out that my amendment changes the word 'may' to 'must'. The context is that clause 9 provides for the recognition of firearms clubs and that, if the Minister is satisfied that a firearms club conducts its affairs and activities in a responsible manner, the Minister may, by notice, etc., declare it to be a recognised firearms club.

That 'may', is causing a lot of concern in the clubs because there is a fear that matters of preference about a particular club's activity, even though it is responsible, could lead to just a simple bureaucratic failure to recognise. Again, it may be said that the people concerned with the administration of this law would not do that and I accept that, but good legislation should stand on its own and elsewhere in the Act, in the provisions for licensing, the Act requires that,

where the conditions are met, the licence must be granted and may only be refused with the concurrence of the consultative committee.

But here, if the Minister is satisfied that a club conducts its affairs and activities in a responsible manner, the Minister may—I have amended that 'may' to 'must'. That does not bind the Minister to allow that club to collect all sorts of dangerous firearms or to license people who should not be licensed. All of those protections are still in the Act and licences can be revoked. It is simply the question of the recognition of the club, and I think, to be consistent with other portions of the Act, the Government ought to consider this amendment. It will be good for the Government's relationship with the clubs; I can see no harm coming from it whatsoever.

If the Minister is not satisfied that the club is conducting itself properly, he may refuse recognition. There is no problem with that. Sometimes personality conflicts can occur between the leaders of rival clubs—human beings being what they are, it happens—and it would be possible for a club to bad mouth a rival club to the registry and in those circumstances the Minister may either rightly or wrongly be dissatisfied with the conduct of a club.

Really, I do not know what would happen if the Minister refused an application on the basis of things that he heard that were said about a club by a rival club. Presumably, he would be the final arbiter. I am even wondering whether there should be a right of appeal to the courts against the Minister's decision. I would be interested to hear the Minister's initial response before arguing the matter further.

The Hon. BARBARA WIESE: I have considered the import of the substance of the honourable member's proposed amendment, and there is little difference one way or the other. Therefore, in the spirit of good relations and compromise I am willing to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 10 to 17 passed.

Clause 18—'Insertion of schedule.'

The Hon. I. GILFILLAN: I move:

Page 13, lines 38 to 46—Leave out clauses 2, 3 and 4.
Page 14, lines 1 and 2—Leave out clause 5.

These amendments are to apply retrospectively to the application of this legislation. It is important for members to realise what the clauses in the schedule will do if left unamended. Clause 1 of the schedule provides:

> A person who was lawfully in possession of a firearm or firearms pursuant to a firearms licence or a special firearms permit at the commencement of the Firearms Act Amendment Act 1988 is entitled to continue in possession of, and to use, the firearm or firearms pursuant to the licence or permit as if the amending Act had not come into operation.

That is fair enough. The system will not be cluttered with everyone who has a firearms licence trotting up to have alterations and qualifications appended to their licences. However, it is a different matter with clauses 2, 3, 4 and 5. Although the moratorium applies for existing licences, clause 2 provides:

> Upon renewal of a firearms licence referred to in clause 1 the licence must, at the request of the holder of the licence, be appropriately endorsed by the Registrar so as to authorise the possession and use, by the holder of the licence, of the firearm or firearms referred to in clause 1 for the same purposes and to the same extent that the holder of the licence was entitled to possess and use those firearms immediately before the commencement of the Firearms Act Amendment Act 1988, and subsequent renewals of the licence must carry the same endorsement.

This is unbelievable, for a Government which proposes that this legislation will tighten up gun control and make it a safer community because of the stricter enforcement and more rigorous constraints and requirements for licensing under the Act. I have listened to the Hon. Bob Ritson, who is probably softer on guns than anyone else in this Chamber that I have recognised up to this point, indicating that the licensing system will be the machinery mechanism by which to introduce proper and adequate controls: yet in this same Bill we are to absolve all gun owners who wish to continue to have exactly the same freedom and so-called rights that we are attempting, by way of legislation, to change. They can continue in that way as long as they choose to keep their licences going. There is no restriction—none.

I just hope that the public, and all members in this place, realise the significance of these clauses in the schedule. This legislation is an attempt to make the community safer so far as firearms are concerned, but as it stands it will have no effect in relation to the 350 000—or whatever the actual figure is—firearms currently in this State, and the licence holders, unless they voluntarily say, 'Look, I don't mind losing some of the control, some of the rights and opportunities that I have now, because I want to conform with the legislation.' Further, in relation to the schedule, clause 3 provides:

> The Registrar cannot impose licence conditions that operate in relation to a firearm or firearms referred to in clause 1 (whether before or after renewal of the firearms licence) in addition to the licence conditions that operated in relation to that firearm or those firearms at the commencement of the Firearms Act Amendment Act 1988.

Clauses 4 and 5 are incidental and are not significant to the matter with which I presently take issue. The issue we are now confronting was allegedly a serious attempt by the Government, supported by the Opposition, to control and restrict firearm use and abuse in our community, yet, in this schedule we virtually wipe out any effect of this legislation for current licence holders.

The Hon. M.J. Elliott: It's a sham.

The Hon. I. GILFILLAN: It certainly is a sham to put this forward as a measure to protect our community when we virtually exempt current licence holders. It is a farce. Any honourable member who has serious concerns about gun control in this State must support the amendments, and I urge the Committee to do so.

The Hon. BARBARA WIESE: The Government opposes the amendments. It is not our intention that retrospectivity apply in this case. As the honourable member would be aware, in most cases when retrospectivity is raised in a context such as this it is likely to be opposed by the Parliament. In a matter like this we would probably acknowledge that we do not live in a perfect world and that not everything that has happened in the past has been as we might have wanted it to be. But that is not to say that people who have acted in good faith at some time or another should now be penalised because the community or the Parliament's view on this matter has subsequently changed. If that view on retrospectivity is to be varied for some reason or another then the reasons for so doing must be very strong and persuasive.

In this case it is the Government's view that people who have purchased firearms in the past and who have understood the conditions that then applied should not be subject to the provisions that will apply under the new legislation, and that the rights of those persons should not be adversely affected by its passage. The Government does not believe that the amendments are reasonable.

The Hon. DIANA LAIDLAW: The Liberal Party does not support the amendments to delete the four clauses of the schedule, principally for the reasons outlined by the Minister. Generally, all of us have come to accept that the Bill represents compromises, checks and balances, and that it is, overall, in the best interests of the community.

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

Page 13, lines 38 and 39—Leave out ', at the request of the holder of the licence,'.

My amendment is the antithesis of the Hon. Mr Gilfillan's amendment and fully expresses the spirit regarding retrospectivity so clearly enunciated by the Minister. The transitional provisions in paragraph (2) provide that the licence must, at the request of the holder of the licence, be appropriately endorsed by the Registrar so as to authorise the possession and use, etc., referred to in clause 1 for the same purposes and to the same extent that the holder of the licence was entitled to possess and use those firearms immediately before the commencement of the Act. The effect of the transitional provisions is that, upon proclamation of the Act, those who presently hold licences and are able to use their firearms for all lawful purposes will automatically be able to continue that degree of use of the firearm, but, upon the renewal of the licence, unless they request the maintenance of these previously existing provisions, the Registrar may endorse the licence for a more restrictive degree of use.

It seems that, as the Bill stands, the promise about lack of retrospectivity is somewhat hollow. As the Bill stands, and in the very fine print that will not be read by constituents, retrospectivity may be applied merely because a constituent has not read the fine print and has not specifically requested that he continue to enjoy this lack of retrospectivity. The Minister may have some explanation as to why it will not be like that but, as far as this legislation is concerned, her very laudible words about lack of retrospectivity are not delivered.

My amendment would have the effect that the same automatic preservation of existing rights that would exist on the proclamation of the Act would exist on the renewal of the licence. I refer to a firearms owner who has a renewal date one month after the date of the proclamation of the Act. Upon the proclamation of the Act he has his previous rights, yet one month later, if he forgets to request on his renewal form that he retain his pre-existing rights, he loses them.

I am not saying that this will happen, but a future Government could use this Act to restrict more and more by an attrition process the purposes for which persons may use their firearms. For instance, if I had a .762 millimetre target rifle, under the present law there is nothing to stop me using it for hunting as well as open-range target shooting. Immediately upon proclamation of the Act, as promised by the Government, I would have the right to use that rifle for hunting but, a month after that, upon renewal of my licence, if I forgot or did not know or misinterpreted the renewal form or if I did not understand that I had to request permission to continue to use that rifle for hunting, it may be endorsed for use on a rifle range only. If that happened and I went to the Registrar, he may say, 'Whoops, you forgot to ask; we mean to give you this ongoing right.' But, as I read the Act, I have lost my chance, and he may say, 'No, you did not ask for it so your licence has been downgraded to use on the range only. It is my policy not to upgrade those endorsements in the future because there is no requirement here for subsequent upgrading of the endorsement.' The firearms community is concerned about this because it looks to them like a bit of Indian giving: make the promise in the bold print and erode the promise in the fine print. My amendment is in the spirit of the Minister's words and I am interested in her response.

The Hon. BARBARA WIESE: As I have already indicated, it is the intention of the Government to preserve the rights of people who have held firearms prior to the passage of this legislation. However, the Government believes that it is also important to include the words that the honourable member seeks to leave out by way of his amendment, which would require the holder of a firearm, when renewing a licence, to indicate the nature of the retrospective use that the owner of the firearm wishes to preserve in the future. The method of achieving this would be by way of reference to such required use as one aspect on an application form so that, when a person sought to renew the licence, they would be asked to tick a box or indicate the previous use that they wished to preserve in renewing the licence. That is because it would be very difficult for the Registrar to make those judgments in the absence of such information being provided by the owner of the firearm.

It seems to me to be a provision which does not place an onerous responsibility or requirement on the owner of the firearm but one which would facilitate the granting of a licence by the Registrar. It would be administratively convenient for the Registrar and would hasten the process itself. I believe that it would work very effectively. For that reason, the Government will oppose the amendment as proposed by the Hon. Dr Ritson.

The Hon. R.J. RITSON: I thank the Minister for her response. I am, perhaps, a little less anxious: I hope that the licence holders' rights are in good bold print. I have one further question. In the event of a licence holder making a mistake and not claiming his right on the form, getting a surprise to find that he had been downgraded, and returning to the Registrar, saying, 'I have been endorsed range only, no hunting. I made a mistake filling out the form. I used to have those rights. Can I claim to have them restored?', what would be the Government's policy?

The Hon. BARBARA WIESE: In the situation outlined by the honourable member, I believe that the rights would be restored, because it would be possible for the accuracy of the claim being made by the firearm owner to be verified and the licence, therefore, to be endorsed in the way requested by the owner. Obviously, if someone came to the Registrar and claimed a previous use which was inaccurate, that could be discovered and the Registrar, in that instance, would refuse to endorse it.

The Hon. R.J. Ritson: If he claimed he had prior rights which he did not, because the date of his licence—

The Hon. BARBARA WIESE: I have in mind someone who would come to the Registrar and say, 'I previously used my firearm for employment purposes,' when it could be established that the person had not needed a firearm for such purposes. In that case, the endorsement would not be made.

The Hon. R.J. Ritson: That applies to the C class licence, anyway. If someone has a .22, there is no limit, subject to the other laws of the State. There is no limit as to whether he target shoots or hunts at present with that firearm, so there could not be any inaccuracy if he claimed the unrestricted endorsement in the future.

The Hon. BARBARA WIESE: That would be correct with that particular firearm.

The Hon. R.J. RITSON: The Minister said that she imagined that the Registrar would adopt a policy, when I really asked what the Government's policy would be. I want a policy statement. We will have to vote on some words in an Act, and we need the Government to take the responsibility of saying what will happen.

I am not being aggressive here, nor am I merely expressing the opinion of a member of Parliament as to how the Registrar should behave. What is the Government's intention with respect to administrative flexibility? As to retrospectivity, if people have to restate how they wish to use their firearms and through lack of familiarity with the Act or because of the nature of the forms an error is made—some forms faze people—and a more restrictive endorse-

ment is made on the licence, can that error be corrected? If that is the Government's opinion that that is the way in which it is intended to operate, I will not proceed with the amendment.

The Hon. BARBARA WIESE: Perhaps I did not express the Government's view as clearly as I could have. If subsequent information was produced to suggest that it had been wrongly endorsed previously under the retrospectivity clause, the Registrar would be pursuing the policy of the Government if he changed the endorsement. It is the Government's view that that practice should be performed by the Registrar in cases in which a person can establish a retrospective use which should be preserved. It is the Government's policy that that occur, and that will be communicated to the Registrar, who will be expected to put that policy into place.

The Hon. R.J. RITSON: I thank the Minister and indicate that I will not proceed with the amendment.

The Committee divided on the Hon. I. Gilfillan's amendment:

Ayes (2)—The Hons M.J. Elliott and I. Gilfillan (teller).

Noes (15)—The Hons G.L. Bruce, J.C. Burdett, T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, Carolyn Pickles, R.J. Ritson, T.G. Roberts, J.F. Stefani, G. Weatherill, and Barbara Wiese (teller).

Majority of 13 for the Noes.

Amendment thus negatived.

The Hon. I. GILFILLAN: My remaining amendment on file is consequential.

Clause passed.

Clause 19, schedule and title passed.

Bill read a third time and passed.

TECHNOLOGY PARK ADELAIDE 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.

In view of 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

This Bill seeks to make three main amendments to the Technology Park Adelaide Act 1982. First, it seeks to change the name of the Technology Park Adelaide Corporation to the Technology Development Corporation. Secondly, it seeks to increase the membership of the Technology Park Adelaide Corporation from eight to nine members through the appointment of an additional member on the nomination of the Flinders University of South Australia. Finally, it seeks to delete reference to the park as a singular entity to enable the corporation to administer the proposed Science Park Adelaide to be established on the Sturt Triangle.

The Technology Park Adelaide Corporation has demonstrated itself to be an effective organisation which has brought together a unique blend of private, tertiary and Government sector expertise to deal with the task of promoting technology development throughout South Australia. Its functions under the Act are:

(a) to promote scientific and technological research and development;

(b) to promote and encourage:

(i) the establishment and development in South Australia of industries using high technology or producing goods or providing services involving high technology; and

(ii) the introduction and development of high technology by industries already established in South Australia;

(c) to encourage cooperation and the exchange of ideas and knowledge between industry and educational institutions;

(d) to attract to the park from Australia and overseas individuals and companies undertaking scientific and technological research and development, using high technology in industry, or producing goods or providing services involving high technology;

(e) to develop and maintain land and to provide and maintain accommodation, facilities and services for the purpose of carrying out the above function.

Its objectives developed on the basis of the Act and pursued with the agreement of the Government are:

(a) the establishment and/or development of new technology based industries in South Australia, particularly those based on local invention and innovation; and

(b) the development and/or adoption of appropriate new technologies by existing South Australian industry.

Minor amendments relevant to the administration of the corporation were enacted during 1986.

The rapid pace of development at Technology Park Adelaide has aroused Australia-wide interest, as has the concept of the corporation's multi-tenant 'incubator' facilities and indeed the park is recognised internationally as one of the fastest growing in terms of employment and built areas. The Adelaide Microelectronics Centre administered by the corporation is an outstanding success in the field of introducing the use of microelectronics technology into the processes and products of existing and newly formed companies. The Adelaide Innovation Centre developed by the corporation has been another success and is considered the model centre in Australia.

The success of the corporation initiatives is in a large part a consequence of the corporation structure—through the membership of the corporation a wealth of private sector expertise and experience has been tapped, important links forged with tertiary institutions and the cooperation and support of the Commonwealth Government realised.

In view of the increasingly broad range of initiatives administered under the umbrella of the corporation and, in particular, the proposed establishment of the proposed development of Science Park Adelaide incorporating land provided by the Flinders University of South Australia it is considered appropriate to increase the membership from eight to nine through the appointment of an additional member as a nominee of the university; this will not only provide an opportunity for the university to participate in decisions affecting its investment, but will facilitate strong working links with the university in the interests of the new Science Park. It is proposed to change the name of the corporation to encompass the range of initiatives which it already administers and to remove the inappropriate perception that its sole function is the physical development

of a single property development, Technology Park Adelaide.

With respect to the appointment of members the corporation is subject to the general direction and control of the Minister and must specifically seek the approval of the Governor. In relation to the expenditure of moneys the corporation must seek the approval of both the Minister and Treasurer.

Clause 1 is formal.

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

Clause 3 amends the long title to the principal Act.

Clause 4 amends section 1 of the principal Act by substituting a new short title. The new short title is 'Technology Development Corporation Act 1982'.

Clause 5 repeals section 3 of the principal Act which is an arrangement provision.

Clause 6 amends section 4 of the principal Act which is an interpretation provision. It amends the definition of 'the corporation' and strikes out the definitions of 'the council' and 'the park'.

Clause 7 repeals the heading to Part II of the principal Act and substitutes a new heading.

Clause 8 amends section 5 of the principal Act which established the Technology Park Adelaide Corporation. The amendment changes the name of the corporation to Technology Development Corporation.

Clause 9 amends section 6 of the principal Act which deals with the membership of the corporation. The amendment provides for an increase in the membership from eight to nine, the additional member to be a person appointed on the nomination of the Flinders University of South Australia.

Clause 10 amends section 12 of the principal Act which deals with the corporation's functions. The amendment expands the corporation's functions. Whereas paragraph *(d)* of subsection (1) presently states that it is a function of the corporation to attract 'to the park' individuals and companies undertaking scientific and technological research, etc., the amendment makes it a function of the corporation to attract the same 'to this State'. Paragraph *(e)* of subsection (1), which is an incidental power, is replaced by the following function: to establish, develop and maintain science and technology parks and to provide and maintain accommodation, facilities and services within those parks for the purpose of carrying out the other functions specified in subsection (1).

Clauses 11 and 12 make amendments, respectively, to sections 13 and 21 of the principal Act, consequential on the deletion of the definitions of 'the council' and 'the park'.

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

INDUSTRIAL AND COMMERCIAL TRAINING 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.

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 further enhance the effective and efficient administration of industrial and commercial training in South Australia. The proposed amendments to the Industrial and Commercial Training Act will enable appropriate responses to recent and anticipated developments in vocational training at a State and national level.

The amendments have been recommended by the Industrial and Commercial Training Commission following close consultation with employer organisations, unions and relevant Government agencies.

The amendments proposed in the Bill fall into two categories:

- those amendments which respond to the growth of the Australian Traineeships System; and
- those which are necessary as a direct consequence of the Hairdressers Act 1988 but which have much wider implications.

Well-structured vocational training arrangements are essential to the development of South Australia. Only a well trained workforce with up-to-date skills and knowledge can meet the needs of industry and commerce.

This Bill contains necessary provisions to enable the achievement of this States training objectives.

The Bill has received endorsement and support from all sides of industry and commerce.

Firstly Traineeships.

The Australian Traineeships System (ATS) is a system of employment based entry-level training for young people entering occupations for which there has traditionally been a lack of structured training. Trainees undergo an integrated program of on and off job training, normally over a period of twelve months. At the commencement of a traineeship the employer and trainee jointly enter into a Training Agreement which is lodged with the Industrial and Commercial Training Commission (ICTC).

Since the inception of ATS under the auspices of the State and Commonwealth Governments the ICTC has been responsible for the administration of this new system of training in South Australia. To date the Commission has administered ATS under the powers given in Part III section 27 of the Act.

Sixteen traineeship schemes are approved by the ICTC with 743 trainees in training. The growth in the system is reflected in the fact that as at 30 June 1987, there were seven schemes approved involving 237 trainees.

Traineeships are increasingly being developed in new vocations and sectors of industry and commerce which have not been involved in Traineeships before. Traineeships have been well accepted to the benefit of employers and employees alike, and to the advantage of the whole community.

Since the first ATS trainee commenced in 1986, almost 20 000 young Australians have commenced Traineeships. New commencements in 1987-88 totalled 10 612 Australia wide.

As a result of experience in administering ATS over the past two years the Commission has come to the view that the full system of quality training measures provided for the apprenticeship system under the Act should also apply to ATS. Most importantly these measures should provide for enforceable training agreements which bind both employer and trainee to certain rights and responsibilities. However, this cannot be achieved for ATS under the powers given in section 27 of the Act. This has been confirmed in advice from the Crown Solicitor.

The Crown Solicitor has advised that the powers vested in the Commission to administer apprenticeships do not

apply with respect to trainee schemes if approved under section 27 of the Act. The simplest way to confer such powers is to provide that a Training Agreement to be recognised as a 'contract of training' as defined in section 5 of the Act.

It is considered that bringing both apprenticeships and traineeships under the same legislative provisions will facilitate more cost effective procedures for the administration of these systems. This is likely to result in savings in the long term and in a better service to the community.

This legislation will provide for enforceable training agreements, protection of the rights of each party to such agreements, dispute and disciplinary settlement processes, employer approval mechanisms and other quality training measures.

However, traineeships will remain a system of voluntary participation in the formalised training system much distinct from the traditional apprenticeship system, which prohibits training in trades except under indenture, in accordance with State and Federal awards.

These proposed amendments to the Act were considered by the Industrial and Commercial Training Commission at its May meeting this year. The proposal was fully supported by both employer and employee representatives.

The second category of amendment mentioned earlier arises as a consequence of the enactment of the Hairdressers Act 1988. Although this amendment is initially to apply to hairdressing alone, other vocations would potentially be provided for by the same amendment.

In April 1988 Parliament passed the Hairdressers Act 1988 which repeals the Hairdressers Registration Act 1939 and prohibits the practice of hairdressing by unqualified persons. After 1 January 1989 persons seeking to practise hairdressing in South Australia for the first time will be required to hold a certificate of competency issued by the Industrial and Commercial Training Commission or its equivalent.

Whilst the Industrial and Commercial Training Act enables the Commission to issue certificates of competency to persons satisfactorily completing programs of training determined by the Commission, it does not enable the Commission to issue certificates of recognition for comparable skills developed in other ways.

Consultation with both union and employer organisations in the hairdressing industry occurred during the drafting of the Hairdressers Act 1988. Further consultation has taken place during this year and will continue in the future through the Hair and Beauty Training Advisory Committee. This was recently established by me on recommendation of the Industrial and Commercial Training Commission as defined in Part II Division III of the Act. At present the Committee is developing a revised training program and systems for the administration and conduct of a final examination for hairdressing apprentices. This examination will assess the skills and knowledge of apprentices nearing the completion of their training to determine if they have reached the standards essential for competence in the practice of hairdressing.

It is proposed that persons without formal training in Australia, but who wish to practise hairdressing in South Australia be required to sit the same examination as established for hairdressing apprentices. This is considered to be an administratively simple and equitable method for determining a person's competence in hairdressing. Applicants would be assessed on the value of their current skills rather than the relative merits or otherwise of a qualification from another country and vocational training system.

The relevant amendment in this Bill is required for the effective administration of the Hairdressers Act in respect of:

- those trained overseas and
- those trained informally within Australia.

For those persons with hairdressing qualifications issued by Training Authorities in other States and Territories of Australia, recognition can be achieved in South Australia by Regulation under the Hairdressers Act.

As mentioned earlier this amendment has significant implications beyond the hairdressing sector. The amendments proposed consequential to the Hairdressers Act will empower the Commission to grant certificates of recognition to persons who have trained in hairdressing overseas and wish to practise in South Australia. A proposal for such certification for other occupations has also been put forward for consultation.

The lack of comprehensive recognition of overseas trade qualifications has been commented on in a number of State and national level reports.

The proposed amendment to the Industrial and Commercial Training Act has been endorsed by the Implementation Committee to the Immigrant Workers Task Force Report and also received strong support from the Chairman of the South Australian Ethnic Affairs Commission.

Four States (New South Wales, Victoria, Queensland and Tasmania) currently have the legislative authority to issue 'Certificates of Recognition' to appropriately skilled persons who seek trade status without having formally trained through the apprenticeship system. Western Australia, the only State along with South Australia which does not have these powers, is currently considering legislative changes to enable such recognition to be granted.

Although the proposed amendment to the Industrial and Commercial Training Act is required for the effective administration of the Hairdressers Act 1988, the Training Commission is aware of significant support for the issue of 'certificates of recognition' for occupations other than hairdressing.

Under the Commonwealth Tradesman's Rights Regulations Act 1946 persons without formal trade qualifications, or with overseas qualifications, can receive recognition. However, such recognition under 'Tradesmans Rights' is limited to the metals, electrical and footwear trades.

There are no equivalent measures provided in respect, of the other trades which account for 50 per cent of South Australias trade training.

The 1986 census data from the Australian Bureau of Statistics shows there were 88 509 tradespersons in South Australia. Excluding apprentices it is estimated that up to 33 000 of these persons do not hold formal trade qualifications and of these some 18 000 are employed in trades not covered by the existing Tradesman's Rights.

This Bill will enable the training system in South Australia to respond to such needs. In addition this Bill will pave the way for this State to respond to other national initiatives in the training area from which South Australia would be excluded under present legislation.

A number of industry sectors are currently undertaking major reviews of award structures to provide a closer link between training and skill development and career paths through the industry. This includes the metals, electrical and hospitality sectors. In March, 1988 the National Tourism Industry Training Committee released a 'Proposal for Nationally Consistent Formal Recognition of Experienced Cooks'. One of the major aims of the proposal is to 'establish a nationally consistent quality-based criterion for the recognition of experienced but unqualified cooks which is

accepted nationally by State TAFE and training authorities, employers union and individuals'. Without the proposed amendment to the Industrial and Commercial Training Act, South Australia will be unable to participate in this important development for this and other sectors of industry and commerce.

This Bill, contains the necessary provisions to enable the administration of training arrangements to keep pace with training developments in industry.

The dramatic downturn in trade training activity in the early 1980's, has been reversed.

If we are to continue to encourage the growth of employment and training in this State; if in the long-term we are to strengthen our skilled labour supply as the basis for a vigorous and thriving South Australian industry in the national and international marketplace, we must continue to adapt.

Last year in 1987 the number of apprentices in training in South Australia increased from 10 396 to 11 236. This was double the increase of the previous year and the highest level since 1981. Traineeships over the past year had a much more dramatic increase, as mentioned earlier.

The effect of this Bill will be to empower the Industrial and Commercial Training Commission to extend the full scope of training arrangements to traineeships under the Australian Traineeship System with the consensus and the support of industry. This Bill will empower the Training Commission to issue certificates of recognition to appropriately skilled persons, in accordance with the spirit and intent of the Hairdressers Act 1988—once again with the consensus and support of industry. The Bill will enable the Training Commission to respond to the needs of industry and the workforce by recognising, much needed trade standard skills acquired outside this State's formal training system, either overseas or informally within Australia.

In short this Bill empowers and enables the Training Commission to carry out its responsibilities in the manner which is expected, providing the flexible administration which is appropriate to the ever changing industrial environment.

The Bill is commended to the House.

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 section 14 of the principal Act which sets out the functions of the Industrial and Commercial Training Commission. The clause amends paragraph *(b)* of subsection (1) which provides that the Commission has the function of inquiring into, keeping under review and reporting to the Minister on the systems and methods of apprenticeship training. The clause rewords this provision so that it relates to all training for trades and declared vocations whether or not by way of apprenticeships. The clause also adds to the specific functions of the Commission the function of assessing by such means as it thinks fit the competency of persons who have acquired qualifications or skills otherwise than through programs of training determined by the Commission and, where appropriate, issuing certificates recognising such qualifications or skills.

Clause 4 amends section 17 of the principal Act which sets out the functions of training advisory committees. The clause amends the section so that it refers specifically to declared vocations other than trades.

Clause 5 amends section 21 of the principal Act which contains the basic provisions relating to contracts of training. The clause amends subsection (1) (which prohibits an employer from undertaking to train a person in a declared vocation except in pursuance of a contract of training, so that the subsection applies only to declared vocations that are trades. The clause inserts a new subsection designed to make it clear that an employer may (although not required to do so) undertake to train a person in declared vocation (other than a trade) under a contract of training. The clause amends subsection (10) which presently fixes an initial probationary period of three months for every contract of training so that different probationary periods may be prescribed by regulation for different trades or other declared vocations.

Clause 6 amends subsection (3) of section 25 of the principal Act which presently provides that time spent attending an approved course of instruction for the first time is to be counted for the purposes of determining the wages payable to the apprentice or other trainee. The clause rewords this provision to make it clear that where an apprentice or other trainee attends an approved course of instruction previously undertaken by that person, the time spent reattending the course need not be counted for the purpose of determining the person's wages, but with that exception, the time spent attending or reattending such a course is to be treated for all purposes as part of the person's employment.

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

LIFTS AND CRANES 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.

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

Leave granted.

Explanation of Bill

The object of this small Bill is to amend a transitional provision of the Lifts and Cranes Act 1985 (the 'new Act') before it is brought into operation early in 1989. The provision concerned deems cranes, hoists and lifts registered under the current Act to be registered under the new Act only for the balance of the term for which they were registered. The practical effect of this provision is that the registration of all existing lifts would come to an end on 31 January 1989 and the owners of those lifts would be obliged to apply immediately for registration under the new Act. The Department of Labour cannot register a lift under the new Act unless the lift has first been inspected. It was not intended that either of these things should happen, but that the current annual registration of all existing lifts would be automatically converted to permanent registration (that is, no requirement to renew) on the commencement of the new Act. The amendment seeks to rectify this problem.

The opportunity has also been taken to upgrade the penalties provided by the new Act, to express them in terms of divisions and to achieve a degree of uniformity with those provided by the Occupational Health, Safety and Welfare Act 1986. There is no logical reason why a breach of an obligation under the new Act should attract a significantly lesser penalty than a breach of an equivalent obligation under the Occupational Health, Safety and Welfare Act 1986.

Clause 1 is formal.

Clause 2 amends the transitional provision in section 13 of the principal Act by deleting those words that limit the operation of the provision to the balance of the term for which a crane, hoist or lift was registered under the repealed Act.

The schedule contains penalty increases, to bring them more into line with those provided by the Occupational Health, Safety and Welfare Act 1986.

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

The PRESIDENT: In declaring the Council adjourned until tomorrow, I wish to thank all members for the smooth proceedings and dignified manner in which Parliament has operated today. I appreciate very much the response of all members to my plea of last week.

ADJOURNMENT

At 11.47 p.m. the Council adjourned until Wednesday 16 November at 2.15 p.m.