LEGISLATIVE COUNCIL

Wednesday 30 November 1988

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

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

PAPER TABLED

The following paper was laid on the table:

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

Commissioner of Police—Annual Report, 1987-88.

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 refer honourable members to my statement of 15 November in the Council concerning the absence from official duties of the Attorney-General. I am pleased to inform the Council that the Attorney-General intends to resume official duties next Monday, 5 December. In preparation, the Attorney-General tomorrow will attend the meeting of the Standing Committee of Attorneys-General and the Council of Ministers of Corporate Affairs in Canberra.

MINISTERIAL STATEMENT: WEST TERRACE CEMETERY

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

Leave granted.

The Hon. BARBARA WIESE: Yesterday, in the Council, I was asked a question by the Hon. Mr Stefani regarding an alleged lack of protection for workers at the West Terrace Cemetery and an alleged breach of burial regulations. These were serious allegations, both from a work safety point of view and because of the disturbing effect that such allegations could have on members of the community who have relatives or friends buried at the cemetery.

Ms President, I wish to assure the Council that workers at the West Terrace Cemetery are working under normal cemetery practices. They are issued with comprehensive safety clothing and have access to shower facilities. The Department of Housing and Construction is currently introducing grave trench shoring methods. It is important that the Council understands that the Opposition claims of risk of exposure to disease of cemetery workers relate to the allegation—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —that bodies with flesh still attached are being dug up at the West Terrace Cemetery. This allegation was made in both Houses yesterday. Ms President, there is not one instance that officers from the Department of Housing and Construction can find where bodies with flesh still attached have been exposed at the West Terrace Cemetery. This was a false allegation and the more serious for its unnecessary and potentially cruel impact on those in the community with loved ones buried at West Terrace.

I should point out that Health Commission advice to the Minister of Housing and Construction has reaffirmed that bodies with flesh still attached are most unlikely to present a risk to humans with respect to infection from diseases such as AIDS or hepatitis. But I restate: no bodies with flesh have been exposed at West Terrace Cemetery. Of course, exhumations are a different matter and are handled differently. Bodies exhumed at the request of families or for official reasons often involve exposing full bodily remains. Exhumations are attended by health and law officials. The different practice of lifting the remains of a body and deepening the grave to allow the interment of another relative is provided for by regulations and is carried out only at the request of the buried person's family. The regulations allow reopenings of graves only after a certain period of time which is determined by the age of the person at burial.

Since January 1987, 26 'lifts and deepens' have taken place at West Terrace. One of the most recent of these involves a grave that was 16 years old. I believe that is this case that the Opposition is referring to when it alleges that a body was exposed with flesh still attached to it. There is no truth whatsoever in that allegation.

Ms President, the allegations raised in both Houses of Parliament yesterday relating to burial practices at the West Terrace Cemetery have unnecessarily disturbed the minds of those in the community with relatives or friends buried at that cemetery. West Terrace Cemetery is operating under supervision from the Department of Housing and Construction, and proper burial practices ensue. Supervision at the cemetery has actually increased over recent months with the commencement of a conservation study to determine the future of the cemetery.

QUESTIONS

WEST TERRACE CEMETERY

The Hon. J.F. STEFANI: I seek leave to make an explanation before asking the Minister of Tourism a question about practices at the West Terrace Cemetery.

Leave granted.

The Hon. J.F. STEFANI: On behalf of the many people who have relatives buried at the West Terrace Cemetery, I am terribly disturbed about this matter, and because of that I brought it to the attention of the Minister and this Council. In his reply yesterday the Minister in the other place said that he had no knowledge of these things, but I have evidence which indicates that in late October a letter detailing certain things was written to him. Obviously, when the Government says that safe work practices are being carried out, it has something to hide. However, today's ministerial statement indicates that the Department of Housing and Construction is currently introducing shoring of trenches. A safety Act which has been in place for many years prohibits the digging of trenches beyond a certain level without shoring, but these workers are now down to seven feet and are only now being protected against a total slide of trenches.

Obviously the Minister has not gone to the site and spoken to these people, but I have. They told me that they have had to remove embalmed bodies which were buried in tin-lined coffins. However, they said that, when they removed the bodies, there was flesh on the legs. I am repeating what the worker who was in the trench and pulled up the body said to me. I did not dream about this.

The Hon. M.B. Cameron: You went to the cemetery.

The Hon. J.F. STEFANI: I went to the cemetery and spoke to the people. The truth of the matter is that the

Government is not prepared to look after its workers, particularly if they happen to be migrants, as is the case at this site. In addition, regulations govern the management of the cemetery, but what great regulations they are! Those regulations permit a body of a person aged 10 years and over at burial to be pulled up after three years. Any person with any knowledge of these things will say that at that stage the body would not be completely decomposed. They are the current regulations that the Government is allowing in relation to cemeteries. I ask you, Madam President: surely—

The PRESIDENT: You are not asking me. You are asking the Minister a question.

The Hon. J.F. STEFANI: I am asking the Minister through you, Madam President. I am asking the question and explaining that the Minister has made a statement which is a non-event. The health risk and dangers were there, and only recently was shoring introduced. Shoring was probably introduced only after I visited the cemetery; that is probably the truth of the matter. It is absolutely disgusting that the workers at the cemetery are neglected. They are not directed to shower. The showers are there, but what about giving some directions to these people; what about training them—they are not trained. Those are the very matters that were raised yesterday. I seek leave to make an explanation before asking a question.

The PRESIDENT: You have already been granted leave to do that.

The Hon. J.F. STEFANI: I take it that the Minister will look into this grave problem at the West Terrace Cemetery because it is becoming a hot issue, and the community will certainly ask more questions. On a recent visit to this cemetery I was informed that in the past 12 months the Superintendent has been charged by the police for certain offences in relation to malpractice in his employment at the cemetery and has been replaced.

Through the Minister's office I obtained a list of burials which have taken place since 1 January 1987. The information also denotes sites where a second burial has taken place. On discussing this matter with the office staff I was informed that when vaults are used for a second burial the lifting of the body and deepening of the vault is totally forbidden under any circumstances. I inspected the register kept at the cemetery office and noted the details of charges applicable to recent burials, including those for lifting and deepening. I was able to visit graves where a second burial had occurred in the past four months, and to my complete astonishment I discovered that at one grave site where a vault had originally been built a recent burial had occurred and a lifting and deepening charge had been entered in the cemetery's register.

The Hon. M.B. Cameron: Against the regulations.

The Hon. J.F. STEFANI: Against the regulations and against what the staff said is permissible. I returned to the cemetery office, checked the register, and asked the staff why a vault had been allowed to be opened, the body lifted, and the grave deepened when this practice was totally forbidden. A staff member told me that I should speak to the Minister. Many South Australians, including members of the ethnic community, have expressed great concern about these practices, particularly as they affect their loved relatives buried at the West Terrace Cemetery. My questions to the Minister are:

1. Did the Minister give permission for a vault to be opened, the body removed and the concrete floor broken up, which is against all regulations and cemetery practices?

2. If not, on what date did the Minister first become aware of this matter?

3. What was the total fee charged and received and was it paid in cash or by cheque?

4. Was written permission granted by the Attorney-General's Department for the exhumation of the body?

5. Was the procedure supervised and, if not, why not?

6. Were the remains of the previous deceased person removed from the vault so that the vault could be deepened and, if so, where were they placed?

7. What precautions were taken by the workers against bacterial disease present in the vault?

8. Has this practice been allowed to occur before and, if so, when and on how many occasions?

9. Was any additional money paid to anyone to allow the second burial in the vault and, if so, to whom?

10. What breaches of regulations have been allowed to occur in relation to this matter and/or other matters at the West Terrace Cemetery during the past five years?

11. Will the Minister advise if a safety representative has been appointed at the West Terrace Cemetery in accordance with the Act?

The Hon. M.B. Cameron: And when.

The Hon. J.F. STEFANI: And when and, if not, why not?

The Hon. BARBARA WIESE: Clearly, I will have to refer those detailed questions to my colleague the Minister of Housing and Construction and supply a reply for the honourable member. I want to make two points. First, concerning comments that the Hon. Mr Stefani made in his earlier statement about the Government's work practices at the West Terrace cemetery, I refer him to the statement that I have just made with respect to that matter. I indicate to the Hon. Mr Stefani that this Government does not discriminate against its workers on racial grounds, as he suggested. I reject that allegation right—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —from the outset.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: My second point is that, if the Hon. Mr Stefani has evidence of the allegations that he is making, as he has suggested, I can only ask why he did not take the advice of the staff member that he said he spoke to who suggested that he discuss the matter with the Minister. If he discussed the matter with the Minister and presented evidence of his allegations—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —if there was some substance in them, the Minister of Housing and Construction would be the first person to take up the issue to see that the matters were addressed. That is obviously not the Hon. Mr Stefani's objective here. He is much more interested in making a song and dance about it than in achieving results for the people that he claims to represent.

CURADERM

The Hon. R.J. RITSON: I seek leave to make an important statement by way of explanation before asking the Minister for everything, representing the Minister of Health, a question about the treatment of cancer.

Leave granted.

The Hon. R.J. RITSON: Last Sunday, the *Sunday Mail* published an item headed, 'New hope for skin cancer victims'. The article extolled the virtues of a cream called Curaderm, which would make skin cancers disappear,

together with testimonials, photographs, comments from a satisfied patient, and statements from a Queensland chemist hailing it as a major breakthrough. The cream was said to be available over the counter in South Australia and around Australia. The cream is said to contain a glycoalkaloid and to have had amazing results in clinical trials.

It is necessary to set out a few facts by way of further explanation. First, the substance that was first trialled was not Curaderm. The trialled substance, called BEC O2, contained 10 per cent glycoalkaloid in dimethylsulphoxide. Curaderm contains .005 per cent of the glycoalkaloid in the substance originally trialled with 10 per cent salicylic acid and 5 per cent urea. The only journal report of Curaderm is a non-referred journal called *Cancer Letters*. There are no reports of clinical trials in the prestigious referred journals.

An as yet unreported trial has begun, conducted by Dr Veronica Hart, at the Royal Brisbane Hospital using Curaderm on basal cell carcinoma, the most common form of skin cancer. Following treatment with Curaderm, biopsies are taken to determine the response. Only a small number of cases have been dealt with so far, but the results are alarming. Out of a series of seven cases, the results are as follows: one case apparently healed, biopsy free of tumour; two cases clinically healed but microscopically had persistent islands of tumour cells deep in the scar tissue; and four cases showed no response to treatment.

The most alarming feature of these preliminary trials is not merely that the apparent cure rate is one in seven compared with surgical excision cure rates approaching 100 per cent, but the significant proportion of cases in which the lesion appears to heal but tumour cells remain microscopically in the depths of the tumor. These remnant tumour cells have the potential to recur in depth involving deeper structures before signs of the recurrence appear on the surface. These dangers, combined with the fact that it is said to be available over the counter for use on undiagnosed and self-diagnosed lesions, means that some people will be applying it to the more dangerous squamous cell carcinomas and malignant melanomas.

With regard to the report that it is available around Australia, it is not yet approved in Western Australia; it is restricted to prescription only in Queensland; the New South Wales Health Minister has warned against its use; it is currently banned in Victoria; and the Australian Cancer Council opposes its sale. Commercial promotion of inadequately trialled cancer treatment as reported in the *Sunday Mail* is irresponsible and will kill some people. I ask the Minister:

1. Will the Government call for a detailed Health Commission report on all relevant aspects of use and sale of Curaderm?

2. Will the sale of Curaderm be banned in South Australia until such report is received and evaluated by the Government?

The Hon. BARBARA WIESE: If the facts of the matter are as outlined by the honourable member, I am sure the Minister of Health will be very concerned about it and will want to take some action in the matter. I will refer his questions to my colleague in another place and bring back a reply.

APPROPRIATION BILL REPLIES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Acting Leader of the Government a question about replies to questions on the Appropriation Bill.

Leave granted.

The Hon. M.B. CAMERON: During the Appropriation Bill debate the Opposition was more than cooperative with the Government in ensuring that the Bill went through on the night of Tuesday 3 November so that we did not have to have a special Supply Bill whilst this place considered appropriation in the appropriate manner, that is, that we went into detailed discussions and had officers present. We saved the Government an awful lot of money in overtime for officers. During that time the Minister gave a very clear undertaking to me and to the Opposition that answers to questions would be available, where possible, within three weeks. The understanding was that a very large proportion of those replies would be available.

It is now three weeks and one day since that debate took place and since that cooperation was afforded the Government. As yet I do not know of any answer to a question I have received. I do not know whether the Minister has them available today, although I assume that she has not because I have had no notification of answers to questions. Is the Government intending to provide answers to those questions or to as many as possible (and I understand that not all would be available) before the end of this session, which I believe is tomorrow?

The Hon. BARBARA WIESE: During the course of the debate I gave undertakings to the honourable member, based on my negotiations with the Minister of Health concerning health questions, that replies would be provided within as short a time as possible and preferably within three weeks if at all possible. That was the understanding that I had on the matter. That was the understanding that I imparted to the honourable member during the course of the debate. I have not been informed of any alternative arrangements, and I shall therefore take up the matter with my colleague to ascertain whether it will be possible to provide as many answers as possible during the course of this week. If it is not possible then I shall inform the honourable member as to when this event may occur.

LIABILITY OF COUNCILS

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

Leave granted.

The Hon. K.T. GRIFFIN: When the Minister made a ministerial statement on 15 November in relation to a package to resolve difficulties relating to the Stirling District Council and the Ash Wednesday fires of 1980, among the matters she raised was a reference to the liability of councils. The Minister stated:

> 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.

That is a fairly sweeping statement. It can apply to a range of areas, including liability for negligence and perhaps even immunity from civil action in the same sort of category as the Government attempted to give ETSA liability from civil action for damage caused by fires. It could extend to trespass and other civil causes of action. My questions are:

1. In what way does the Minister propose to redefine the duties of councils?

2. How is liability to be defined and in what circumstances?

3. In what way is it being considered that the law of liability in joint actions be will amended?

The Hon. BARBARA WIESE: I have not considered these matters at this stage and certainly have not put any proposition to the Government on the question of limiting councils' liability or redefining the liability or responsibility of councils in this area. However, a national study has been undertaken on those questions which resulted from the matter being raised by me at a Local Government Ministers meeting last year.

I raised the question of public liability insurance for councils, particularly in light of the situation which has arisen for the Stirling council in this State and which has been a problem for some other councils around Australia at various times and because of the increasing concern that exists in local government circles about rising premiums and the difficulty of obtaining public liability insurance for particular functions that councils carry out. This uncertainty and lack of ability to gain cover at a reasonable cost has led many local government authorities in Australia and also in other parts of the world to cease performing certain functions and providing certain facilities because they are concerned about their rights and the increasing propensity of people towards litigation.

Following my raising this issue at the ministerial meeting, a study has been undertaken by officers during the past year. That study has identified certain areas which may be addressed by Governments. As I have indicated, no decisions have yet been taken. However, the sorts of things that we would be contemplating would be the question of defining councils' responsibilities in areas relating to building matters, for example, where currently a council may be found negligent in a building matter that comes before the court when, in fact, the liability may more appropriately be directed towards a builder or an architect or some other person who has been responsible for a particular part of the building process. It has been suggested that this is the sort of issue that Ministers of Local Government might look at nationally.

With respect to the matter of liability in joint actions, the issue has been raised by way of suggestions that, in a situation like, for example, the one that the Stirling council faces (where it was found to be through negligence jointly liable with a private company for the Ash Wednesday bushfires), a council's responsibility should perhaps be confined to only the extent to which it was found negligent. So, in the case of Stirling council, if I may use an example, the fact is that the council was found to be jointly liable. However, the company that was found to be liable along with it has since become bankrupt, and Stirling council is now required to take the entire responsibility for the negligence. It has been suggested that perhaps a council should not be placed in such a position in these joint actions. Issues of this kind have been raised by the national study. They are issues that I will address in time but, of course, only after consultation with local government and various other people and bodies within the community who would have an interest in the matter.

RETIREMENT VILLAGES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Acting Attorney-General, a question about retirement villages.

Leave granted.

The Hon. J.C. BURDETT: In the *Advertiser* of 29 November an item appeared headed 'Team to set up controls for retirement villages'. I emphasise 'controls', but of course headings of press items often do not indicate what is in them. The first paragraph reads:

> The South Australian Government has appointed an eight member task force to develop the State's first formal code—

and I emphasise 'formal code'—

> of practices for the multi-million dollar retirement village industry.

Further in the article it says:

> Working to State Government guidelines, the group will prepare a draft code of practice to clarify the legal and consumer rights of residents in four main areas—advertising, disclosure of fees, contracts and lifestyle issues for residents.

I have perused the Retirement Villages Act and at present it does not provide for any code or guidelines which have the force of law. I have looked at the regulation making provisions in the Act, and the Act does not provide, as some Acts do, for the provision of a code—a formal code, as it says in the article—or any other code of practice to have the force of law and to be implemented by regulation. My questions are:

1. Is it intended that the code to be developed by the task force will be simply guidelines without having the force of law?

2. Is it intended that the amending legislation will be introduced to change the Act to provide for a code to be developed and enforced by regulation?

3. Is it intended that one of the questions which the task force will address will be this issue as to whether what they bring up will simply be guidelines and advisory and not have the force of law or whether they be given the force of law by way of regulation as a code?

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

CUMMINS HOSPITAL

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about the Cummins hospital.

Leave granted.

The Hon. PETER DUNN: On 17 August the Cummins and District Memorial Hospital wrote to the Minister of Health outlining their concern that an outdated and frequently unserviceable cardiac monitor was now posing a real danger to patients and staff. In the letter to the Minister the machine is described as so outdated that repairs are done using second-hand parts and, worse, if it were to be used to defibrillate a patient, the biomedical technician has reported that there is a danger of electrocution to the patient and the operator.

The hospital points out that for two years in a row the unit has been confirmed as unsafe by the Health Commission and, while the hospital has long been promised a new unit as a matter of urgency, the old machine has now miraculously become completely safe. On 3 October the Minister wrote to the hospital dismissing claims that the machine was dangerous. He said in part:

> Officers of the Biomedical Engineering Unit have advised that, although old, your cardiac monitor has never been at any stage dangerous to patients and staff . . .

However, it appears that this is not so. A summary of an inspection of the machine in April 1987 (that is, 18 months ago) prepared by that unit quite clearly states:

> This unit has poor patient circuit electrical isolation, increasing the potential risk of patient electrocution. For the unit to remain in use, urgent service is required, although it is recommended that consideration be given to replacement.

I am informed that the general condition of the machine remains much the same as it was 18 months ago. I understand that the hospital has now been offered a verbal promise that the machine will be replaced at the end of this financial year, provided that the hospital comes in within budget. This task has been made exceptionally difficult due to the cut of $65 000, or about 10 per cent, in the hospital's budget this year.

My questions are as follows: is the Minister of Health aware that patients and staff at the Cummins hospital on Eyre Peninsula have for 18 months been in danger of electrocution from an ageing cardiac monitor which the Health Commission has been loath to replace so as to save about $8 500? What effect does the Minister expect the 10 per cent cut in funding to the Cummins Hospital will have on that hospital's ability to come in on budget and so secure the new cardiac monitor? You would not want to be started by it, if you had stopped, would you?

The Hon. BARBARA WIESE: I will refer these questions to my colleague, the Minister of Health, and bring back a reply.

CITICENTRE BUILDING

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

Leave granted.

The Hon. DIANA LAIDLAW: Earlier this month, honourable members would be aware that DCW and the Health Commission transferred their central offices into the new Citicentre building on the corner of Pulteney Street and Rundle Mall. For some months earlier, the proposed move had been the subject of industrial trouble following an appreciation by staff and the Public Service Association that the floor space to be allocated to workers was considerably less than the 3.5 square metres required under the occupational health, safety and welfare regulations. The Public Service Association, for instance, in its latest bulletin noted:

> Open-space work areas are proposed as the standard work area for most staff. They are unsatisfactory and renowned for causing stress-related illness and other problems (for example, no privacy or confidentiality).

However, since the move earlier this month, concern on this subject has turned into disgust and bitter disappointment. I have received advice from a number of people in the new building, from more senior staff to clerical workers, that morale within the department has plummeted to an all-time low. There is inadequate space, it is claimed, for filing cabinets and for reference materials, let alone for personal belongings. There is no shelving, not even in the Minister's office, for publications, etc., while the waist-high partitioning affords no privacy or additional areas to pin up charts and other papers.

I have been told that the staff are literally falling over themselves, over their daily working papers, cartons of papers, personal belongings and wires and cords that still straddle most floor areas. Notwithstanding the fact that officers are packed in like sardines (that is the expression that a senior officer used when speaking with me), the floor space limitations have not allowed all sections of DCW to be relocated into this new office. The Domestic Violence Protection Unit, for one, remains within the GRE building yet the relocation and colocation of all sections of DCW were always professed to be the excuses for this expensive exercise.

I am told also that officers are concerned about the quality of the structure itself; that cracks have appeared in the external walls; that plastic skirting boards have lifted away from walls; that the air-conditioning continually malfunctions; and that staff generally are relieved that the weather has not been hot in recent weeks.

I recall that during the negotiations by the Government to relocate and colocate the central offices in the Citicentre building, an option to purchase was considered, and this was referred to by the Parliamentary Standing Committee on Public Works in its report on Town Acre 86 Office Development Tenancy Outfit which was tabled in February of this year. The members of the committee noted that the department was still negotiating a variety of alternatives, including a purchase commitment alternative or a long lease alternative. The committee recommended that, of those options, the purchase of the building would be the most favourable course for the Government to take with this asset, subject to certain checks by the Minister of Public Works. I ask the Minister:

1. Is it proposed and, if so, when, that the Domestic Violence Prevention Unit and other outstanding sections of DCW be relocated from the GRE building to the Citicentre building?

2. What action is the Government taking to address the current unsatisfactory work conditions in the new building?

3. Prior to moving into the Citicentre building, had the Government finalised negotiations on the future ownership of the building including a commitment to purchase option after six years—this option being as I noted in the report of the Public Works Committee, the most favourable course for the Government to take?

The Hon. BARBARA WIESE: I will have to refer some of those questions to my colleague in order to bring back a reply. However, I have a reply to a question asked by the honourable member about Government offices. Some of the information contained in this reply will be of some interest in relation to this matter. In that reply the Minister of Health—

The Hon. Diana Laidlaw: What was the date of the reply?

The Hon. BARBARA WIESE: It is 11 August.

The Hon. Diana Laidlaw: What was the date of the preparation of the reply?

The Hon. BARBARA WIESE: I do not know; it does not say. In that reply the Minister of Health and the Minister of Community Welfare indicated that they agreed that officers of their respective departments are entitled to work in conditions according to regulations proclaimed under the Occupational Health, Safety and Welfare Act. Discussions about accommodation have been held between Mr Schilling (who is the Chairman of the Government Office Accommodation Committee) and representatives of the Department for Community Welfare, the South Australian Health Commission and the Public Service Association.

However, my colleagues confirm that no officers of the South Australian Health Commission or the Department for Community Welfare or consultants working for these organisations will be required to work in an area less than 3.5 square metres per person exclusive of furniture, fittings and equipment. I give that reply, because I think that it addresses the question raised by the honourable member earlier about the space occupied by people working in the building. That reply clearly indicates that the regulations with respect to these matters are being followed. I will provide a copy of that reply to the honourable member.

REPLIES TO QUESTIONS

The Hon. BARBARA WIESE: I seek leave to have the following answers to questions inserted in *Hansard.*

Leave granted.

LIBRARY AND MUSEUM APPOINTMENTS

In reply to the **Hon. L.H. DAVIS** (12 April).

The Hon. BARBARA WIESE: In regard to the appointment of the Manager of the Mortlock Library, I advise that Ms Elizabeth Ho was offered to the Department of Local Government as an unassigned officer when the request was made to advertise the position outside the public service. Ms Ho was formally interviewed and it was unanimously agreed by the selection committee that she was the most outstanding applicant. The position of Mortlock Library Manager would most certainly have been advertised outside the Public Service in the event of a suitable applicant not being selected.

I would like to inform the honourable member that Ms Ho actually began her career as a qualified librarian at the State Library and that she has had extensive experience not only in the State Library, but also in the Adelaide College of Advanced Education and the Education Department Library. Ms Ho has also held senior positions in the Education Department and coordinated that department's J150 activities. Ms Ho also has extensive experience in South Australian history and is well respected by colleagues in this field.

Ms Ho took up the position of Manager of the Mortlock Library on 29 February and her performance has been most satisfactory. The honourable member also raised several questions relating to the appointment of the Aboriginal Heritage Centre Administrator. The Minister of Aboriginal Affairs has advised that Mr Tregilgas was offered the position after being interviewed by an interim management committee for the Aboriginal Heritage Centre. As requested a job description prepared by the Department for Environment and Planning has been provided which I can make available to the honourable member. Furthermore, the position was filled without advertisement because of the necessity to commence the project as quickly as possible to tie in with Commonwealth funding arrangements.

In response to the honourable member's supplementary question, my colleague the Minister of Aboriginal Affairs has advised that Mr Tregilgas was not employed in the South Australian Public Service at the time of his appointment.

JULIA FARR CENTRE

In reply to the **Hon. M.B. CAMERON** (18 August).

The Hon. BARBARA WIESE: The Minister of Health has provided the following information in response to the honourable member's questions:

1. Since the transfer of these services from Kalyra Hospital to Julia Farr Centre on 8 February 1988, three full-time and two part-time enrolled nurses have resigned. There have been no resignations of registered nurses or nurse attendants.

2. Intensive recruiting will continue for nursing staff with relevant skills for a number of designated areas, including Rehabilitation/Convalescent Services in Julia Farr Centre. Nursing staff shortages are being covered by agency staff and Julia Farr Centre is submitting a proposal to undertake a Re-entry Program for Enrolled Nurses who have been out of the work force for some period of time. It should be noted that in 1986 Julia Farr Centre was the first School of Nursing to develop a Re-entry Program for Enrolled Nurses.

Julia Farr Centre will take immediate action to increase the annual intake into the Enrolled Nurses course from 60 to 80. Julia Farr Centre will examine the possibility of introducing training at the post-basic level in Rehabilitation and Behaviour Management Nursing in conjunction with the tertiary institutions.

3. Julia Farr Centre has a total of 579 approved beds, 46 Rehabilitation/Convalescent and 533 general nursing home beds. Of these an average 520 beds are fully funded, serviced and staffed with the aid of agency nurses. The rehabilitation/convalescent beds are included in this figure. This represents 90 per cent of the approved beds. The West Block at Julia Farr has not been used for many years and the beds in this block have been excluded from these figures.

4. At present there is no surplus demand for accommodation at Julia Farr Centre which is being catered for by other institutions. The situation is being closely monitored and, if necessary, rehabilitation/convalescent patients who would normally have had access to Julia Farr will either be admitted to other hospitals or retained in the referring hospital as a temporary measure until the staff shortage is redressed. This would, of course, have to be negotiated with the institutions concerned.

5. The only direct references in the Minister's speech to quality of services at Kalyra were:

> The decision to relocate these services did not result from any dissatisfaction with the quality of care being provided at Kalyra, but rather for reasons of health service planning, capital and operating funds.
>
> Daw House has already been fortunate to have employed a considerable number of experienced and dedicated staff previously employed at Kalyra Hospital. The future selection of staff will also be made on the same basis of a strong desire to work in the area of hospice care. Together with the invaluable assistance of a group of dedicated volunteers, family and friends, a high quality of care for patients is assured.

This could scarcely be characterised as being derogatory. The Minister would be happy to make the full text of his speech available to the honourable member if he is interested.

SEXUAL HARASSMENT

In reply to the **Hon. CAROLYN PICKLES** (5 October).

The Hon. BARBARA WIESE: The Minister of Education has advised that the research undertaken by the team from the Northern Community Health Research Unit and Tea Tree Gully Community Health Service was conducted during November and December 1987, prior to the publication of the Education Department's *Guidelines for Sexual Harassment Grievance Procedures.* This was published as a supplement to the *Education Gazette* on 29 July 1988.

The research is nevertheless relevant, in that it demonstrates that there is a high degree of awareness about the issue of sexual harassment, particularly in schools where either or both the protective behaviour programs and sexual harassment grievance procedures have been implemented.

A training kit is being prepared by the Education Department. This will include expanded information about grievance procedures, inservice programs, resources available, suggested strategies for addressing the issue through policy and curriculum, the complaint process, and roles and responsibilities of key staff members. This is expected to be completed by the end of November 1988. In addition, three pamphlets are being prepared—one each for students,

staff and parents—the latter to be translated and distributed into relevant community languages.

A training program for key people to familiarise themselves with the content and uses of the kit will be held in January 1989, with subsequent inservice training programs being undertaken during that year for teachers, principals, school assistants, parents and students.

NUCLEAR ARMED SHIPS

In reply to the **Hon. K.T. GRIFFIN** (7 September).

The Hon. BARBARA WIESE: The Premier has advised that arrangements for visiting warships were outlined in an answer to a Question on Notice from the Hon. M.J. Elliott, which was provided on 21 October 1986. Similar arrangements applied to the visits by the USS *Brewton* and the HMS *Edinburgh.*

ABUSE OF THE ELDERLY

In reply to the **Hon. DIANA LAIDLAW** (5 October).

The Hon. BARBARA WIESE: The Minister of Community Welfare appreciates the honourable member's raising this matter. No formal inquiry was established on this issue. As announced at that time, the head of the new Domestic Violence Unit was to be asked to address the issue as a matter of urgency when appointed. Now that the unit has been established, discussions have commenced with the Commissioner for the Ageing, who is preparing a discussion document for completion early in the new year.

AMALGAMATION AND COALESCENCE

In reply to the **Hon. DIANA LAIDLAW** (12 October).

The Hon. BARBARA WIESE: The Minister of Community Welfare has informed me that the situation has not changed since her explanation during the Estimates Committee, most of which the honourable member read out to the Council as a preamble to her questions. A White Paper, which will not be circulated for public comment, is expected to be presented to Cabinet before the end of the year.

As the honourable member is aware, there has been extensive consultation about this matter, as a follow-up to the earlier Green Paper. The honourable member will also know from the Minister's explanation that an administrative merging of the South Australian Health Commission and the Department for Community Welfare will not be pursued by this Government at this time.

COMPUTER STUDIES

In reply to the **Hon. M.J. ELLIOTT** (16 August).

The Hon. BARBARA WIESE: The Minister of Education has advised that the Senior Secondary Assessment Board of South Australia has responsibility for the preparation or approval of syllabuses for subjects to be studied at the Year 12 level of secondary education. A Year 12 PES computing subject has been developed and is near completion. The development of the course was undertaken by the Syllabus Advisory Committee of the Technology Curriculum Area Committee. This process has required considerable discussion with tertiary computer science staff. This syllabus will be completed and forwarded for accreditation by SSABSA and consideration by the Joint Matriculation Committee of the tertiary sector when the implications of the Gilding inquiry concerning tertiary entrance requirements are known.

GUARDIANSHIP ORDERS

In reply to the **Hon. DIANA LAIDLAW** (12 October).

The Hon. BARBARA WIESE: The Minister of Community Welfare has advised that section 27 was designed as a means by which long-term guardianship could be transferred to the Minister, where there were no neglect or abuse circumstances and with the full cooperation of the parents.

Section 28 is normally used where a short-term plan is required which necessitates a child being placed under guardianship for a period of up to 28 days. Parents are usually the applicant, although the legislation reflects that as a child approaches adulthood, he/she should be able to make decisions about himself or herself. Normally, the parents are fully consulted, and their agreement for action obtained. Occasionally, parents cannot be contacted, or it is considered in the best interests of the child that full details of placement are not given. This may occur to prevent the escalation of parent/child conflict where there is a belief that the matter can be sufficiently resolved in a short space of time. If there is a more severe problem, it is deemed preferable that the matter be referred to the Children's Court. A number of concerns have been raised in relation to sections 27 and 28 of the Community Welfare Act. These are being addressed in the proposed Bill.

MOUNT GAMBIER TAFE COLLEGE

In reply to the **Hon. M.J. ELLIOTT** (4 August).

The Hon. BARBARA WIESE: My colleague, the Minister of Employment and Further Education, has advised the following in response to the honourable member's two questions:

1. As the honourable member is aware, the Tertiary Admissions Centre is financed and operated by the tertiary institutions under an indenture to which each is a party and is controlled by a Management Committee on which the institutions are represented. It is therefore not possible for the Minister to direct the centre to admit Warrnambool Institute of Advanced Education. However, the honourable member may be assured that the Minister of Employment and Further Education shares his concern and has made representations to the management committee in support of Warrnambool's application.

However, at its meeting on 15 September the management committee decided not to admit Warrnambool to SATAC, after hearing representations by two senior members of the institute staff who attended the meeting. The management committee considered that Warrnambool's interest and those of the students would be served best by other means than admitting the Institute to SATAC, namely by improved promotion of the institute's course among schools in the South-East. To that end the management committee agreed that Warrnambool should be invited to produce a pamphlet for distribution to the region together with the SATAC Guide and other admission materials distributed by SATAC. This would bring admission to Warrnambool to the attention of students in the region at the same time as they were considering admission to institutions in South Australia. SATAC would organise the distribution in conjunction with Warrnambool. It was also agreed that Warrnambool be invited to participate in the programs

of visits to South-East schools undertaken by the South Australian universities and colleges.

I understand that Warrnambool is reasonably happy with the offer of assistance made by the SATAC Management Committee even though it falls short of full admission to SATAC membership.

I should add that this decision has no direct bearing on extended campus arrangements which are constituted by a Memorandum of Understanding between the Warrnambool Institute. In fact staff from both institutions are currently working on proposals to expand the program to include first year courses in Social Science, Business Management, Art and Design. Under these arrangements South Australian students enrolled at Warrnambool, but located at the South-East College, are considered part of Warrnambool's student population. The issues of funding for these students has been discussed by the Director of the institute and the Director of South Australia's Office of Tertiary Education. Students in the higher education sector are funded by the Federal Government, and the proposed national system of higher education implies that Federal Government must determine the manner of funding an institution for students enrolled from outside the State. The Office of Tertiary Education is presently examining this issue.

I should also mention that on 11 July 1988 the Minister of Employment and Further Education announced that a Ministerial Working Party on Higher Education would be established to advise him on a range of matters aimed at increasing participation in higher education in South Australia. One of the matters listed by the Minister for consideration by the working party was the development of joint institutional/TAFE arrangements for the establishment of relationships between South Australia and out-of-State institutions. That has clear implications for the situation in the South-Eastern region which has been the focus of the honourable member's attention.

2. It is clear from what has been said in response to the first question that the Minister has already taken action, through the Working Party on higher education, to encourage closer links between higher education institutions and TAFE colleges. Considerable work has also been done on achieving articulation between particular courses in TAFE and higher education, most recently between TAFE and the South Australian College of Advanced Education.

TERTIARY EDUCATION

In reply to the **Hon. M.J. ELLIOTT** (25 August).

The Hon. BARBARA WIESE: In response to the first question raised by the honourable member, the Minister of Education has provided the following details:

	General Aggregate Publicly Examined and School Assessed Subjects	Matriculation Aggregate Publicly Examined Subjects Only
Country schools	58.4	62.0
City schools....	59.8	63.7

My colleague the Minister of Employment and Further Education has provided the following advice on questions No. 2 and 3:

2. The direct answer to the honourable member's question is that 46.8 per cent of students who obtained a tertiary entrance score at a metropolitan high school in 1987 accepted the offer of a place in higher education in 1988. For country students the corresponding figure was 35.9 per cent. These figures include both Government and non-government schools. If Government schools alone are compared then the difference remains in favour of metropolitan students, but it is less marked. 41.2 per cent of year 12 students who gained a tertiary entrance score at a metropolitan high school in 1987 accepted a place in 1988 compared with 35.3 per cent from non-metropolitan high and area schools.

The honourable member has suggested that the relatively low participation by country young people could be due to the high cost of living away from home. That is undoubtedly a major factor, and I would assure the honourable member that the Minister of Employment and Further Education has and will continue to pursue this matter with the Commonwealth through the Australian Education Council and, at State level, has sought advice from the Advisory Council on Tertiary Education on steps that may be open to the tertiary institutions to provide relief to country students. In addition, as mentioned in reply to another question raised in this House recently by the honourable member, the Minister of Employment and Further Education has established a high level Working Party on Higher Education to advise on a range of matters aimed at increasing participation in higher education in South Australia, including the improvement of tertiary education services to students living outside metropolitan Adelaide.

3. The honourable member's question requires the analysis of several years data on the progress of individual students and the correlation of those data with home postcodes. Computerised information systems capable of performing this analysis have only been established in all higher education institutions over the past two years, and it will take some years for the data necessary for such a longitudinal study to be collected. It is therefore not possible to provide a statistically reliable answer to the honourable member's question at this time.

PILOT DIVERSIONARY CAUTIONARY SCHEME

In reply to the **Hon. K.T. GRIFFIN** (6 September).

The Hon. BARBARA WIESE: Many of the issues raised in this question have been canvassed in designing this scheme, which will be implemented in early 1989, jointly by the Police Department and the Department for Community Welfare. It is one of many strategies being undertaken by the Government to reduce the numbers of young people, and particularly Aboriginal young people, entering the criminal justice system. The high levels of Aboriginal imprisonment in this State have been of major concern for many years and, combined with the pressures facing many young people who are unable to obtain work, has, in some areas, reached very serious levels.

In developing the program, agencies have sought to identify key points at which effective intervention can prevent young people from possible imprisonment and can assist them to make other choices. Therefore, the Police Department intends to develop a more formal cautioning mechanism, that is, it will formally record cautions within the established legal parameters and police guidelines.

The use of cautions is a time-honoured practice of police officers in a range of situations, particularly those minor and petty offences which often occur on the street and in public places. Offences such as rape, arson and assault have never been offences which can be dealt with by cautioning and there is no intention to change this practice. As has always been the case, in exceptional circumstances prosecution can follow from the administration of a caution and any instances where this occurs will be carefully monitored.

Neither is there any intention to discriminate. The scheme will apply to young people in the inner city area, on a pilot basis, for a 12 month period. The inner metropolitan area

has been chosen because it is generally an area where police officers often face additional pressures in dealing with young people, compared to areas such as country towns, where the use of cautioning as a police practice is perhaps more frequently used. It is important to recognise that the nature of the inner city area itself may place many young people at risk.

The scheme will apply to young people under 18 years of age and will be consistent with the intention of the Children's Protection and Young Offenders Act. Funding will be available for additional support from a Youth Support Group which will act as a mediator between young people and the police, linking young people to a network of existing support programs. Nevertheless police officers alone will be responsible for cautioning young people.

As it is a pilot only, the extension of the project to other areas of the State is dependent on the results of the independent evaluation which will be undertaken during, and at the end of, the trial period. The concerns which have been raised will be included in evaluation and assessment of the pilot scheme's effectiveness. As the development of the scheme proceeds, further information will be available.

QUESTIONS RESUMED

CITICENTRE BUILDING

The Hon. DIANA LAIDLAW: As a supplementary question, further to the questions that I asked about the Citicentre Building, at a later date, and hopefully as promptly as some of the replies that she gave today—perhaps tomorrow—will the Minister advise when the designs for the outfitting of the Citicentre Building were approved; how many people was it proposed would occupy or be accommodated in that building; how many people have finally been transferred from DCW and the Health Commission to the new Citicentre Building; who was responsible for making the original assessments; and, if there is a difference between the original assessments and the number of staff finally transferred, what is that number; and who is responsible for the situation?

The Hon. BARBARA WIESE: I shall endeavour to get replies to those questions.

RU RUA

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Health, a question about Ru Rua.

Leave granted.

The Hon. M.J. ELLIOTT: Late in October I received a letter dated 25 October from a parent of a child who is at Ru Rua. The letter, which expressed some concern, was sent to the Hon. Mr Blevins, but the mother forwarded copies to Mr Cameron and to me. In that letter she observed great concern about the physical care of her daughter who she said was often wet and unchanged and left in the same position for hours at a time. She alleged that the neglect had been so bad that her skin was being damaged by it. She suggested that inappropriate lifting techniques were being used on young children, and that quite frequently they were left bruised as a result of that practice.

Perhaps of greatest concern was the fact that she mentioned that incorrect amounts of medication were being administered, and that at times medication errors had been made with neighbouring residents. She indicated that medication was given by a member of staff to one child that actually should have been for another. She said that she was informed by staff that her daughter had been left for long periods of time and, also, that the child had been put to bed at ridiculously early times, despite claims of normalisation.

The mother of this child said that she was desperately anxious about the quality of care of her daughter when the nurses were withdrawn from Ru Rua. She sought a reassurance that the staff would be adequately trained and professionally supervised in the physical care of people who are totally dependent. She also observed with some amazement that a great amount of trouble had been undertaken in relation to residents voting in the recent referendum. She wondered whether or not greater priority should have been given to their physical care.

I had a recent conversation with that woman and asked her how things had progressed. She has since written me another letter to inform me that, following her original letter of 25 October, she received a letter dated 2 November which basically said, 'Thank you very much for your letter. We will look into it'. She has received no further correspondence and that was over a month ago. She informs me that she recently visited the hospital on the occasion of her daughter's birthday and found her in bed asleep at 11 a.m. She wondered how that had come about and, following inquiries, she established that apparently her daughter had some seizures at school, she had been returned to the ward and given Valium. Further inquiries indicated that she had not been given her correct medication for the previous five days. Once again, she gave further evidence of inappropriate medications. She has raised some serious concerns.

The Hon. M.B. Cameron: The nursing staff are all gone.

The Hon. M.J. ELLIOTT: The nursing staff are all gone. Why did this person not receive a quick answer rather than the type of answer she actually received? In the light of the sort of serious concerns that she raised about wrong medications being given (which some people would consider to be dangerous, to put it mildly), these practices appear to have continued to occur. What will the Minister do about it and when?

The Hon. BARBARA WIESE: I will have to refer those questions to my colleague in another place and I will bring back a reply. As the honourable member would be aware, just in terms of the accommodation of people at Ru Rua, the former Minister of Health gave an undertaking that residents of that institution would be relocated to more appropriate accommodation, hopefully all by 30 June 1989. As I understand it, the South Australian Health Commission still intends that this should occur, and the commission is working to achieve a relocation by that time. That should overcome the problems about accommodation for people in that institution—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —but, as to questions relating to the facts of the case raised by the honourable member, I will refer those to the Minister of Health and bring back a reply.

The Hon. M.J. ELLIOTT: I ask a supplementary question. Taking the Minister's advice that there will be a shift on 30 June, how does that relate to the question of appropriate medications and other care in the next seven or eight months?

The Hon. BARBARA WIESE: That is a silly question.

TOURISM SOUTH AUSTRALIA

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Tourism a question about the South Australian travel centre in Melbourne.

Leave granted.

The Hon. L.H. DAVIS: The South Australian Tourism Plan 1987-89 is the bible for tourism marketing development and strategy in this State. It states that South Australia's main interstate markets are Melbourne and country Victoria. That is confirmed by official figures released by Tourism South Australia which indicates that in 1986-87 an estimated 58 per cent of interstate visitors to South Australia came from Victoria.

I received a phone call from someone who recently visited the South Australian travel centre in Elizabeth Street, Melbourne who expressed disappointment at the general presentation and display in that office. The point was made—and this is obvious—that tourism is about presentation, marketing, promotion, quality, excellence, and attention to detail. Last week while in Melbourne I visited the South Australian travel centre in Elizabeth Street and the travel centres of all other States and territories which are located in Elizabeth Street, Little Collins Street and Collins Street. The South Australian travel centre located in Elizabeth Street has a sign which simply states 'South Australia' and this is preceded by the international 'I' sign. That may be cute but not necessarily smart because, as my informant observed, not everyone would appreciate that this sign advertises the South Australian travel centre.

The South Australian travel centre was dimly lit as if it was in the middle of the blitz, and the presentation inside lacked flair and imagination. There were two lonely posters on the wall, the layout was unimpressive, and the work area was messy and sloppy. I am not saying anything about the courtesy of the staff—that was impeccable.

The Western Australian travel centre is located two blocks away in Elizabeth Street. Western Australia's population is 10 per cent greater than that of South Australia, but the Western Australian travel centre left South Australia standing in the shade. The centre had an excellent sign; it was well lit; the presentation of brochures was attractive; there were five large displays of wildflowers on the walls; and the layout and design were obviously professional. The presentation of the South Australian travel office flies in the face of the tourism strategy plan for the State which states:

> In tourism marketing there should be an emphasis on quality, and it should recognise that it is all the little things that count.

For the record, the Western Australian travel office in Melbourne has 13 staff; Queensland has 27; Tasmania, 46; the Northern Territory, 14; the ACT, 8; and the South Australian office has 10. My questions to the Minister are:

1. Does the Minister agree that a professionally designed travel centre is an important prerequisite for selling South Australia to potential interstate visitors?

2. Are there any plans to upgrade the South Australian interstate travel centres, particularly the Melbourne office?

The Hon. BARBARA WIESE: The answer to both questions is, 'Yes'.

The Hon. L.H. DAVIS: I ask a supplementary question. When is it intended to upgrade the travel centre in Melbourne?

The Hon. BARBARA WIESE: I am not aware of the timetable for the upgrading of the travel centre in Melbourne, but I understand that, as resources become available, it is the intention of Tourism South Australia to upgrade the shopfronts of each of our offices. The process was begun this year with the upgrading of the Adelaide travel centre and, as resources become available, we will improve the travel centres in other States.

PRESIDENT'S RULING

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking you, Ms President, a question about a President's ruling.

Leave granted.

The Hon. R.I. LUCAS: On 17 November in this Chamber, after the Hon. Carolyn Pickles asked a Dorothy Dix question of the Hon. Barbara Wiese in relation to national park developments, the Hon. Trevor Griffin sought to ask a supplementary question. The daily and weekly *Hansards* do not record the request for a supplementary question or your ruling. I understand that the annual volume of *Hansard* may well record the question from the Hon. Trevor Griffin and your response, which I am sure you will remember.

The PRESIDENT: I do remember.

The Hon. R.I. LUCAS: To refresh your memory, you said on that occasion that a supplementary question can only be asked by the person who asked the original question. I refer to Standing Order No. 108, which states:

> Whenever a question is answered after notice it shall be open to any member to put further questions arising out of and relevant to the answer given.

An item on the side refers to 'members may ask further questions'. That Standing Order has always been used by members in this Chamber under the direction of previous Presidents and, indeed, under your direction, Ms President, in relation to the asking of supplementary questions. Do you now accept, with the benefit of hindsight, that the ruling you gave on 17 November was incorrect in relation to Standing Order No. 108 and, if so, will you indicate your position in relation to supplementary questions, in particular, Standing Order No. 108?

The PRESIDENT: I only have a brief space of time in which to reply to your question, but I point out that Standing Order No. 108 refers to a question which has been answered after notice. It does not apply to questions without notice; it only applies to questions on notice which have appeared on the Notice Paper and not those asked verbally in the Council. That is what a question on notice means. Questions asked in the Chamber are not questions on notice.

The Hon. R.I. Lucas: Can you ask a supplementary question of a question on the Notice Paper?

The PRESIDENT: I will reply to the question asked by the honourable member without taking any note of the interjection. Our Standing Orders are silent regarding supplementary questions being asked on questions without notice, but Erskine May and all books on parliamentary procedure state quite clearly that any supplementary question to a question without notice is only permitted from the original questioner.

With regard to Standing Order 108, this means that, if a member puts a question on notice, when the answer is received, any member can ask a supplementary question which arises from the answer—not only the member who put the question on the Notice Paper. As I said, our Standing Orders are silent regarding supplementary questions to questions without notice but the standard practice in the House of Commons, which we follow under Standing Order 1, only permits supplementary questions from the member who asked the original question without notice.

CHILD PROTECTION POLICIES

The Hon. DIANA LAIDLAW: I move:

1. That a select committee of the Legislative Council be established to consider and report on child protection policies, practices and procedures in South Australia, with particular reference to—
   (a) provisions for mandatory notification of suspected abuse;
   (b) assessment procedures and services;
   (c) practices and procedures for interviewing alleged victims;
   (d) the recording and presentation of evidence of children and the availability and effectiveness of child support systems;
   (e) treatment and counselling programs for victims, offenders and non-offending parents;
   (f) programs and practices to reunite the child victim within their natural family environment;
   (g) policies, practices and procedures applied by the Department for Community Welfare in implementing guardianship and control orders; and
   (h) such other matters as may be incidental to the above.
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this Council permit the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

I move this motion in the belief that such an initiative is vital if we in this Parliament are to be seen to be serving the best interests of children in this State. I have held the position of shadow Minister of Community Welfare for two years and 10 months and, in all honesty, I can say that on virtually every weekday during that period and, regrettably, when attending seemingly endless functions on weekends, I have been faced with parents and guardians, grandparents, concerned relations and friends, doctors, nurses, psychologists, psychiatrists, school teachers, child-care workers, DCW social workers, and/or representatives of the voluntary welfare sector who have been distressed, angry or agitated about the Government's so-called child protection policies, practices and procedures.

The Hon. R.J. Ritson: Do you think the distress has increased?

The Hon. DIANA LAIDLAW: There is no question that stress is increasing and that is the motivation, in part, for this motion. However, I add that at no time do I recall anyone suggesting that child abuse in any of its forms was other than a vile act, a crime, that must be pursued with diligence, care and commitment in order to protect children and to redress the actions of the offender. That has been and continues to be the Liberal Party's firm position on this sensitive and very vexed issue.

This issue has taxed me personally but it is not for that reason that I have moved this motion. In fact, I have raised the same issues and concerns encompassed in this motion in various forms and forums over the past two years at least. In August 1987, I did so during my contribution to the Address in Reply debate, a speech which appears on pages 419 and 420 of *Hansard*. At that time, I said in part:

> In my discussions with a large number of persons who have regular professional contact with children, and who have helped me in the past in my discussions on the subject of child abuse and in policy formulation matters in general, it would appear that the beginnings of increased awareness and mandatory recruitments, and the zeal of some field workers, are prompting some over-enthusiastic people to suspect that every bruise and behavioural problem is a case of child abuse and that it is reported as such, in case—and I repeat—in case child abuse has occurred.
>
> I believe that the Government must address this problem as a matter of urgency, as it is a growing problem. It must also address DCW procedures for gathering evidence, as it is vital in the interests of children that the department is credible in all cases where prosecution is deemed appropriate. In my view, the department cannot afford to make a mistake. The area of child abuse is fraught with emotional and legal problems; it is also a relatively new field, especially in the terms in which it is being addressed at present.
>
> I fear that, if the Government, the Minister, and management of the DCW do not insist that the reporting and response procedures are above reproach, the credibility of the present focus on child abuse will be undermined in the eyes of the general community. It is not, I argue, in the interests of any child that such a backlash be allowed to unfold.

I noted that, in the meantime, increasing numbers of child abuse cases were being reported. It is with great regret that I report today my firm belief that my predictions of 15 months ago have been realised. A community backlash has erupted and the credibility of the Government's present focus on child abuse and protection has been undermined, not because South Australian men and women do not care about the well-being of children but because the Government, the Minister and, in many instances, the senior management of DCW have failed to cater for the ramifications of their actions to alert the community about child abuse and have failed to insist that the reporting and response procedures are above reproach.

During the period in which I have been addressing the issues of child abuse and protection, I have never understood how the Bannon Government and the senior management of DCW have been able to argue that they are serving the best interests of children by their decision to transform the Department for Community Welfare into an agency focusing on crisis intervention rather than preventive intervention. Yet this transformation was authorised in 1985. At the same time, the department adopted a narrow set of policies based on a priority rating system which to this day classifies clients according to the nature of their perceived social problem.

In mid 1985, child abuse/sexual abuse was made the department's number one priority. At the same time, children classified as at risk of neglect or ongoing abuse were separated from this number one priority and, henceforth, were deemed to be at number six on the priority list for DCW service provision. As the department has become increasingly obsessed with and engulfed in crisis intervention and child abuse/sexual abuse cases, workers in most offices across the State have found it impossible to address the problems of people seeking help if they present with problems that are assessed to be in categories beyond the top four priority areas.

Consequently, children assessed to be at risk of neglect or ongoing abuse—the number six priority area—have not been attended to in recent years. Assistance has not been provided to those children and their families to help mitigate the very same problems which give rise to children being placed in the category of at risk of neglect or ongoing abuse.

I would argue, as I am sure many concerned workers in the field and my colleagues in this place would argue, that this approach is short sighted and ultimately counter-productive. I consider, like my colleague and people concerned about the well-being of children, that the Minister's and the department's failure to address the problems of children at risk of neglect and ongoing abuse, and the failure to promote preventative services, is an abrogation of the responsibility with which they have been entrusted under the Community Welfare Act.

I refer briefly to some objectives of the Community Welfare Act as they may come as a surprise to members and others who take an interest in the field of child abuse because so many practices of the Department for Community Welfare are so foreign to the objectives in the Act. Division II, section 10 of the Community Welfare Act, provides:

(1) The objectives of the Minister and the department under this Act are—

(a) to promote the welfare of the community generally and of individuals, families and groups within the community;

and

(b) to promote the dignity of the individual and the welfare of the family as the bases of the welfare of the community,

in the following manner:

(c) by providing, assisting in the provision of or promoting services designed to assist individuals or groups to overcome the personal or social problems with which they are confronted;

(d) by providing, assisting in the provision of or promoting services designed to reduce the incidence of disruption of family relationships, to mitigate the adverse effects of such disruption, to support and assist families under stress and to enhance the quality of family life.

I am sure that many people will find those objectives foreign to many of the current practices of the department. Notwithstanding these fine objectives, if members were candid with themselves and their constituents they would acknowledge that increasing numbers of families are avoiding DCW today like the plague when they are experiencing problems with their children. Most such families recognise to some degree that they would benefit from guidance, support, counselling, discussion or simply airing concerns about parenting, children's difficulties and the like. Yet they fear, as do an increasing number of welfare agencies and health welfare professionals, that to approach DCW will lead to a situation in which the child or children may become the subject of a child abuse or neglect notification and/or be whisked away from them for an indefinite period.

The concerns I outline in this regard are not fantasy but reality and will be confirmed by almost any community worker or professional experienced in the field of family and child well-being. The root of this problem of distrust of DCW seems to stem largely from a strategy adopted by the department which focuses attention on individuals, in particular the child, rather than on families, groups and communities as noted under the objectives of the Act and which seeks to partialise problems of child abuse from other social problems.

Those concerns about the orientation of DCW's current child protection strategy have been addressed from time to time by Dr Lesley Cooper, Director of Social Administration at Flinders University. Dr Cooper, in an address on child abuse at a conference at the university last year entitled 'Is Prevention a Useful Concept in the area of Child Abuse' stated:

Child abuse occurs in a complex social and personal context. Frequently the agent or perpetrator is a member of the family. Child abuse is not a phenomenon which exists in isolation from other health and social problems such as marital difficulties, poor housing and education. Many of these problems not only coexist with child abuse, but precede it. It is possible that finding a job for a father, thus enhancing his self-esteem, achieving financial security and getting him out of the house may prevent child abuse.

This supportive family oriented approach to the incidence of child abuse advanced by Dr Cooper is far removed from the Government's current strategy of crisis intervention, focusing on the child in isolation and on the removal of the child from their natural family environment with very little effort being made to reunite that child either on a permanent or access basis with their natural family. Dr Cooper was commissioned in May 1987 by the former Minister of Community Welfare, Dr Cornwall, to prepare a report on the Department for Community Welfare's policies and procedures affecting children of parents under 18 years of age. The report was received by the Minister on 30 June this year, but to date has not been released by the current Minister of Community Welfare, despite urgings by me, by media representatives in this State and interstate and, I understand, by Dr Cooper, who is keen that the report be released in the public interest.

The Hon. R.J. Ritson: I hope it doesn't get interfered with before it gets out.

The Hon. DIANA LAIDLAW: The Minister has had the report since 30 June. I understand that only two copies are available and it would be only on the word of Dr Cooper if it was amended in any way as sufficient copies have not been in circulation to check if that happens. The report, I understand from reliable sources (and sources could be checked as there are so few copies of the paper in existence), is critical of the focus and therefore many central features of the policies, practices and procedures now pursued by the Department for Community Welfare on behalf of the Government. This advice would seem to be sound when considered in relation to the theme of papers presented by Dr Cooper at various conferences and seminars on child abuse in recent years, including the one I cited above and also from conversations I have had in the past with Dr Cooper.

Further to the concerns I have outlined about the Government's and DCW's current child protection policies and practices, I contend also that the strategy is simply reinforcing the age-old contention that when prevention services are neglected a demand for crisis intervention services increases automatically and, regrettably, in South Australia we are experiencing a dramatic realisation of this scenario. As the Minister of Community Welfare has not yet tabled in Parliament the Department for Community Welfare's annual report for 1987-88, I have not had access to the latest figures of notifications of child abuse or alleged child abuse. However, I seek leave to incorporate in *Hansard* a table that presents the number of child abuse notifications between the years 1981 and 1982 and also notes both the number and percentage of substantiated cases of abuse between 1981 and 1982 and 1986 and 1987.

Leave granted.

CHILD ABUSE STATISTICS

Year	Child Abuse Notifications	Substantiated Cases of Abuse	% of Cases Substantiated
1981-82	474	427	90.08
1982-83	682	573	84.02
1983-84	966	816	84.47
1984-85	1 678	524	31.22
1985-86	2 617	699	26.70
1986-87	4 027	1 033	25.65

The Hon. DIANA LAIDLAW: When members look at the table they will find it of interest. It has been compiled from figures presented in annual reports and in answers provided to me by the former Minister of Community Welfare on 24 November 1987 relating to the number of substantiated cases of abuse of all kinds. Members will note that in 1981-82 the number of notifications of all kinds of abuse totalled 474 whilst the number of substantiated cases of abuse totalled 427, or 90.08 per cent. By 1986-87 the number of notifications had increased to 4 027. The number of substantiated cases increased to 1 033. There is no question that both those figures represent a dramatic and alarming increase in the incidence of alleged abuse of children in our community.

However, equally dramatic and alarming is the fact that the percentage of substantiated cases of abuse fell from 90.08 per cent in 1981-82 to 25.65 per cent in 1986-87. We have gone from a position in 1981-82 where the vast majority of notifications were substantiated to a position some

five years later where just over a quarter were substantiated. I would suggest on the basis of those figures that it is no wonder that there is widespread concern in our community about the notification provisions for suspected abuse of children. In this regard I would suggest that one keeps in mind that each notification of suspected abuse involves the child, the child's parents and the alleged offender in a rigorous and generally traumatic process of assessment and interviews, and, in respect of the child, a physical examination.

The terms of reference that I propose for the select committee will have particular regard to the current provisions for mandatory notification of suspected abuse. At present the Community Welfare Act provides for two classes of reporting depending on whether the suspicion relates to a care giver. The first class concerns mandatory or compulsory reporting by specific classes of person of any reasonable suspicion of maltreatment or neglect of a child by a care giver as soon as practicable after forming the suspicion. The second class relates to voluntary reporting by any person who has reasonable grounds to suspect maltreatment or neglect of a child. Sanctions for failure to report apply only to those persons subject to the mandatory reporting provisions. The fine in such cases can be anything up to $500.

Mandatory reporting is also a feature of child welfare laws in Tasmania and New South Wales. However, in neither State are the classes of persons nominated in the Act as extensive as they are in South Australia. For instance, in New South Wales the Children (Care and Protection) Act 1987 specifically provides that the only class of person required to report any reasonable suspicion that a child under the age of 16 years has been abused is a person practising as a medical practitioner. However, the same clause specifically omits any reference to medical practitioners being required to report suspicion of child sexual abuse. This situation contrasts dramatically with that which applies in South Australia. I will briefly list the classes of person who are required to report suspicion of maltreatment or neglect in South Australia. They are:

(a) any legally qualified medical practitioner;

(b) any registered dentist;

(c) any registered or enrolled nurse;

(d) any registered psychologist;

(e) any pharmaceutical chemist;

(f) any registered teacher;

(g) any person employed in a school as a school aid;

(h) any person employed in a kindergarten;

(i) any member of the Police Force;

(j) any employee of an agency that provides health or welfare services to children; and

(k) any social worker employed in a hospital, health centre or medical practice.

I regret that that list is not complete because the Act has since been amended and we have additional provisions for voluntary workers associated with child-care centres, health institutions, and the like. It is tempting to add up the number of people required to report child abuse in this State by looking at the registers of medical practitioners, dentists, enrolled nurses, and the like, but once you get to the voluntary workers I suspect that the task would become large. Throughout South Australia we have a vast network of people who are required to report suspicion of abuse under the pain of a penalty. I understand that the penalty provision has never been employed.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: That is a typical response from an ill-informed member of Parliament. If you had listened to my remarks at the outset you would realise that I and my—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I am pleased you have—but not sufficiently carefully to note that my remarks at the beginning—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Yes, that is the typical, ill-informed, reactionary, emotive response from people who really do not care as sufficiently as they should about the best interests of kids, their family environment and their long-term interests.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: That is right. You have a very blinkered view in the way you approach it. That is what the whole issue is all about. I trust that Ms Pickles, once she has cooled down, may consider my remarks over the Christmas break and possibly seek to respond to them thereafter. As I indicated, the Community Welfare Act, in respect of mandatory reporting provisions, is quite markedly different in South Australia than in other States that have mandatory reporting provisions.

It is equally important to note in this context what is being done in Victoria under the Cain Government. I doubt that the Hon. Ms Pickles would accuse them of not being interested in the best interests of kids, but perhaps she may do so, because she is so arrogant on this issue. I suggest that the Hon. Ms Pickles look at what the Cain Government is doing in this area. She would find that they have rejected mandatory reporting of child abuse in favour of maintaining a system of voluntary reporting, as was recommended by the Carnie report on child welfare practice and legislation in 1984. Perhaps the Hon. Ms Pickles would also like to challenge the Brotherhood of St Lawrence as not caring about the interests of kids. However, she might be alone in Australia in doing that—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: What is the honourable member prattling on about? It would be interesting to see what the member would say in respect of the Brotherhood of St Lawrence and not caring about the best interests of kids, because that is exactly what she has accused me and the Liberal Party of in raising this issue of mandatory reporting. However, I point out to the Hon. Ms Pickles and members opposite that the Brotherhood of St Lawrence, in a report earlier this year, after looking at mandatory and voluntary reporting provisions in this country and overseas, came down firmly, and without reservation, in favour of a voluntary reporting system. I might even give that report to the Hon. Ms Pickles for Christmas reading. The report argues that mandatory reporting on the pain of an offence does little to extend protection to children at risk. They also argue that it may well prove to be counterproductive.

The Brotherhood's conclusions are significant and, as I have said before, I am sure that every honourable member, even the most vocal Hon. Ms Pickles, would be aware of and respect the high profile that the Brotherhood has in respect of its advocacy on behalf of the wellbeing of children. In support of its findings, the Brotherhood highlighted an extensive range of concerns about the impact of mandatory reporting provisions. I intend to list a number of these concerns because they echo the views that I repeatedly hear from DCW workers in South Australia, social workers in other States and non-government workers in South Australia who address child welfare issues on a daily basis. The Brotherhood's concerns are listed as follows:

1. That mandatory reporting discourages families from seeking help.

2. That it discourages people who know the family and who are concerned about the welfare of the child from encouraging the family to seek help when it is required or desirable.

3. That by identifying certain classes of persons as having a special obligation to report weakens the capacity of local services to work effectively in preventing child maltreatment and taking constructive action when maltreatment occurs.

4. That mandatory reporting may cause parents to blame the child which, in turn, can lead to further abuse.

5. That it is an unenforceable obligation.

6. That it does not guarantee effective or adequate follow-up.

7. That it takes away the discretion of professionals who know the particular needs of their clients.

8. That confusion over the definition of 'maltreatment' may lead to either failure to report or to over-reporting.

9. That, if adequate support services are not provided, mandatory reporting may do more harm than good.

I list only those comments of the Brotherhood of St Lawrence which I have heard echoed by people in South Australia who are concerned about this same issue. I raise them in this context today because I am as concerned as the Brotherhood is that legislation in this State should provide for the best interests of children, and that it should not do more harm than good.

In the light of those comments, I believe it is most desirable that members in this place take a considered interest in the impact of the practice of mandatory reporting in serving the interests of children. I also believe that it is appropriate for honourable members to consider whether mandatory reporting is a factor turning DCW's focus onto control, policing and crisis intervention, and away from practices of prevention and rehabilitation.

I also believe that there would be considerable advantage in members of this place considering and assessing, in terms of South Australia's reporting provisions, whether the professionals within the class of persons obliged to report any suspicion of abuse are sufficiently trained to recognise the signs of abuse. There is no question that, without sufficient training and without an appreciation of the signs of abuse, a conscientious person within the class of persons required to report suspicions of abuse can unwittingly unleash great trauma on an alleged child victim and his or her family.

I seek leave to incorporate into *Hansard* without my reading it a further table which identifies the notification of suspicion of abuse by the type or category of abuse between the periods 1981-82 and 1986-87—those categories being physical, sexual, emotional, neglect and/or at risk notifications.

Leave granted.

Child Abuse Notifications—Individual Child

Year	Type of Abuse						
	Physical	Sexual	Emotional	Neglect	At Risk	Unknown	Total
1981-82	249	116					474
1982-83	406	160					682
1983-84	413	230	33		140	150	966
1984-85	669	355	44	342	166	102	1 678
1985-86	921	770	77	545	255	47	2 617
1986-87	1 247	1 378	86	784	438	96	4 027
1981-82	52.5%	24.4%	3%		20%		100%
1982-83	59.5%	23.4%	3.3%	2.6%	11.2%		100%
1983-84	43.8%	24.4%	3.5%	13.5%	14.8%		100%
1984-85	39.9%	21.2%	2.6%	26.5%	9.9%		100%
1985-86	35%	26%	3%	23%	10%		100%
1986-87	31%	34.2%	2.1%	19.5%	11%	2.3%	100%

The Hon. DIANA LAIDLAW: Unfortunately, I have not been able to obtain substantiating figures according to the same categories over the same period. However, members will note that in 1981-82 the number of notifications of physical abuse amounted to 249, and that in 1986-87 the number had risen to 1 247.

Over this period, however, the number of physical abuse notifications as a percentage of the total of notifications of all kinds of abuse fell from 52.5 per cent to 31 per cent. Over the same period the number of sexual abuse notifications rose from 116 to 1 378 and, as a percentage of the total of notifications, increased from 24.4 per cent to 34.2 per cent. In 1986-87 (the latest figures available to me) it was the first time that sexual abuse notifications surpassed physical abuse notifications.

These figures that I have just cited form the basis of considerable and widespread community and professional concern in this State about the wisdom of the Government's embarking on a major child sexual abuse awareness drive, and at the same time, assigning child abuse in the narrow sense of focus and orientation that the department has as its number one priority, before ensuring that DCW, the health profession, the police, court processes and the support and counselling services were adequately equipped, structured and resourced to cater for the ramifications of the campaign. There is no doubt that we have seen considerable ramifications and, as I said earlier, the skyrocketing of notifications of abuse because of that campaign.

In a sense I suspect that that skyrocketing number of notifications (although, as I indicated earlier, substantiations have fallen dramatically over the period) has led the Government and on its behalf also, the Department for Community Welfare (perhaps it is vise versa—I am not too sure which way it works) to panic and to design programs, procedures and practices to try to cater for the problem. However, it has been ill-equipped, ill-resourced and badly structured from the start, and this has made it difficult to develop a sound program, platform and basis for helping kids and their families in circumstances of notification and substantiation of abuse.

Specific issues have arisen and have yet to be resolved despite the attention being drawn to these issues over and over again over a number of years. They include a wide range of matters that I will name briefly: the medical protocol used in determining abuse; interviewing procedures and the use of audio video equipment; the representation of evidence in court; the multiple roles of DCW; the accountability of DCW for decisions made in implementing guardianship and control orders, a matter referred to at length by Ian Bidmeade in his 'In need of care order' report;

and the paucity of measures and the general lack of commitment so often by individual DCW social workers to seek reunion of child victims or alleged victims within their natural family environment, either permanently or by the procedure of guardianship and access orders. Certainly, treatment and counselling programs for victims, offenders and non-offending parents are another area of concern.

I know that this is the final week of Parliament and I am as keen as other members to rise for the President's dinner tomorrow night, so I do not wish to take up private members' time at the moment. When we return, I would like on 15 February to elaborate a bit more on some of those subjects to which I have just alluded. Before seeking leave to conclude my remarks, I want to stress that I believe that one of the roles of members of the Legislative Council is to review not only legislation but practices, procedures and processes adopted by Government departments on behalf of South Australians.

I believe very strongly that a review is important in relation to the widespread public concern that one sees expressed on television and in newspapers about child abuse and protection practices, procedures and strategies in South Australia. It is also important as a response to the private concerns, expressed in letters and talk-back shows where people will not come forward publicly to express their anger, disappointment and concern or outline the tragedies that this problem has brought on so many families when they have been enveloped by it as a result of suspicion of abuse or in the area of substantiation of that alleged abuse.

So, I believe that it is very important that this Parliament be able to say with confidence that we have the best child protection strategies. There is no doubt that at the moment we cannot say that with confidence, otherwise we would not have the range of community concern amongst families and also amongst health and welfare professionals, schoolteachers, and the like.

I reinforce the Liberal Party's firm commitment to ensure that children are safe in their homes and in the wider community environment, and that they are not subject to abuse in any of its forms. We are not being neglectful or negligent in our duty, as the Hon. Ms Pickles would seek to suggest, in seeking to raise this question that we in this Parliament should be confident that departmental procedures are in fact serving the best interests of children. On that note, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 8 March 1989.

Motion carried.

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

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

That the time for bringing up the report of the select committee be extended until Wednesday 8 March 1989.

Motion carried.

SELECT COMMITTEE ON THE ABORIGINAL HEALTH ORGANISATION

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

That the time for bringing up the report of the select committee be extended until Wednesday 8 March 1989.

Motion carried.

SELECT COMMITTEE ON CHRISTIES BEACH WOMEN'S SHELTER

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

That the time for bringing up the report of the select committee be extended until Wednesday 8 March 1989.

Motion carried.

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

Adjourned debate on motion of Hon. Carolyn Pickles:

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

(Continued from 16 November. Page 1547.)

The Hon. CAROLYN PICKLES: I thank members for their contributions in this debate. Those comments were, in the main, constructive and helpful, but I would like to respond to some issues which were raised and which I think should be addressed. The Hon. Ms Laidlaw and the Hon. Mr Elliott raised the issue on the need to quantify the level of housing needs in South Australia. Recommendation (7) of the select committee specifically refers to this and it states:

As housing is one of the first indicators of social and demographic change, there is a need for improved research to be initiated by the State Government, in particular, the extent of housing need within the South Australian community.

The select committee noted that there was a need for more research, particularly in relation to the true extent of youth homelessness. It is indeed very difficult to quantify. The Human Rights Commission, under the chairmanship of Brian Burdekin, is currently preparing a report on Youth Homelessness in Australia, and I believe that that report will be released in February next year.

The Hon. Mr Dunn made the point that suitable accommodation has not been provided for secondary and tertiary students from country areas. The select committee recommended that the State Government should examine possible public and private accommodation arrangements that would assist itinerant workers, students, and young people from country areas. I am pleased to hear that the University of Adelaide has put in a submission for Federal funds for a joint venture with the Adelaide City Council, the University of Adelaide and the South Australian Housing Trust to house tertiary students. I hope that this submission is successful; this sort of joint venture could solve many housing problems for students, including overseas students. It is the kind of joint venture that the select committee was concerned to see occur.

The Hon. Mr Dunn and the Hon. Mr Elliott made some critical comments regarding the role of the South Australian Urban Lands Trust. I place on record some relevant information regarding that body. The South Australian Urban Lands Trust (SAULT) purchased 442.12 ha. of urban fringe broad acre land from the Housing Trust in 1987-88 for future development, and will purchase a further 38.65 ha.

of surplus Housing Trust undeveloped land at Evanston and Smithfield in 1988-89. In addition, the Housing Trust will offer for sale 142.23 ha of broad acre land suitable for immediate development at Elizabeth Heights, Noarlunga Downs, Willaston, Evanston, Woodcroft, and Hackam West during this year.

Urgent action is also being taken by the Housing Trust and the SAULT to bring forward the development of almost 700 ha. of land at Seaford-Moana. The Housing Trust is also easing pressures on land development on the urban fringe by an increasing rate of redevelopment of its own inner metropolitan property holdings. In 1987-88 the trust generated sites for 186 dwellings from this source, and will build 338 additional dwellings in redevelopment projects during 1988-89.

Another major factor in the relocation of the trust's programs to the inner metropolitan area is the purchase of surplus land released by the State Government. In 1987-88 84.17 ha. of land was purchased by the trust, including major sites at North Haven, Pennington and Magill. This included 18.24 ha. in the inner metropolitan area and 65.93 ha in the outer metropolitan area. A further 4 ha. has been purchased to date in 1988-89. Although the demand for housing and land is presently high, in the longer term broad acre land is being made available to developers through the SAULT. This will provide developers with land needed for the production of lots in 1989-90 and beyond.

In relation to urban consolidation, the Hon. Mr Elliott seems to be a little confused about the benefits of this policy. It is interesting to note that the Housing Industry Association supports urban consolidation. The opportunity and need for sensitive urban consolidation has been recognised by State Governments across the country to more effectively utilise established, under-utilised infrastructure rather than duplicate it at a huge cost, both economically and socially, on the fringes of our major cities.

The Hon. Mr Elliott queries the Minister of Housing and Construction's claim that urban consolidation would reduce land costs by $7 000 a block. I understand that this figure was based on a study done by the Joint Venture for More Affordable Housing at Aberfoyle Village. Using conventional land development methods, a house/land package was developed for $75 000. Using engineering and lot size innovations, including road construction, common trenching, and the internal site servicing for sewerage and water, the cost was reduced to $68 000, which represents a saving of $7 000.

The Hon. Mr Elliott criticises the selling of South Australian Housing Trust stock to raise funds for more building, and claims that only good stock will be sold off, keeping more run-down stock and thus raising repair costs. This, in fact, is not the case. Sales go right across the housing stock board and, in particular, double units. Elizabeth and Salisbury have shown a strong response to this policy. This trend will go a long way towards breaking up the older Housing Trust area and creating a greater social mix more in keeping with present day South Australian Housing Trust policy.

On Monday I opened the National Conference on Homelessness where the keynote speaker was the Right Reverend Peter Hollingworth, Executive Director of the Brotherhood of St Lawrence. I place on record that I have the highest regard for this person and his organisation. We do not always agree with the points that it raises, but I think that it is doing an amazing job in Australia in highlighting the problems of poverty. Bishop Hollingworth was a former Chairman of the National Non-Government Organisation Committee for the International Year of the Homeless. In his address he stated that South Australia has a good record of public housing.

I will now detail some of the achievements in the South Australian housing area for the past five years. By 1988, we had over 60 000 public rented properties—more than one out of every 10 in South Australia, and almost double the proportion for Australia as a whole. In the past five years, 11 350 new Housing Trust properties have been completed, and 2 420 have been bought—in all, with conversions included, almost 14 000 properties have been added to the public housing stock.

Since 1983, 53 000 new tenants have been housed—8 651 of these in the past year—a record number for recent years. On average, 7 200 private tenants have been receiving rent relief at any particular point in time. In June 1988, 6 280 households were receiving on average $15.50 a week in help to pay the rent.

In the past five years Emergency Housing Office has helped 125 000 households with advice about housing problems; and 'Whereabouts' has given help to over 90 000 people looking for a place to rent privately. Both these services are unique to South Australia.

Over this period, 13 800 families have been helped to buy a home through the concessional loans scheme run by the South Australian Government and the State Bank—one in nine of people buying a home, and a much higher proportion of first time buyers. On average, 460 home owners have been receiving mortgage relief at any one time to help them overcome a financial crisis which could have led to the loss of their home. In the past year, a further 220 home owners were granted a concessional loan to set them on a sound footing after a financial crisis.

The present Government has made sure that public tenants pay affordable rents by running a rent rebate scheme. In 1988, 38 000 tenants are getting rebates because of their low incomes—almost seven out of every 10 tenants. Fifty per cent of tenants pay $50 a week or less. We have strongly supported the growth of housing cooperatives—there are 850 properties in the program now and another 300 approved for this year. This is more than the rest of Australia put together. For six years running, the South Australian Government has used all its Loan Council funds for housing as a practical demonstration of its commitment.

Just in the past year the South Australian Government has:

Supported the International Year of Shelter for the Homeless, overseeing a budget of over $1.5 million spent on hostels for homeless people. We ran a successful campaign to involve the housing industry in funding projects;

Completed an inquiry into youth homelessness, and funded staff for the Youth Housing Network;

Undertaken an inquiry into conditions in board and lodging places, which was one of the recommendations of the select committee;

Started a review of the cooperatives program, to make sure it can grow as fast as possible; and

Expanded the use of community tenancies for community groups wanting to help provide supported housing—with 520 properties in the scheme now.

The select committee supported the achievements of the South Australian Housing Trust and successive State Government policies on public housing. The select committee report has received a favourable response from people working in the area of public housing and housing the homeless. I hope that the select committee's recommendations will be taken up by the Government, and I urge members to support the motion.

Motion carried.

INDEPENDENT COMMISSION AGAINST CRIME AND CORRUPTION BILL

Adjourned debate on second reading.
(Continued from 5 October. Page 839.)

The Hon. K.T. GRIFFIN: Yesterday and today three matters of major significance in the debate on corruption and the Government's lack of resolve to come to grips with it prompt me to speak on this Bill, introduced by the Hon. Ian Gilfillan on 5 October 1988.

The Deputy Premier's announcement, reported in this morning's newspaper, that the Government would no longer proceed with the establishment of its anti-corruption unit promised in August this year is a cause for major concern. The Deputy Premier's statement last night to the House of Assembly at about 9.45 p.m., shortly before it rose, that there were in fact 56 persons in South Australia under investigation by the National Crime Authority in consequence of the new reference to the authority, correcting a misleading throw-away line by the Deputy Premier during Question Time yesterday that about two dozen persons were on the list, is another cause of major concern.

The statement by the Deputy Premier yesterday in the House of Assembly that the South Australian reference approved by the intergovernmental committee responsible for the National Crime Authority 'will enable the investigation of, amongst other things, outstanding matters arising from the NCA's interim report, allegations arising from the Master's report, the Mr X transcripts, and allegations made in Parliament', when previously this had been down played by the Premier, is another major area of concern.

Even the belated decision by the Government to request the establishment of a National Crime Authority office in Adelaide, after resisting it for four months, must raise serious questions about the Government's resolve to deal effectively with corruption and allegations of corruption in South Australia.

Let me first trace the history of the anti-corruption unit. In July, almost five months ago, the Government received a report from the National Crime Authority that suggested 'an unacceptable level of unethical practice has been in existence in the South Australian Police Force for a considerable time'. The report pointed to further allegations which required investigation.

Within a week of the Government receiving the report, in the *News* of 5 August 1988 there were page 1 headlines promising the immediate implementation of an anti-corruption strategy. At the same time, Mr Bannon predicted that more cases would follow the conviction of the former head of the drug squad, Mr Barry Moyes, for his corruption. However, since then this Government has indulged in a course of cynical and secretive reaction to this NCA report, and nothing more.

On 16 August 1988, the Attorney-General made a ministerial statement to the Legislative Council, and the Deputy Premier made a similar statement to the House of Assembly. These statements identified that the National Crime Authority concluded that it did not recommend an independent inquiry into the police, such as, or similar to, a royal commission, but went on to state:

> The authority does, however, recommend the establishment of an anti-corruption unit to identify and investigate corruption within the South Australian Police Force.

They both announced the establishment of a ministerial committee comprising the Attorney-General, the Deputy Premier, and the Police Commissioner, Mr Hunt, which would 'formulate recommendations on an anti-corruption strategy for South Australia incorporating recommendations on an anti-corruption unit for consideration by State Cabinet as soon as possible'. A committee of officers was also to be established. Later the two Ministers said:

> The Government accepts the recommendations of the NCA that an anti-corruption unit be established.

The Attorney-General said:

> When the work of the ministerial committee which has been established is completed, an announcement will be made to the Parliament on the structure of the anti-corruption unit and the nature of the additional anti-corruption measures that will be taken. In conclusion, let me make it perfectly clear that the Government will not shirk its duty to the community to fight organised crime and to attack corruption wherever it may be.

Six weeks later the Attorney-General indicated before the Estimates Committee that as far as he was aware the ministerial committee had met only once. So much for diligence, concern, and responsibility. On 4 October 1988, the Deputy Premier said, following the announcement of an NCA office being requested for Adelaide:

> I give the Parliament an assurance that the matter of the independent unit is still being pursued, notwithstanding our ambitions to have the NCA set up here.

On 4 October, Dr Hopgood also said:

> In fact, we are continuing with the work in relation to the independent unit.

On the next day the Deputy Premier referred to the anti-corruption unit and said:

> I indicated to the House that it may be that some sort of special unit will still be needed, even if the NCA is prepared to set up here in South Australia, because there will obviously have to be a very high degree of liaison between the NCA and our South Australian Police Department.

Remember, this is after the invitation by the Government to the NCA to set up an office in South Australia. The decision not to proceed with an anti-corruption unit is a direct repudiation of the Police Commissioner's views. Neither the Attorney-General nor the Deputy Premier was able to give Parliament, in answer to Opposition questions, the terms of reference of the anti-corruption unit, the membership of the unit, the powers of the unit, or any indication of its activites. The concept of the anti-corruption unit was delightfully and, one might suggest, deliberately vague. Today Dr Hopgood was quoted as saying:

> There was no point having an anti-corruption unit after the NCA office was established because it [the NCA office] effectively became the anti-corruption unit.

That is nonsense, and does not in any way line up with his and the Attorney-General's previous assurances. The terms of reference to the National Crime Authority are wide but not universal. They relate specifically to 'groups of persons, members of whom were identified to me [Dr Hopgood] by the authority on 24 November 1988'. The criminal behaviour to be investigated is limited and related to those groups. The National Crime Authority reference will not address the way in which other allegations of corruption may be made, how they will be investigated, and to whom that body will be accountable. It is almost as though the Deputy Premier has breathed a sigh of relief that the National Crime Authority has come to town and he can now push everything else under the carpet or pass the buck to the National Crime Authority. It does not work that way: that is not good enough.

In the course of the debate on corruption in South Australia, a few days before the screening of the *Page One* television program which, in its promotions prior to the event, promised to further expose corruption in South Australia, the Government said it was seeking the establishment of a National Crime Authority office in South Australia. That was a dramatic about-face. For five months the Government had resisted the call by Liberal Senator Robert Hill

for such an office to be established in South Australia. As recently as 19 September, the Deputy Premier had been dismissing those comments by Senator Hill as 'boring by repetition'. However, 10 days later the Attorney-General announced that a National Crime Authority office for South Australia would be sought.

As a result of the procrastination and delay, at least six months—more likely nine months—will have elapsed before the office becomes operational in South Australia. Until the legislation passes in Federal Parliament, which I understand is likely to be this week, it is not possible to make appointments to arrange seconded staff and no-one can tell me that a major crime-fighting operation can be established within a matter of weeks. The earlier indications were that the office would open for business in South Australia in about February next year. That is still the most likely achievable date. One should note in passing that the NCA has been investigating corruption allegations relating to South Australia for well over two years. It was on 30 May 1986 that the authority was issued with its first term of reference to investigate alleged corruption in South Australia.

I turn now to the behaviour of the Labor Party over the NCA terms of reference. On Monday in the Senate, Senator Tate, the Federal Minister for Justice, refused to make available the terms of reference to be given to the National Crime Authority for investigation in South Australia. Yesterday, the Deputy Premier tabled the terms of reference in the House of Assembly but did not make all of them available to the media. He made no concession that the extent of suspected corruption and other serious criminal activity was any wider than the Government had previously suggested. When asked during Question Time yesterday how many South Australians were the subject of investigation he said, 'About two dozen', as though he were attempting to play down the number. At 9.45 p.m. last night, prior to the adjournment of the House of Assembly, the Deputy Premier made a statement that the numbers were more than double what he indicated during Question Time—some 56 South Australians.

That delay, to take it out of most media time, was deliberate. There is no doubt that, by looking at the list, he could have quickly discovered his so-called mistake during Question Time and immediately corrected it. But he did not do that. He wanted to create the impression that corruption was not widespread in South Australia. That 56 South Australians are on the list to be investigated indicates that corruption in South Australia is widespread and that there is good reason for concern by South Australians about this.

The behaviour of the Deputy Premier is only another event in the long line of activities which have all been directed towards playing down the issue of corruption in South Australia and the nature of that corruption. The delay in seeking the establishment in South Australia of the National Crime Authority office, the decision not to proceed with an anti-corruption unit, and the delay in correcting the number of persons on the list for investigation all indicate clearly a concerted plan by the Government to play down the issue and demonstrate its lack of resolve to come to grips with this serious issue.

I turn now to the areas of investigation to be covered by the reference by the inter-governmental committees to the National Crime Authority. In his ministerial statement yesterday, the Deputy Premier said that the South Australian reference to the National Crime Authority:

> Will enable the investigation of, amongst other things, outstanding matters arising from the NCA's interim report, allegations arising from the Masters' report, Mr X transcripts and allegations made in Parliament.

The Hon. I. Gilfillan: By the Democrats.

The Hon. K.T. GRIFFIN: Allegations made by the Democrats and the Liberals. Where does the Government stand on this question? On the 12 October the Premier said, following the *Page One* presentation,

> I would have thought the reaction of any of us watching the *Page One* presentation—it was dramatic and certainly well presented—would be, as it was in the general media, that not very much new material was published.

Dr Hopgood said on 1 November 1988 in relation to the dossier prepared by Mr X, in answer to a question by the Hon. Dr Eastick:

> The answer is that substantially what is in the allegations made by Mr X has been known to the National Crime Authority and the South Australian police for some considerable time, and has been subject to some considerable investigation ... my information is that most of what has come out of Mr Wordley's investigations in this matter is by no means new information. It is not necessarily new information, but certainly new allegations.

When chapter 12 of the National Crime Authority interim report was tabled, it suggested that the remaining allegations were being investigated by the police in conjunction with the National Crime Authority. Now the Government is referring all that material and saying that it will all be investigated by the National Crime Authority office in Adelaide. Obviously, the Government earlier sought to play down the significance of both the *Page One* presentation and the Mr X dossier, but they are more serious than the Government has made them out to be and quite obviously must have some substance to be the subject of the special reference.

In the whole area of the allegations of corruption the Government has not been forthcoming with information. I asked a question on 1 November of the Attorney-General about the terms of the immunity from prosecution granted to Mr X in the Moyse case. I was anxious to know whether he had absolute immunity or whether it was qualified and whether it was conditional upon him telling the truth. I still have not got an answer.

I have raised a question about Rocco Sergi who had pleaded guilty on 9 September to a charge of having cultivated cannabis at Penfield Gardens. I asked the Attorney-General if he was going to appeal because the six year sentence with a 4 year non-parole period for a $4 million cannabis crop seemed to me to be manifestly lenient. I still have not got an indication as to what the Attorney-General is going to do with that.

We saw several days ago a reduction in the value of the cannabis crop which was alleged by the Crown to have been cultivated at Penfield and which was the subject of the prosecution of Sergi, Malvaso and confederates. The report indicated the value was $2 million, not $4 million as reported on numerous previous occasions. The charges were conspiracy and production of cannabis, and in some instances cultivation and supplying for sale. We have asked for the basis upon which pleas of guilty were made, and what are now the charges upon which the three remainding offenders have been convicted. We cannot get the information. Yesterday the Government was unable to answer our questions. The whole area suggests that the Government is reluctant to be honest with South Australians.

When the Attorney-General tabled the conclusions and recommendations of the National Crime Authority interim report, we drew attention to the very first paragraph in the recommendations. It read:

> It is the authority's view that the allegations canvassed in this report, if true, demonstrate that an unacceptable level of unethical practice has been in existence in the South Australian police for a considerable time and that, without the authority's investigations, these allegations might not have come to light. It seems to the authority there has also been a lack of resolve and perhaps even a reluctance to take effective measures to enable these types

of allegations to be brought to the attention of a permanent and independent investigatory unit.

The Opposition has raised questions in relation to the reference to the 'lack of resolve' referred to in that paragraph. The Attorney-General denied that it was any reference to the Government. He implied that it must refer to the police. But it is clear from the conduct of the Government and its Ministers in relation to this whole area of corruption that passing the buck to the police just will not wash. The Government has been involved in a concerted campaign to play down the issue of corruption and appears reluctant to take strong decisive action. It has only moved on each occasion when a step has been taken after considerable questioning by and pressure from the Opposition. The public of South Australia deserves better than that.

With this background the Opposition has given further serious consideration to the Bill introduced by the Hon. Mr Gilfillan to establish an independent commission against crime and corruption. It is modelled on the Hong Kong independent commission against corruption, which is a particularly effective unit in identifying public and private corruption and bringing corruptors to justice. Hong Kong has a population of six million people. It is an international community and there is evidence of widespread public and private corruption. My assessment of the Hong Kong commission and my discussions with its officers suggested initially that it was not the sort of agency that we needed in South Australia.

When New South Wales established its independent commission against corruption it was acknowledged that in New South Wales for years corruption had been rife and that there needed to be a fearless independent body with wide powers to attack the issue at its roots. I was not convinced that South Australia needed to have its own independent commission. The Liberal Leader, John Olsen, called for the establishment of a royal commission to investigate all of the allegations which have been made by Mr Masters in his *Page One* program, by Mr X in his dossier and by others who have provided information, including the Hon. Mr Gilfillan, over a period of time particularly because many of them were suggesting that they could not with confidence provide that information to members of the South Australian Police Force. The Government rejected that call.

The Opposition is now reviewing that initial reaction to the Hon. Mr Gilfillan's Bill. If the Government believes that only the National Crime Authority office in Adelaide is necessary to address the issue of corruption and is not proposing any other strategies to come to grips with allegations beyond the terms of reference of the National Crime Authority, then we must seriously consider the establishment of an independent commission against corruption in South Australia. It is true that, whatever attacks are made upon corruption in South Australia, there must be a co-operative attack by the National Crime Authority in conjunction with the police, Corporate Affairs Commission officers, federal police, customs and excise investigators and others who have a special responsibility to root out crime and corruption in South Australia. If a South Australian commission is established, it should work in the same way. It is not solely the responsibility of any particular agency to carry the burden, but it must be a co-operative effort and there must be adequate powers to enable that to be pursued subject to reasonable protections for individual civil liberties.

I indicate that the Opposition is prepared to support the second reading of the Hon. Mr Gilfillan's Bill. We will not make our final decision on the third reading of the Bill until Parliament resumes on 14 February 1989. We want to assess what further initiatives, if any, the Government is now prepared to take in the light of our observations on the issue. However, we believe that the Hon. Mr Gilfillan's Bill is worthy of further serious consideration, that it ought to be considered in detail during the Committee stages, and then we will make our final decision.

It is only the events of yesterday and today, which brought us to the end of a long line of frustration and diversion, that prompted the Opposition to review its position and to express a view that it may now be necessary to take further the proposition of the Hon. Mr Gilfillan. To enable this to occur, the Liberal Party supports the second reading of this Bill.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT

Adjourned debate on motion of Hon. I Gilfillan:

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

(Continued from 9 November. Page 1355.)

The Hon. R.I. LUCAS: I support the disallowance of by-laws of the South Australian College of Advanced Education Act. In so doing I indicate that, having already spoken once this year on 13 April 1988 on the very principles outlined in this disallowance motion, I do not intend to repeat on this occasion all the arguments for supporting the disallowance of the by-laws. I indicated on that occasion and do so again that on balance the Liberal Party supports the views that the staff and students and supporters of the staff and students have put to the Liberal Party on this matter.

Whilst there has been some change in detail since April of this year, for me and the Liberal Party the principle remains the same. Whilst we do have an envisaged fee structure slightly more equitable than was the original proposal—and in particular the parts of the proposal that now relate to guaranteed and unguaranteed parking and the special provisions for part-time as opposed to full-time staff—nevertheless the principle for me remains the same. My attitude and the Party's attitude towards this disallowance motion are not directed towards the fee levels envisaged by the by-laws but refer to the general principle of payment for car parking at the South Australian College of Advanced Education.

In considering the principle involved, members should note that the students of the South Australian college and indeed at all higher education institutions currently are paying a considerable sum for undertaking higher education. This year students are paying approximately of $270 per year in administration charges for tuition. Next year, with the introduction of the Hawke Government graduate tax proposals, the charge for a full year of study will be considerably higher—about $1 800 per annum.

In addition to that, there are various student fees which can amount to $200 per annum in relation to union fees. There are also additonal charges in relation to books and materials. As I indicated earlier, in some of the high cost courses, in particular the design course at the Underdale campus, students may incur material costs of up to $1 000 per year.

The South Australian College of Advanced Education would now seek to add to that an admittedly small, but nevertheless additional, impost in relation to car parking.

Whilst that amount is now small, and it is envisaged that any increases will be kept in line with the CPI, if we accept the principle of car parking charges, it would remain within the province of the South Australian college council at any stage to increase that charge, perhaps by a significant amount.

All members would know that when the administration charges were introduced and when the concept of a graduate tax was introduced, when there was talk about tertiary fees, the principal players at the South Australian college were loud in their protests against these additional student imposts. They argued that it would deter numbers of students from undertaking further studies at the South Australian College of Advanced Education. As I said earlier, and I repeat again, whilst the car parking charge is not as much as the graduate tax or the administration charge, it is an additional impost with which students will be confronted if they want to continue their studies.

Therefore, the principle is the issue that is involved here. Indeed, as noted before, the by-laws that we have before us do not set down the level of fees. So, we are not voting on the amount of the fees and the way in which they will be implemented. Rather, we are considering the principle of whether students at the South Australian college should be charged for car parking. In April this year the Liberal Party indicated that it would oppose this suggestion from the South Australian college, and I do so again.

The trend towards charging for car parking is permeating not only the South Australian college but also all other aspects of Government administration in South Australia. If these South Australian college regulations pass the dam will be breached. We are already aware of proposals for various hospitals, and country hospitals in particular; they are being urged by the Health Commission to consider car parking charges. I am sure that once it becomes accepted in Government administration that institutions, such as higher education and country hospitals, should charge for car parking, it will begin to spread like wildfire as a further source of revenue for a money-hungry Government.

I understand the difficulties that are facing the South Australian college administration in relation to its desire to upgrade and expand car parking facilities at the various campuses of the South Australian college. As indicated, the college does not receive designated grants from the Commonwealth for car parking. I have said previously, and I say again, that if students and staff oppose the concept of car parking fees they will have to accept that the administration will not be able to provide the desired level of expansion of car parking facilities and upgrading. I am not saying that they will not provide anything because, as an employer, it will have to do so. However, students and staff will have to accept that the administration will not be able to provide the anticipated level of car parking.

The Hon. I. Gilfillan: How much money do you think they were going to put into car parking?

The Hon. R.I. LUCAS: I do not know how much the college is going to put into car parking. It is talking about $50 000 a year, which will not cover very much. It talked in terms of possible borrowing but then seemed to reject that in evidence to the Joint Committee on Subordinate Legislation. That is a matter for the college administration. I am merely saying that, if students and staff have an attitude—with which we agree—that they should not be charged for car parking, in the end the decision in relation to the provision of car parking facilities and upgrading will be for the college administration.

If the college administration cannot provide the expanded and upgraded facilities that it thought it would be able to provide, the students and staff will have to accept that. They cannot have it both ways. They will have to accept that it may not be possible to increase the car parking that is available and to improve the quality of that facility. That is a decision that the staff and students will have to make. They have made that decision, with which we agree, and that is where the situation should be left. In relation to other campuses in South Australia, I have had considerable experience at Adelaide University. There is certainly very little provision for car parking for students there. As a student—

An honourable member interjecting:

The Hon. R.I. LUCAS: No, it is even hard to park a Volkswagen. It is not uncommon for students to park their cars up to two or three kilometres from the Adelaide University and walk that distance to the campus.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: You have to find a place where you do not have meters. If that is going to be the case at some of our South Australian colleges, it may well have to be endured, at least in the short term, by students, particularly at South Australian college campuses. It is my understanding that not only at Adelaide University but at the Institute of Technology and Roseworthy there is no charge for car parking. Indeed, only two of the five higher education institutions in South Australia—the South Australian College and Flinders University—currently charge, or propose to charge, for car parking for students and staff.

Finally, I note (and this matter was referred to earlier, but we have now had further evidence before the Joint Committee on Subordinate Legislation), that it would appear that, irrespective of the final decision in relation to this disallowance motion, students will still be confronted with the notion of car parking fees at the South Australian college. The Joint Committee on Subordinate Legislation took evidence on 5 October 1988 from the Director of Resources, South Australian College of Advanced Education, Mr Ian Allen. The Hon. Mr Burdett asked Mr Allen:

> I voted in favour of the by-laws last time and I am not particularly disposed to change my mind. However, if Parliament disallows the by-laws again, what are your options with regard to the fees?

Mr Allen replied:

> To impose the fees.

Mr Burdett followed that reply with the following question:

> So your intention would be to impose the fees whether or not the by-laws are disallowed?

Mr Allen replied:

> I do not want to sound provocative in any way. The college council is quite firmly of the view that it will continue with the raising of the fee.

The Chairman then asked:

> What authority would the college operate under then if the by-laws are disallowed?

Mr Allen replied:

> Under the Act of Parliament, and there is also an administrative head of power, to which I referred earlier. I refer specifically to sections 13 (1) *(c)* and 13 (1) *(d)* of the Act.

It is clear that irrespective of what happens today the college administration is single minded in its determination to impose car parking fees on the South Australian College Council. I also note that the matter has been taken up by the staff of the Industrial Commission. I anticipated that there might have been a finding from the Industrial Commission yesterday, but I understand that it has now been deferred a further two weeks in the hope of reaching a resolution in relation to staff concerns in this matter. So, for those reasons, I indicate that the view I express on this occasion will be the same as that which I expressed in April of this year, in that I intend to support the disallowance moved by the Hon. Mr Gilfillan.

The Hon. J.C. BURDETT: I oppose the motion. The Hon. Robert Lucas has just observed that he has the same views as those which he had when similar by-laws came before Parliament previously, and so have I. I believe that most of us have. I refer first to section 13 of the Adelaide College of Advanced Education Act, under which it quite clearly appears that the council of the college has the power under the by-laws to impose fees, anyway, irrespective of the by-laws. The by-laws were simply the most convenient way of doing it. I expressed that opinion the last time that similar by-laws were before Parliament, and I express it again.

I agree with the Hon. Robert Lucas that the college appears to have expressed the intention to impose the fees, anyway, irrespective of what happens with this motion. I cannot see anything sneaky or arrogant about that. It appears to me that it had a clear power; that it exercised that power; and that it has expressed an intention to exercise that power. It simply regards the by-laws in regard to parking as the most convenient way to implement it.

It seems to me that it is clearly within the proper competence of the college council to decide whether or not it will impose fees in regard to parking or any other conditions. I think that the Parliament ought to leave it in that jurisdiction. I cannot see any reason why we should interfere. In fact, there have been occasions when regulations and by-laws have been disallowed—when the Parliament or this Council has seen good reason to interfere with the body in whom that power is vested. It is clear that this case should properly be left within the ambit of the college. Certainly, none of the evidence that has been brought before the Joint Committee on Subordinate Legislation has indicated to me any good reason for this Council to interfere.

The Hon. Robert Lucas has referred to the question of money for upgrading and administration of the car park. He has referred to the fact that, if this plan of the council to charge fees does not go ahead, there will not be any substantial upgrading or any possibility of policing the parking. He has alluded to the fact that in some cases students have had to walk for some distance. It appears to me that the Council has decided that in this case it does have the means of providing money for upgrading, administration and policing of car parking to make it more convenient for students.

I do not think that it is proper for this Council to interfere with that. While the by-laws are the same as those which were before us before, the scale of fees to be charged is very different. Of course, the scale of fees is not in the by-law and it would be competent for the council to impose any scale of fees, but it appears to me that the council will abide by the scale of fees which it has said that it proposes to charge and which it is charging under the by-law, perhaps with minor variations from time to time to allow for inflation or any other variations. But the scale of fees which it intends now is very much more modest and moderate than was intended before. Mr Allen, the administrator, was asked in his evidence:

What fees do you intend charging now?

He said:

I will table a document which contains that information. At the city, which is a very small campus, the fees would be $100 per annum for guaranteed parking. We have a small number of parks available. At our suburban campuses we are proposing $50 per annum for guaranteed staff car parking and $25 per annum for unguaranteed staff car parking. Unguaranteed student parking would be $15 per annum, motor cycles $5 per annum and weekly permits for staff, unguaranteed parking only, $1.50 per week. A weekly permit for student unguaranteed parking is only $1 per week and the casual daily permits for staff and students are 40 cents a day. We are offering the staff the capacity to have the parking fee deducted from their pay: for those in the city at $4 a pay for suburban campuses for guaranteed parking, $2 per pay, and for unguaranteed staff parking, $1 per pay.

I asked: 'These are substantially less than the previously proposed fees,' and Mr Allen responded:

Yes. We have tried to address the issue of guaranteed parking that is of concern amongst the constituency providing for those staff who, because of their work, move between campuses so that when they return to their home campus they find they do not have a car park. So, they now have the option to purchase a guaranteed car park. I think that has dissipated a lot of concern amongst the staff.

I asked: 'Did the previous scheme provide for guaranteed car parking?' and Mr Allen replied:

No, I think it was a totally unguaranteed model we had in mind. Of course it does mean that we have to patrol a lot more to ensure that offenders receive parking infringement notices but it is a particular approach we have taken to placate the concerns.

It appears to me that the Hon. Mr Lucas, when he was seeming to accept the possibility that people might have to walk for two miles, was unmindful that a lot of staff have to move between campuses. That situation did not apply to the kind of institution about which he was talking. But the Adelaide College has a number of campuses, and staff lecturing or carrying out other duties in several of the campuses do have to move between those campuses and it would seem to me that there is a very strong argument to say that it should be possible to guarantee parks for those members of the staff if they wish to avail themselves of that option by paying for guaranteed parking.

It has also been pointed out in the evidence by Mr Allen and others from the administration, that no other money is available for upgrading or administration of car parking. So, if there is to be any kind of orderly car parking it has to be done through a system such as this. My main point, as I have said before, is that in my view to allow for permits subject to conditions including the charging of fees is a proper prerogative for the council of the college and one which has been reasonably exercised and which gives no warrant to this Council to interfere with. For these reasons, Madam President, I oppose the motion.

The Hon. G.L. BRUCE: I also oppose the motion. I do so on similar grounds to those raised by the Hon. Mr Burdett. I would like to put before the Council the following points for consideration. If the by-laws are rescinded it will not affect the college's decision with regard to the charging of parking fees. Parking fees will still be charged by the South Australian College of Advanced Education next year and that is because, as outlined by the Hon. Mr Burdett, it has the right to do that now. It is unfortunate that, if the by-laws are disallowed, the college will incur costs for work that has already been done to repaint the lines and signposts to conform with the by-laws. If these regulations are rejected, so are the by-laws that have gone to orderly parking and also the realignment and remarking of car parks. So, if the regulations are attacked because of the parking fees, the regulations that provide orderly car parking facilities are also under attack.

For the information of the Council, an application is presently before the Industrial Commission for the staff to receive an allowance in relation to parking fees. The college and the union are presently negotiating this matter and are due to report back to the commission on 16 December 1988.

Questions were raised on 10 August 1988 by the Hon. Ian Gilfillan in relation to this matter. He asked whether the council had the authority to charge parking fees, and the answer was that it did have the right to do it; it did not reside in the by-laws but in the college Act itself. The Act

provides for the fixing of fees or charges for tuition or other services provided by the college. Arguably, section 13 (1) *(d)*, which gives the council full power to perform any other act necessary or expedient for the due administration of the college and the performance of the functions for which the college is established, is sufficiently broad to empower the college to charge for parking. So, irrespective of whether the motion is accepted or rejected, the college still has that power to charge parking fees.

Therefore, it was incorrect for Mr Gilfillan to state that the Legislative Council disallowed regulations which were seeking to impose parking fees. It was stated on two occasions in the Chamber when Mr Gilfillan was present that the by-laws disallowed were not necessary to the charging of parking fees. It is true that the fees were not introduced at the time but the decision to defer their introduction was taken by the college council in response to internal discussion or dissent, as is quite proper.

The revised car parking charging arrangements are significantly different from those not proceeded with. In fact, they are not even in the regulations, as the Hon. Mr Burdett outlined. The matter of fees was not put to the committee but of course it was a prominent point. The by-laws disallowed and recently enacted were, as was made plain at the time, simply to rationalise certain traffic and parking arrangements across the various campuses of the college. The by-laws, by removing the need for staff and students to adapt to different arrangements as they move from campus to campus, will enhance the safety and promote administrative efficiency.

The Hon. Mr Gilfillan also referred to the fact that the new parking arrangements were introduced on 25 July and that the by-laws were gazetted on 4 August. If the by-laws were essential to the introduction of fees for parking, the college would have been acting illegally, and this was not the case.

Mr Gilfillan also asked some questions. He asked what justification the Government has for reintroducing the regulations enabling the charging of parking fees at South Australian Colleges of Advanced Education. The answer to that is that the Government has not reintroduced such regulations. Indeed, it did not introduce any such regulations in the first place: the college itself did that. He also asked by what authority the Colleges of Advanced Education can impose parking fees. The answer is that the South Australian College of Advanced Education Council is empowered under section 13 (1) *(c)* of the South Australian College of Advanced Education Act 1982 to impose parking fees.

The third question he asked was whether the council is entitled to raise revenue by this means from the students for capital works and/or their maintenance, specifically car parks. The answer is 'Yes'. He also queried whether this was a blatant violation of the will of this House of Parliament. The answer is 'No'. To the extent that the will of the Legislative Council has been expressed, it has previously disallowed by-laws which had nothing to do with the introduction of parking fees. If the Parliament wishes to express its will in such terms as apparently are being suggested by Mr Gilfillan, it would be necessary to amend section 13 (1) *(c)* of the South Australian College of Advanced Education Act 1982.

The fifth question asked was whether the Government will continue to aid and abet the violation of a decision made in this Parliament last April. The answer to that question is that it appears from the context of the question that Mr Gilfillan believes that Parliament has decided that the college should not be able to charge parking fees. Since this is not the case, the premise of the question is incorrect, so no answer is possible. The Government has neither endorsed nor opposed, through any subordinate legislation act, the introduction of parking fees at the college.

Mr Gilfillan also asked a question of the Minister of Tourism, who represented the Minister in the other place, whether the Government favoured the imposition of parking fees on students at the CAE campuses. The response to that is that both universities in South Australia have charged parking fees for many years. Some years ago the then Sturt College of Advanced Education introduced parking fees to finance a loan for the construction of a new car park. For many years the Commonwealth Government, which provides most of the funding for higher education institutions, has declined to provide capital funds for car parks, because it believes that the users of those facilities could reasonably be asked to finance such capital costs.

In the State funded program of capital works associated with the transfer of nurse education to higher education institutions, the provision of additional car parking has been explicitly excluded and the question of whether parking fees should be charged on the campuses of higher education institutions is a matter for the councils of those autonomous institutions. I draw members' attention to the fact that they are autonomous institutions and, as such, under the Act they are empowered to introduce those laws as they see fit in order to charge for parking.

I suggest that, with this disallowance, Mr Gilfillan has taken that autonomy away from the councils. I can understand the ill-feeling on the part of students and people who work there, but I also believe (and it is part of my contention) that it is an internal problem. As such, it should be resolved by the parties concerned. The resolution should be brought about in a spirit of cooperation and consultation with all parties concerned. At this stage, I do not believe it is appropriate for the Legislative Council to disallow these regulations.

A legal document was tabled in evidence before the Subordinate Legislation Committee. I refer to a letter to the Director (Finance) of the South Australian College of Advanced Education. The letter from Baker McEwin, barristers, solicitors and notaries is for the attention of Mr I. Allen, and it states:

Dear Sir

PARKING BY-LAWS

Further to your telephone request for our opinion in relation to certain matters arising as a result of the variation to the college by-laws we provide our opinion as follows.

We understand that a query has been raised concerning the right of current employees of the college to continue to enjoy parking rights in the absence of any fee for the same as part of their contract of employment. In our view, this approach is not sustainable as it is a matter which is not mentioned in any industrial agreement, award or contract of employment between the college and any of its employees. Although, as a matter of custom and practice staff of the college may have been able to take advantage of free parking in the past, in our view there is no bar to the college, upon proper notice, introducing parking fees by way of administrative action.

We do not believe that an administrative act of the college quite independently of a contract of employment should be prevented as a result of alleged custom and practice. Arguably, it is coincidental that the body charging the fee for parking is the same as the employer. In particular, as the by-law has been introduced to apply to all persons at the college who wish to park their motor vehicles in the college grounds, we do not believe that any argument can be sustained that there is a variation to the contract of employment. By way of illustration, if that argument were to be accepted it would mean that no change to any of the charges levied by the college for any amenities enjoyed by staff could be made because as a matter of custom and practice they had always paid a certain sum. Such a broad interpretation of their employment contract would lead to an absurd result, and in our view could not be sustained in either the Industrial Court or the Industrial Commission.We trust that this clarifies the matter.

It all boils down to the fact that this autonomous South Australian College of Advance Education Council has the power to make these by-laws. I believe that, irrespective of whether or not we believe that it is right in charging the fees, it is up to them, in consultation with the people concerned, to make that decision. I understand that its representatives have consulted with the people who will be affected by these by-laws.

I believe that the matter should be left to it. The evidence, which was presented to the Subordinate Legislation Committee and which was tabled and available to all members of the Council and to the public at large, would substantiate what I have said. The bottom line is that it is an autonomous body and should be able to do as it sees fit. I urge members not to support this motion.

The Hon. I. GILFILLAN: I thank at least one honourable member for supporting this motion. That encourages me to believe that, when we vote on this motion, other members may support students and staff in their stand against what we believe to be unfair victimisation. I do not share the view of the Hon. Mr Lucas when he placed importance on the fact that, by choosing not to pay fees for parking, students and staff will deprive themselves of car parking facilities which they would otherwise have received. It seems apparent to me that the economic structure of this scheme is such that there would be a relatively small amount of surplus over and above the administration of it to put towards any purpose. My experience has led me to be very cynical of any authority which delivers what it may have promised as the target for these funds. These funds could very quickly dissipate into other areas because of the expediency of the moment. I very much doubt that there would be much difference in the provision of car parking facilities whether or not fees are charged.

I understand that the by-laws are technically not the substantial Act, but I think that the argument presented by the Hon. Mr Bruce was one of apologising for the way in which the Government has avoided its responsibility to address the issue. He rightly says that the arguments about the by-laws themselves would not affect the mother Act but, if the Government is to come clean and show just what its principle is, and if it is intent on protecting the students and staff from the imposition of parking fees, it should move to amend the Act. If it does not act in that way, it quite clearly condones the levelling of these fees.

There is no other option. The Government knows the consequences of its inaction. It is no good saying that the colleges have this authority under the Act—of course they have that authority but, by leaving it there and allowing the colleges to impose this fee while saying, 'Wink, wink, nod, nod; go ahead; we don't really object to it at all,' the South Australian Government stands condemned. I hope that the vote on this motion will demonstrate that this Chamber and Parliament rejects the principle.

In the only way we can, we are using the debate on these by-laws to make the major point. We are not arguing the dotted i's and the crossed t's: we are arguing the major point. This is the way we can have an influence. The influence of this vote should impact on the Government and the councils of colleges of advanced education in South Australia. I urge members to support this motion.

The Council divided on the motion:

Ayes (10)—The Hons M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and J.F. Stefani.

Noes (9)—The Hons G.L. Bruce (teller), J.C. Burdett, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. C.J. Sumner.

Majority of 1 for the Ayes.

Motion thus carried.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1513.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill, which proposes to extend the rule relating to apprenticeships to traineeships which operate under the Australian Traineeship Scheme. Currently, traineeship agreements are not enforceable by the Industrial and Commercial Training Commission; nor are there settlement procedures for handling disputes or dealing with disciplinary matters.

This Bill also proposes to allow for examinations to determine the competency of persons in selected vocations where those persons have been trained overseas or within Australia but on an informal basis. Initially, that will relate to the area of hairdressing which, of course, is to be deregulated to a substantial extent as a result of amending legislation in South Australia earlier this year.

Under this provision for examinations, the amendment will enable certificates of recognition to be awarded and will avoid the need for practitioners to become qualified through formal South Australian training schemes. I understand that four other States have similar provisions already. The Australian Traineeship Scheme allows persons to achieve qualifications without the requirement to enter into an indenture of a relationship equivalent to an apprenticeship.

As I understand, some 237 traineeships were established by the end of the 1986-87 financial year and in 1987-88 that figure rose to 543. South Australia was one of the first States to announce a traineeship policy and to pick up the principal Commonwealth initiative, yet South Australia has been one of the slowest States to take up the opportunity that has been offered. There are some excellent opportunities for persons to achieve trade qualifications through the traineeship scheme, something which the Opposition supports. The Opposition also supports that provision of the Bill which allows the Industrial and Commercial Training Commission to take formal responsibility for the administration and oversight of the traineeship scheme.

With respect to examinations to determine competency in select vocations, I suggest that many people who come to South Australia from overseas have achieved qualifications in their own country but those qualifications are not recognised in Australia. The Government's proposal is to allow a formal examination similar to that which is administered to those who undertake training programs and, if they pass those examinations, they will be admitted to the qualifications for which their overseas training has equipped them. Again, the Opposition has no difficulty in supporting that concept.

The area upon which I focus some attention concerns the inclusion of a clause which will put it beyond doubt that a person under a traineeship scheme is not required to belong to a union. In effect, we want to remove the possibility of young people being required to belong to an association of employees as a condition of involvement in traineeship

schemes. The argument in the other place against that was that, to some extent, it was hypothetical, but I do not believe that that is the case. During the Grand Prix young casual workers were required to make a contribution to union coffers as a condition precedent to being employed at that event. That is quite outrageous.

There is the possibility with a contract of training which might be entered into by a young person with an employer that compulsory membership of a union is required. We wanted to put that issue beyond doubt. It is important that legislation such as this, which will be in effect for a number of years, should contain such provisions as will put it beyond doubt that, at no time in the future, can an obligation of union membership be placed upon those who are subject to the authority of the Industrial and Commercial Training Commission.

My amendment recognises that. If there is concern about the amendment with the assertion that it is irrelevant, I suggest that, if there is nothing to worry about, the Government cannot reasonably object to the principle being expressed in the legislation. If it is there, it ensures that at some time in the future no-one will be able to override the provisions of the Act and introduce compulsory unionism on an administrative basis. That is what the Government has done with contractors who enter into contracts with the Government. They are required to ensure that employees are members of the relevant union under the contracts which those contractors enter into with the Government.

This matter will undoubtedly evoke emotion and will be the subject of some heated debate. However, I make the point that the principle is reasonable, that there is no reason at all why it should not be stated clearly in this legislation for the future as well as the present, and it will put beyond doubt any prospect that, administratively, this sort of requirement may later be introduced by the Industrial and Commercial Training Commission or by employers who take on young people for apprenticeships or traineeships. Subject to that matter, the Opposition supports the second reading of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Training under contracts of training.'

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

Page 2, after line 16—Insert—

and

(d) by inserting after subsection (15) the following subsection:

(16) Notwithstanding any other Act or law or any industrial award or agreement—

(a) a person selecting persons for training under contracts of training is not under any obligation to give preference to members of any association composed or representative of employees;

(b) a person seeking to become or remain a trainee under a contract of training may not be required to become or remain a member of any such association;

(c) any condition of a contract of training or employment purporting to impose a requirement that a trainee under a contract of training become or remain a member of such an association is void and of no effect.

I have already indicated the reasons for this amendment and I hope that it will receive the support of the majority of members of this Committee.

The Hon. I. GILFILLAN: The Democrats support the amendment. On this occasion and other occasions when debating legislation containing a form of compulsion with respect to joining an association—in this case it is most likely to be a union—without casting any aspersions on unions or the excellent work that many of them do, the Democrats utterly reject the concept which provides such membership as a condition of anything, in this case as a condition of training.

The Hon. BARBARA WIESE: The Government opposes this amendment. The matter was debated extensively in another place and, in opposing a similar amendment, the Minister placed very clearly on record the Government's position. To some extent, the Hon. Mr Griffin is misrepresenting the Government's position by saying that, if the matter is irrelevant, it is reasonable to include it in this Bill. The Minister's view is that the matter is irrelevant to this piece of legislation and is not a matter for the Industrial and Commercial Training Commission.

The commission has always avoided becoming involved in industrial politics and industrial relations questions and has tried to confine its areas of interest to the matter of training and issues relating to training. The Government does not therefore believe that it is appropriate for an amendment of this kind to be included in the Bill, which is not meant to deal with these matters. It is preferred that such issues remain in the industrial arena and not as a responsibility or something with which the commission should have to concern itself. Quite apart from addressing the pros and cons of preference to unionists or any of those issues, I confine my remarks specifically to that question. It is not appropriate for an expression of this kind to be made in this legislation, and therefore the Government opposes it.

The Hon. K.T. GRIFFIN: I would suggest that the Minister is on the wrong track, because the principal Act deals with industrial and commercial training. It would seem quite proper that the standards which are to be applied in relation to trainees should be set down in this Bill. In fact, section 21 of the principal Act deals with the whole question of training under contracts of training. It is in those circumstances that I would suggest it is quite reasonable to include in the principal Act a provision which does not require the commission itself to become involved in so-called industrial matters, but sets on the record clearly what is the intention of Parliament in relation to this question of preference to members of particular associations in respect of their traineeships. I would have thought it quite proper for that sort of provision to be included in a Bill of this nature and be part of the principal Act, which covers a whole range of issues relating to the question of traineeships.

It is relevant to the question of a traineeship whether or not a trainee should be obliged to be a member of a particular organisation as a prerequisite to qualifying for a traineeship. It is as simple as that. I do not believe that it is inappropriate or that it involves the commission in so-called industrial matters. In fact, in my view it would remove the commission effectively from the area of industrial issues.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: It is setting it on the record quite clearly.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: I infer from the Hon. Mr Crother's interjection that he or his Party has this in mind at some time in the future, which is even more reason why we should be putting something like this into the Bill to make clear what is the provision. For that reason I strongly urge members of the Committee to support the amendment. I appreciate the indication from the Hon. Mr Gilfillan that he does intend to so support it.

The Hon. BARBARA WIESE: I am very sorry that both the Liberal Party and the Australian Democrats intend to vote together on this issue. It is a matter on which the

Government feels very strongly and believes should not be included in this legislation. I intend to divide on the vote and it would be the intention for the matter to go to a conference of both Houses.

The Committee divided on the amendment:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

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

Pair—Aye—The Hon. L.H. Davis. No—The Hon. C.J. Sumner.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 6 and title passed.

Bill read a third time and passed.

EDUCATION POLICY

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

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

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

(Continued from 16 November. Page 1552.)

The Hon. T. CROTHERS: When I began my contribution to this debate I attempted to enlighten Mr Lucas on several aspects of education in this State on which he seemed confused. In his speech he confessed to being bemused by Mr Elliott's motion. I took it upon myself to lessen his bemusement. I dealt briefly with the nature and extent of my colleague, the Hon. Ms Pickles', powers of clairvoyancy when it came to anticipating what the Opposition would say. I warned young Mr Lucas about the relationship between popularity and competence. I also explained about the increases in education funding, the admirable consultation processes that have occurred, and continue to occur, between the Education Department and the community and the large number of teacher positions—

The Hon. M.J. Elliott: You don't know what you're talking about.

The Hon. T. CROTHERS: The Hon. Mr Elliott says that I do not know what I am talking about. I have a video tape here which he may like to look at. I probably do an injustice to the Hon. young Mr Lucas when I say that he is the only one that is bemused. I have the interjector on my extreme right, the Hon. Mr Elliott, who it would also appear needs to be enlightened. As I said, a large number of teacher positions have been retained in the education system in spite of a massive enrolment decline. I very gently pointed out to Mr Lucas his misunderstanding of accounting procedures and explained his mistake with respect to administration costs in the Education Department. I also clarified how the reorganisation of speech pathology services was putting more resources into that area, how the Education Department detects and deals with overstatements of enrolments and how overpayments of salaries are recouped.

I would also like to mention another area in relation to which the Hon. Mr Lucas demonstrated how bemused he is, that is, the provision of school buses. The young Mr Lucas is calling for a rationalisation of school buses whilst his colleagues in another place are asking for more money to be spent on them. In the Appropriation Bill debate in another place Mr Lewis, the member for Murray-Mallee—

The Hon. R.I. Lucas: Who wrote this for you?

The Hon. T. CROTHERS: Well, the person who wrote it for me had more information than young Mr Lucas appears to have. It is accurate information at that.

Members interjecting:

The PRESIDENT: Order! We have a long way to go yet.

The Hon. T. CROTHERS: In the Appropriation Bill—

The Hon. M.J. ELLIOTT: On a point of order, Ms President, I do not believe that the motion is being addressed. I very much question the relevance of the current debate.

The Hon. T. CROTHERS: The man has taken a point of order. This needs to be put in its proper context. I thought there might be a point taken on relevance. Mr Lucas gives several examples—

The Hon. M.J. ELLIOTT: A point of order, Ms President, have you given a ruling, as yet, on the point of order?

The PRESIDENT: No, I have not.

The Hon. M.J. ELLIOTT: School buses have very little to do with anything in this motion.

The PRESIDENT: I take it that the speaker is using this as a build-up to addressing the points which are there. It is, at least, a topic related to education, unlike some of the other matters which are sometimes drawn into speeches in this Chamber. However, I would ask the honourable member to make his remarks relevant to the motion being debated.

The Hon. T. CROTHERS: I thank you very much for that ruling, Ms President. Mr Lucas, in his address to the Chamber—the Hon. young Mr Lucas—

Members interjecting:

The PRESIDENT: Order! There is far to much interjection and conversation.

The Hon. T. CROTHERS: The Hon. young Mr Lucas gave several examples which he alleged supported his opinion. I am simply giving additional information about some of those examples and providing further examples to this Council to illustrate my view of the absolute positive way in which this portfolio is being handled.

I thank you, Ms President, for not accepting the point of order by the honourable member on my extreme right. In the Appropriation Bill debate in another place, Mr Lewis, the member for Murray-Mallee, wanted more transport to take children to other schools when Mr Gunn, the member for Eyre—

The Hon. M.J. ELLIOTT: On a point of order, Ms President, we are continuing to have discussion about the member for Murray-Mallee and buses. It has nothing to do with school consultation, school staffing formulas or the gagging of school principals, which are the points of the motion. The motion uses the words 'in particular'.

The PRESIDENT: 'In particular' does not mean only that. It does deal with the Minister of Education's handling of his portfolio. School buses do come within his portfolio.

The Hon. T. CROTHERS: Talking of buses, I believe that some members have had certain parts of their anatomy run over by buses. I will try for the third time. In the Appropriation Bill—

The Hon. M.J. Elliott: We're not easy targets.

The Hon. T. CROTHERS: That is right: you are not an easy target, Mr Elliott, you are too slippery. In the Appropriation Bill debate in another place, Mr Lewis, the member for Murray-Mallee, wanted more transport to take children to other schools, while Mr Gunn, the member for Eyre, wanted bus routes reinstated in isolated communities. Members of the Liberal Party should really get their act together a bit better than this and not embarrass their spokesman

by contradicting his repeated calls for savings with their own demands for increased spending in the same area.

In fact, the Education Department has an ongoing obligation to review school bus routes to ensure consistency of operation throughout the State and to ensure that the service continues to meet the minimum requirements for the establishment or maintenance of school bus runs. The requirements are set out in the school transport policy manual, which was published as a supplement to the *Education Gazette* issued during the week ended 5 February 1988.

Services which do not meet the minimum requirements, or services which can be amalgamated, are withdrawn or altered after consultation with parents and after giving a reasonable lead time before withdrawal. In the western area, where much of the reorganisation has occurred, the estimated savings are approximately $500 000 every year. Therefore, the Education Department is taking steps to reorganise school transport but it is doing it in a sensitive and responsible way—

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: —not in the hack and slash manner that Mr Lucas seems to be advocating, a method favoured by his New South Wales colleague, Mr Metherell, in his approach to education planning. These have been just a few of the tired old furphies that the Hon. Mr Lucas has been promulgating, as I maintained when I began my speech in the previous session of this debate. However, to my great disappointment, and in spite of the amply demonstrated powers of prediction on this side of the Chamber, Mr Lucas failed to throw in a reference to one of his favourite furphies—vacancy rental cost. It just goes to show how bemused Mr Lucas has become when members on this side have to remind him of the main points in his argument.

The Hon. R.I. Lucas: This is heavy stuff.

The Hon. T. CROTHERS: I hope it doesn't weigh you down. However, it was probably a good thing for Mr Lucas that he did not throw that furphy in, because it turns out to be the biggest fizzer of the lot. On 13 April, during a debate on special education, the Hon. Mr Lucas trotted out the same boring old litany of alleged waste. It was the same tired list that we heard earlier in the debate. However, he added that we also have $300 000 per annum wasted in paying for vacant teacher rental housing.

The Liberal Leader's news release, dated 1 September 1988, quoted Mr Lucas going through the same old routine with a list of complaints, including the allegation that the Education Department wasted $312 000 on these rental costs.

Members interjecting:

The PRESIDENT: Order! After dinner, I suggest we have a little less noise from members, as there is still a great deal of business to get through. Otherwise, some members might have an earlier night than they expected.

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

The Hon. T. CROTHERS: Yet again, the Hon. Mr Lucas's colleague, Mr Oswald, the member for Morphett, speaking on the Appropriation Bill debate in another place on 5 October went through the identical list of complaints including the one about vacancy rentals. To my astonishment earlier in this debate, the Hon. Mr Lucas left out any mention of this. Was it because in his excitement it had merely slipped his mind, or had someone tipped him off about the gulf that was yawning beneath his feet? I refer to this example to show how you cannot take Opposition criticism of the education portfolio seriously because of their misunderstanding of the situations to which they refer and their own contradictory positions on issues such as this one of rental costs.

I would like someone from the Opposition to explain to me one day, when talking about these rental costs, what they mean by waste and, when they talk about the savings they claim they could make on these costs, I would like them to tell me how they would do it. The way the Hon. Mr Lucas throws up the phrase 'vacancy rentals' tends to obscure the nature of these costs to the Education Department. It ought to be made abundantly clear that the provisions and administration of teacher housing—

The Hon. R.I. Lucas: We have been through all this.

The Hon. T. CROTHERS: Yes, but you are slow learners—is the responsibility of the Office of Government Employee Housing and that rents and other conditions of occupancy are administered by that office. Under both Liberal and Labor Governments, teachers in prescribed country locations have paid rent for 42 weeks of the year; the Education Department has paid for the remaining 10 weeks. This is one of the incentives that is provided to attract and retain teachers in country areas, that is, that they pay rent only for the time that they use the accommodation, and they do not pay rent during vacation times for accommodation that they are not using. The Education Department in fact subsidises them.

Is then the Opposition saying that this subsidy is a waste? Is it a waste or is it a legitimate cost, and how would they save the money that is currently spent on these subsidies? Would they say, 'No more vacancy rental subsidies. All teachers will pay for the full 52 weeks of the year'? This is a typical example of the contradictory nature of the Opposition's stance on such issues. On the one hand they demand that something be done by way of incentive to encourage teachers to work in country locations and, at the same time, they suggest that a significant incentive, that is, the rental subsidy, be removed. But the contradictions do not end there.

Mr Lucas has been strangely silent on this issue recently. Is it because he read the information provided by the Minister during the Estimates Committee and realised the awful truth about vacancy rental costs during the previous Liberal Government's merciful short term of office? I hope that this was some of the significant information that the Hon. Mr Lucas told Rex Jory he received from the questioning of the Minister of Education because, if you look at the record of the Estimates Committees for 20 September 1988, you will see an innocent looking statistical table of vacancy rental costs for the years from 1982-83 onto 1987-88. The story that these figures tell is not immediately obvious and, ironically, if the Hon. Mr Lucas had not left out his usual reference to vacancy rentals, I would not have wondered why and would not have given those figures a second look.

However, I did give them a second look, and the story they tell is very interesting. The table shows the costs of vacancy rentals for the financial years from 1982-83 through to 1987-88, rounded to the nearest thousand dollars. But what is not immediately obvious is that these costs are in actual dollar terms, no adjustment having been made for inflation. At this point, I seek leave to incorporate into *Hansard* a purely statistical table relating to the costs to which I have referred concerning vacancy rentals.

Leave granted.

	Actual Expenditure (Historical Cost) $	Index	Indexed Cost (Expressed in 1988-89 prices) $
1979-80..	179 112	245.9	440 400
1980-81..	227 996	245.9	560 600
1981-82..	294 567	223.5	658 400
1982-83..	338 200	189.4	640 600
1983-84..	313 800	189.4	594 300
1984-85..	403 500	159.2	642 400
1985-86..	443 500	136.3	604 500
1986-87..	301 612	129.9	391 800
1987-88..	366 873	119.6	438 800

The Hon. T. CROTHERS: This table shows the costs of vacancy rentals both in actual dollar terms and in real terms expressed in 1988-89 prices, and I have shown the inflation index that I have used for each year. I have also extended the table back three years to take in 1979-80, 1980-81 and 1981-82. Now a different picture begins to emerge. You can see quite clearly that the $300 000 that Mr Lucas has been going on about until his convenient recent memory lapse, which is about $392 000 in real terms, pales into insignificance when compared with the record $658 000 in real terms in 1981-82 when the Tonkin Liberal Government was mismanaging the Education portfolio. The actual dollar cost in 1986-87 was $301 612, or $391 800 in real terms. In 1981-82, the actual dollar cost was $—

The Hon. L.H. DAVIS: On a point of order, Ms President, this has nothing whatever to do with the motion that we are now debating.

Members interjecting:

The PRESIDENT: Order! The motion deals with the Minister of Education's handling of his portfolio. I think the matter is relevant. It is not contrary to the motion.

The Hon. T. CROTHERS: Perhaps Opposition members are getting my comments about the education question mixed up with local government or something. In 1981-82 the actual dollar cost was $294 567, or $658 400 in real terms. That is not the end of the story, though. In 1980-81 the cost in real terms was $560 600, and in 1982-83 it was $640 600 in real terms. So, here is yet another example of the inherent contradictions in the Opposition's attempts at criticism. If it is a waste now, it was a waste then, when they were in Government, and it was a much bigger waste under the Liberals than under the present Government. If they claim they could make those savings now, why did not they make them then?

If it was a legitimate cost under the Liberals then it is a legitimate cost now. In addition, the table shows that it is being better managed by this Government than it ever was under the previous Liberal Government. Unfortunately, Mr Lucas is, as Hamlet said, Madam President, hoisted with his own petard. To mix metaphors, he has dug a pit with his own mouth and stepped right in it up to his neck. While he is getting used to this unusual and uncomfortable position, I will proceed to enlighten him.

In his comments earlier in the debate, the Hon. Mr Lucas, to give him his due, acknowledged that in some areas there had been a good attempt at consultation. However, he went on to state:

> . . . there have been a number of other recent examples where there really has not been the wide ranging community consultation and discussion that the proposals merited, in particular, in relation to the Kidman Park and Findon High Schools amalgamation proposal.

Remember that he also stated:

> The question that was raised by various representatives of parents and staff was why the department looked at only the two schools.

He also quoted other unnamed representatives as saying that other schools in the area ought to have been included in the discussions about what the proposed structure of secondary schooling ought to be in the western suburban area of Adelaide.

This part of the Hon. Mr Lucas's speech was delivered in this Chamber on 16 November. I ask members to note that date, when Mr Lucas accused the Education Department of not consulting adequately, and accused the Minister of not being responsive to community wishes. He called for the Education Department to look at the larger picture of secondary education in the western suburbs. That was on 16 November, two weeks ago.

Now let me quote from the Director-General of Education's news release dated 20 September 1988, two months before the Hon. Mr Lucas's comments. The headline reads, 'Review of secondary education in Adelaide's western suburbs—"Hold" placed on proposal to amalgamate two secondary schools'. That was two months prior to his comments in this Chamber. The first sentence of the news release states:

> Proposals to amalgamate two high schools—Kidman Park and Findon High—will not go ahead next year while a comprehensive review of the provision of secondary education in the suburbs is carried out.

The Hon. R.I. Lucas interjecting:

The Hon. T. CROTHERS: I did say in my last contribution that, when he had learnt to read, I would tell him about it. I am doing it orally because, if one takes the news release into consideration, one sees that obviously he cannot read. The news release continues—

> Parents, teachers, students and other community members in the western suburbs—

The Hon. M.J. Elliott: What date was this?

The Hon. T. CROTHERS: The Hon. Mr Elliott interposes and asks what date this was. Because he has been chattering on and not paying attention to the debate, he will just have to look it up in *Hansard*. The news release continues:

> Parents, teachers, students and other community members in the western suburbs, which has had a major decline in school student enrolments, will be invited to take part in the review.

So where does this leave Mr Lucas's plaintive cries about lack of consultation? Not only was there extensive consultation, but also the effect of the consultation was to put the proposal on hold while a review was conducted. Here is the Hon. Mr Lucas calling for a review that had already been announced two months previously—

The Hon. L.H. Davis: This is wonderful stuff.

The Hon. T. CROTHERS: It was enough to make Stiffy and Mo laugh—and calling for it in almost identical terms to those used in the public announcement! This is yet another example of the Opposition's lack of awareness about what is really going on in education in this State, and an illustration of how it will say anything it thinks can score it a few points, without any regard for the facts of the matter, and without any consideration of the contradictions with their own previously stated position. Really, how can you take them seriously when their credibility is so easily blown apart by a brief examination of the anomalies in their own statements? One more example of young Mr Lucas not having his act together—

The Hon. L.H. Davis: The Hon. Mr Lucas.

The Hon. T. CROTHERS: The Hon. young Mr Lucas, when he began his speech on 9 November, alleged that the Government had no clear or coherent concept of what it wanted to achieve with education and our schools over the coming years. That was 9 November. The day before, on 8 November, the Director-General launched the draft three

year plan for education in South Australia, and the Minister of Education announced that a Primary Education Board and a Secondary Education Board would be established. The first sentence of the Director-General's news release states:

> Australia's first three year plan for education launched in Adelaide today highlights key goals for every school—

The Hon. M.J. Elliott: It wasn't a plan; it was one piece of paper.

The Hon. T. CROTHERS: I hope that this doesn't look like a piece of paper to you. Maybe you need my glasses.

The Hon. R.I. Lucas: That's a video.

The Hon. T. CROTHERS: That's a video; you are correct. Bingo!

Members interjecting:

The PRESIDENT: Order! I call the Council to order. The honourable member deserves the courtesy of silence.

The Hon. T. CROTHERS: The news release continues:

> . . . in the State to achieve in meeting the educational needs of young South Australians.

Dr Boston, the Director-General, is quoted as saying:

> This is the first time an Australian education system has spelt out what its priorities will be and how they will be achieved.

The Hon. M.J. Elliott: It doesn't say that; that's a lie.

The Hon. T. CROTHERS: Another interjection from the honourable member on my extreme right, the Hon. Mr Elliott. He went on to state:

> More significantly, it clearly states what we expect the outcomes will be for young people, their teachers and the school system as a whole.

Before anyone starts jumping up and down saying that they were not consulted about the draft plan, let me explain that distribution of the draft plan is part of the consultation. Dr Boston himself said in his news release:

> It is now subject to wide community consultation, and to achieve those goals it must remain flexible and be adapted to meet the changing needs and aspirations of our young people and the community generally.

This public announcement was made only the day before Mr Lucas made his allegation that the Education Department did not know where it was going, and it received wide media coverage. Perhaps the Hon. Mr Lucas's memory is going after all. He forgot his lines about vacancy rentals made over the past year; he forgot about the review of secondary education in the western suburbs within two months of the public announcement; and now he has forgotten a public announcement of major significance within 24 hours of his making a comment.

A further point grows out of Mr Lucas's bemusement over the draft three year plan. Near the start of his speech, the young Hon. Mr Lucas quoted the President of the South Australian Association of State Schools Organisations to support his own attack on the Minister of Education. The President, Mr Ian Wilson, is indeed one of the chief parent spokespersons on education in South Australia, and I think that Mr Lucas has done Mr Wilson a grave injustice in associating him with Opposition attacks on public education and with Mr Lucas's own criticisms of the Minister of Education. Mr Wilson is one of the strongest supporters of public education in this State, and the Hon. Mr Lucas has put Mr Wilson's credibility at risk by his reckless exploitation of Mr Wilson's reputation.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas: They called for him to resign.

The PRESIDENT: Order! That includes you, Mr Lucas.

The Hon. T. CROTHERS: In contrast to what Mr Lucas alleges Mr Wilson said about consultation, I would like to refer to the information package that accompanied the distribution of the draft three year plan. Part of that package was a 17 minute video titled *Never Less Than Excellent.* I strongly commend this video to you, Madam President, and to all members. It is a concise and cogent explanation of the aims of the draft three year plan, and includes a Cook's tour of many aspects of the excellence that is to be found in our South Australian State schools. A feature of the video is a series of brief statements from prominent persons connected with education in this State, including one from Mr Wilson, the President of the South Australian Association of State Schools Organisations. Anyone who wants to can borrow that video in which Mr Wilson says:

> We believe that education is a shared process between parents, teachers and children, not only at the school level but area and departmental levels as well. We think that this new plan that has been devised by the department will give parents a greater opportunity to participate in the decision-making and the plans that are made at each one of those three levels, and this has got to make for a better education for our children in the days ahead.

So, here is the authority that the young Mr Lucas quoted to support his own attack on consultation, saying that the draft three year plan will improve parent participation in decision-making. Mr Wilson makes this comment thoughtfully and responsibly in response to a plan for education that Mr Lucas says does not exist.

The Hon. L.H. Davis: This guy could write an episode of *Days of Our Lives.*

The Hon. T. CROTHERS: If I ever wrote about a day in your life I would be sued. A clear picture emerges. The Opposition generally, and Mr Lucas in particular, do not really care what they say, nor what their words actually mean, so long as they think they can score a few points. It is all superficial, all froth and bubble, gloss and glitter, with no substance. When you try to examine one of their statements in any depth, you find misunderstanding heaped upon misunderstanding, contradiction heaped upon contradiction, hypocrisy heaped upon hypocrisy; it all falls apart in your fingers like fairy floss.

The fact of the matter is that members opposite do not really care what their words mean so long as they sound good. Their words are more wallpapering over the cracks in the Liberal facade. When you look more closely the whole edifice is in danger of tumbling down. In fact, I understand it might even be pushed over shortly by bulldozers. Mr Lucas's whole approach is like re-arranging the deckchairs on the Titanic while icebergs loom on the horizon. No wonder the young Hon. Mr Lucas confessed to being bemused. He shows his bemusement yet again in his confusion over the savings that were to be made as part of the staffing strategy for 1989. Let me remind Mr Lucas of his words earlier in the debate. He said:

> Information provided to me in recent days indicates that rather than saving $5 million to $7 million it may well be that the Bannon Government has been able to save only about $2.7 million as a result of the new staffing formula.

In this he was echoing the words of his colleague in another place, Mr Oswald, who said in the Appropriation Bill debate:

> The first point is that the new staffing formula for schools will not save anywhere near the $6 million originally claimed.

Poor bemused young Mr Lucas; poor Mr Oswald: both wrong twice in a single sentence—surely a record even for those two gentlemen. They are wrong in that it is not a new staffing formula; it is exactly the same formula as before. All that has changed is the way of establishing the number of students to which the formula should be applied. They are also wrong in the underlying assumption that the staffing strategy itself was intended to save $6 million. It was clear that the $6 million to be saved was intended to be made up from a number of sources, only one of which was the staffing strategy.

The amount to be saved through the application of the staffing strategy is $2.75 million, exactly as Mr Lucas's informant said would be saved, and as young Mr Lucas himself said would be saved after having met the Director-General's four guarantees about maintaining the quality of education. The guarantees have been met, schools have been helped to fulfil the requirements of the new staffing strategy, the teachers have got their 4 per cent pay rise and $6 million has been saved to put towards other important areas of education. So, I hope once and for all that that disposes of Mr Lucas's bemused claims about the staffing strategy.

There remains only the issue of principals communicating with school communities. Here again was a classic example of a set of proposals being circulated to interested parties for their comments. Instead of responding through the usual channels in a responsible manner, it seems to me that a few began the old complaint of 'We weren't consulted', when the very act of sending them the proposals was part of that consultative process. Because the timing of the distribution of those proposals coincided with debate about the staffing strategy for next year, the Opposition mischievously tried to suggest that there was a cause and effect relationship between the two quite separate events, a connection that Mr Lucas continued to try to make in his speech during this debate.

Mr Lucas quoted only part of the Minister's reply in Estimates. In answer to the question, 'Does the Minister still intend to introduce amendments to the Education Act to place restrictions on the ability of principals and teachers to speak on education issues this year?' the Minister did say, 'There has not been any intention, by legislative means or otherwise, to do what the honourable member suggests.' Mr Lucas claimed that this statement by the Minister was untrue. He again tried to support his claim by saying:

> The Director-General of Education circulated to a number of groups amendments to the Education Act to be introduced in this session.

Mr Lucas is simply wrong on this point—absolutely wrong. The material circulated was not merely for information about amendments that were definitely going to be introduced, as Mr Lucas said. There were several proposals which were circulated to relevant parties for comment as part of a consultative process.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: I have just been given the Hon. Mr Davis's calling card. The proposal which has been so grossly misrepresented by the Opposition was a proposal to bring the disciplinary provisions of the Education Act into line with those of the GME Act. All this has been explained quite clearly by the Minister on several occasions. In answer to a question in another place way back on 16 August, the Minister said:

> The set of proposed amendments was forwarded by the new Director-General to the South Australian Institute of Teachers, various principals associations and parent organisations seeking comment and requesting a response by 29 July 1988.

He also said:

> Following receipt and consideration of those comments, the department intends to make recommendations to me, and I will make recommendations to the Government.

The Hon. Peter Dunn interjecting:

The Hon. T. CROTHERS: There goes the Hon. Mr Dunn again, and perhaps the only suitable reply to his interjection which he would understand is for me to say to him, 'Baa'. In the Estimates Committee to which Mr Lucas referred, where the Minister said, 'There has not been any intention, by legislative means or otherwise, to do what the honourable member suggests', the Minister went on to say:

> I will wait to receive responses from the various constituent elements of the education system which have been asked to respond with respect to the desirability of proposed amendments to the Education Act to bring it in line with the GME Act. I will then consider the merits or otherwise of acceding to that request.

Even members opposite can understand that—well, I hope they can. Mr Lucas has developed quite a knack of selectively quoting, or quoting people out of context, in an attempt to distort their meaning. He carefully avoided mentioning the context of the Minister's remarks where the Minister went on to say:

> That is a normal process and we will assess it. That process is going on in the department and eventually it will come to me for consideration. It has nothing to do with the right of principals or other officers of the Education Department, whether employed under the Education Act or the GME Act, to speak out on public issues or other matters relating to the Education Department.

The fact is that this issue was cleared up months ago. Hardly anyone in the education community is still under the illusion that an attempt was made to prevent principals from communicating with members of the school community. The important role that the principal plays in keeping the school community informed has been reaffirmed on many occasions.

The Hon. Diana Laidlaw interjecting:

The Hon. T. CROTHERS: There goes little Miss Laidlaw. In answer to another question on this matter during the Estimates Committee, the Minister said:

> I spoke of this matter in the House some weeks ago and put on record the Government's position with respect to the important role that principals play as leaders not only within the school community but within the community as a whole, the responsible office to which they have been assigned, and the manner in which they are expected to conduct themselves in the exercise of these important duties.

The Hon. Mr Elliott and the Hon. Mr Lucas seem to be the only ones who want to try to pursue this non-issue any more. The alleged gagging of principals never was an issue except as a beat-up by the Opposition in an attempt to embarrass the Government at the risk of damaging the reputation of public education once again. It says little for the Hon. Mr Lucas that he is still trying to drag it out and dust if off in an attempt to get a bit more mileage out of it. He is either naively optimistic or totally bemused.

I have shown the nonsenses that are embodied in the motion. The Government acknowledges the Minister's competence and care in his handling of a complex and sensitive portfolio. There has been no failure to consult school communities adequately; indeed, there has been significant and effective consultation about school closures and amalgamations, as well as consultations in a wide range of other matters. The staffing strategy for next year is an effective way of providing personnel to schools in line with the agreement that gained teachers their 4 per cent pay rise without detriment to the quality of education. There was never a proposal to gag principals or teachers.

I hope my contribution to this debate has helped young Mr Lucas and other younger members opposite to become less bemused. In calling on members to reject this motion, I give them an assurance in the words that Her Majesty Queen Victoria might have used if she were participating in this debate: we on this side of the Chamber are not bemused.

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

EXOTIC FISH

Adjourned debate on motion of Hon. Peter Dunn:

That regulations under the Fisheries Act 1982, concerning exotic fish, fish farming and fish diseases (undesirable species) made on

30 June 1988, and laid on the table of this Council on 4 August 1988, be disallowed.

(Continued from 16 November. Page 1555.)

The Hon. G.L. BRUCE: I wish to add to my earlier remarks the criteria for South Australian exotic fish imports which were released in March 1988. I will read it into *Hansard* so that people will understand what this discussion is all about. The document states:

Fish taxa are prohibited from importing to South Australia if:

A. there is insufficient scientific information available about the taxon upon which a considered decision may be based to allow importation or where a dichotomy of opinion exists regarding the taxon in question;
B. the taxon is preadapted to the range of critical physical parameters (for example, temperature, salinity, turbidity, and others) found in South Australian natural waters;
C. the taxon has established feral populations in any other part of the world;
D. the taxon has the capacity to hybridise with South Australian native fish species;
E. the taxon has behavioural characteristics (for example, predatory, aggressive, displays interference and/or resource competition for space or food) that could have a detrimental effect on South Australian native fishes and/or on the South Australian aquatic environment;
F. the taxon is known to carry diseases or parasites not found in Australia;
G. the taxon can be confused with undesirable or other prohibited taxa;
H. the taxon is now used overseas for food or game, or can grow to a large enough size for such use. Prohibition will ensure that illicit stocking does not take place;
I. the taxon can be harmful to man or livestock;
J. the taxon has invasive qualities derived from genetic and/or phenotypic plasticity that enables it to become established in new environments that may have different environmental conditions to those occurring in its natural range.

The Hon. M.J. Elliott: What does that mean?

The Hon. G.L. BRUCE: You interpret it: you have a dictionary, as I do. I had to look up 'taxa', which means a species of one type of fish, but it is very technical. The document continues:

High juvenile survivorship in its natural ecosystem which predisposes fish to establishing in a new environment. A weed taxon. Examples are shifts in tolerances to temperature, oxygen, salinity, turbidity and others. Criteria B, E and J form a natural suite.

I will not add more to the debate although I have large amounts of data of a technical nature about the problems that can be encountered should undesirable species become feral fish in South Australian waters. The carp in the Murray River system is an undesirable type of fish. We did not think it would get into our system but it has and it has taken over the Murray.

The Hon. J.C. Burdett: It came from Victoria.

The Hon. G.L. BRUCE: Yes, but it is a feral fish as far as the ecosystem of Australian waterways is concerned. It is European carp and was imported: it was not in Australia when we first came here. I conclude by drawing the attention of members to the fact that the Director of Fisheries has given an undertaking that a system exists for the industry to approach the department to assess fish that it considers desirable to be added to the list of fish that may be traded in South Australia. I repeat that the bottom line is that the Subordinate Legislation Committee decided to err on the side of caution as feral fish would be almost impossible to eradicate.

I urge the Council to support the regulations and I hope that the Hon. Mr Elliott, with his concern for the greening of Australia, fully considers the problems that feral fish would create should they be allowed to get loose in South Australian waters. The main argument put up by the Opposition and others who oppose the regulation is that trading in exotic fish is a highly lucrative industry; there is money to be made. It was suggested that the new regulations will not allow the Fisheries Department to consider other fish for the list. In evidence to the Subordinate Legislation Committee, the Director of Fisheries gave an assurance that any fish would be considered on its merits. If the department decides that it is an undesirable species, it will not be added to the list.

The main argument from the Opposition and the Democrats, who are supporting the disallowance of these regulations, is that that will not happen. I repeat that we have had assurances that it can and will happen and that all exotic fish will be considered. What more do Opposition members want? It is in black and white: it is in the evidence given to the Subordinate Legislation Committee. I understand that there is a little bit of politics being played here, that Opposition members believe that there will be an early election. They are looking at 14 days and they want to have the whole 14 days to deal with regulations. I understand that the Opposition will do a machinery job on this today. I hope it does because if Opposition members are to reap the benefits of disallowing these regulations permanently and if exotic fish are brought into South Australia as a result of decisions made in the courts by non-scientific, non-professional people, it will be on their head, not ours. With those few remarks, I urge the Legislative Council to oppose the motion moved by the Hon. Mr Dunn.

The Hon. I. GILFILLAN: The Democrats are most concerned that we in South Australia take no risk of populations of feral fish being established. Our argument with the present regulation is not about which fish are or are not able to be kept in South Australia but rather about the mechanisms by which the list is arrived at. We understand that there have been useful discussions between the Department of Fisheries and the pet traders. Agreement appears to be very close, but no details of those discussions have been presented to members of this Council. However, a possibility exists, even if slight, of Parliament being prorogued and 14 sitting days have expired since the regulation was proclaimed. We will support the disallowance of the regulations. In this way the Parliament will keep the regulation under its purview until resolution has been clearly reached.

In the normal course of events the option exists for the Government to reintroduce the regulations and have them in effect very shortly after the passing of this motion. That is the way the regulations can be handled. We do not feel irresponsible in taking this chance to support the disallowance motion.

The Hon. J.C. BURDETT: I support the motion to disallow the regulation. In the first place, as I think has been suggested, the regulation appears to have been for the purpose of bypassing a court case already commenced and before the courts. The evidence presented to the select committee suggested, and in fact made quite clear, as did the evidence adduced by the department, that the department has little expertise in regard to exotic fish. It does not know what it is all about, so it is taking the extremely conservative attitude of requiring dealers to demonstrate that particular species that not harmful.

The Hon. M.J. Elliott interjecting:

The Hon. J.C. BURDETT: Someone interjected that it was reasonable to take a conservative attitude. It is reasonable up to a point, but there are other ways of doing it. The department seemed to have not been mindful of the fact that most exotic fish of the kind that are sold by dealers (which is what we are talking about, and not about European

carp, to which I will come in a moment) do not survive in the wild but disappear rapidly. The present position of virtually requiring dealers to demonstrate that species are not harmful is, I suggest, the wrong way of going about it.

Everybody agrees with preserving the stocks of native fish and not having them depleted by exotic fish that may escape. Most exotic fish that escape will not survive in the wild, anyway. The right way to go about it is the way that most other States have adopted, namely, to have a list of noxious fish and to declare that the fish on that list are noxious and cannot be sold.

The Hon. G.L. Bruce: They have a list of approved fish. What more do you want?

The Hon. J.C. BURDETT: No; the other way around is the right way to go. With a list of approved fish the harm is that dealers must establish that the fish are not harmful.

The Hon. G.L. Bruce: Why shouldn't they?

The Hon. J.C. BURDETT: The right way to go about it would surely be for the Government department to take the responsibility of saying which fish are harmful, as is done in most other States. A list of noxious fish is the right way to go about it. The furphy by the Hon. Mr Bruce about European carp really is ridiculous because that species was not ever sold by dealers or sold to the public.

The Hon. G.L. Bruce: It was an introduced species.

The Hon. J.C. BURDETT: It was a species introduced by the Victorian Government into a Victorian lake to eat the weeds there, and they escaped into the Murray River system.

The Hon. G.L. Bruce: You want to be a part of that?

The Hon. J.C. BURDETT: No, we do not. That is not what we are talking about: we are talking about fish sold to people who want to keep them in aquaria or things of that nature, and that has nothing to do with European carp. The right way to go about this is not to try to bypass a court case or to put the onus on the dealers, just because the department does not know with what it is dealing in regard to exotic fish, but to—

The Hon. G.L. Bruce: Neither do the dealers.

The Hon. J.C. BURDETT: They do—they know much more than the department does. The department ought to get itself reasonable expertise, have a list of noxious fish and say which fish one cannot keep or sell.

The Hon. G.L. Bruce: Wherever there is an expert on one side, there is another expert on the other side opposing it.

The Hon. J.C. BURDETT: No, that is not quite right. If the Government is going to control (and it should), it must state the parameters of that control.

The Hon. G.L. Bruce: It has.

The Hon. J.C. BURDETT: It hasn't. It has to say what you can't do.

The Hon. G.L. Bruce: It says that you can't introduce one of these fish unless you can prove that it's harmless.

The Hon. J.C. BURDETT: Yes, and that is the wrong way to go about it. The Government ought to have the guts to say, 'This is the list of fish which are harmful and you cannot sell them,' and not say, that one must prove that a species is harmless, because it does not know whether or not you can prove it, and, anyway, it does not have the expertise.

The Hon. G.L. Bruce interjecting:

The ACTING PRESIDENT (Hon. R.J. Ritson): Order! The honourable member has made the same point by interjection several times. I think the Hon. Mr Burdett is entitled to proceed.

The Hon. J.C. BURDETT: Thank you, Mr Acting President, for your protection, which I do not think I need. The appropriate way to go about it, which is adopted in other areas with noxious animals and plants, is to declare what is noxious and to state that you cannot trade in them, rather than turning it around the other way and saying that, if you are going to trade in these things, you have to prove that they are harmless. For those reasons, I support the motion to disallow the regulation.

The Hon. T.G. ROBERTS: I oppose the motion. This is a key issue in the community and many people are looking at stocking private dams and private streams. In the South-East people are looking at stocking the drains with native fish, thankfully. They have consulted with departmental officers and have gone about it the right way. I would not like to see the Opposition have a function in the Murray-lands around a billabong and, the Hon. Mr Dunn having tipped his bowl of piranhas in it, the Hon. Mr Lucas dive in and try to swim across to the other side. Many people would like to see it, but I would not like to see the result.

The Hon. R.I. Lucas: I'll take Mr Crothers with me.

The Hon. T.G. ROBERTS: It would take a lot of piranhas to chew up the Hon. Mr Crothers. The litigation has been mentioned by the Hon. Mr Burdett, but I would like to read into *Hansard* a letter that might clear the way for further discussion. It takes the matter out of the province of the courts. The Hon. Mr Bruce put forward concerns that we would have people without the expertise of those in the Fisheries Department and others who have biological knowledge on matters exotic. The letter, addressed to the Director of the South Australian Department of Fisheries is from Mr Karl W. Schnell, Director of the Pet Industry Joint Advisory Council, states:

Dear Mr Lewis,

We hereby wish to advise you that, based on the above correspondence/agreements, we are withdrawing our support for the pending court action. Accordingly, we will recommend to the litigant, Mr A. Miller, that there is no point in continuing with the case.

Our withdrawal is based on the understanding that each party bear their own cost. Your confirmation would be appreciated.

It is hoped that this is finally the end of the dispute. We are sure that with enough goodwill shown by both parties future dealings between the trade and the department can be conducted on an amicable and constructive basis.

The Hon. M.J. Elliott: What is the date of the letter?

The Hon. T.G.ROBERTS: It is dated 30 November 1988. It is almost a Rumpole like letter that takes a lot of the heat out of the discussion and allows the forums to continue so that it does not get tied up in expensive litigation. Hopefully, an amicable result will ensue from some of the negotiations that will continue from now on.

The Hon. PETER DUNN: In summary, there has been an enormous amount of development on this subject in the past three weeks. I have received a letter from the Director of Fisheries pointing out some of what he sees as the inadequacies in my presentation to this Council.

An honourable member: Are you going to read it?

The Hon. PETER DUNN: No. The effect of that letter was to bring the Director and me face to face. To his credit, the Director accepted what we talked about, that is, to overcome this stupid litigation. The costs were going to be astronomical. People were to be brought from England, America and Africa. In fact, it would have been so stupid to proceed with this litigation over what might be called a bowl of goldfish.

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: Well, they might have been. I must admit that there are a lot of things other than goldfish in goldfish bowls. This was stupid. The effect of that contact between the Director, Mr Rob Lewis, and me, was for those

involved to talk to each other. The two protagonists with whom they had the original problems are no longer on the committee and we now have some commonsense in relation to this issue. The Director was very good in accepting what was put forward. He agreed that there should be a tribunal over and above the liaison committee which now determines what fish are acceptable in this State. If there could be no agreement within that liaison committee an appeals mechanism would be set up. They have agreed to that, as have the pet traders, and it appears to me that success will reign very shortly.

However, in the meantime, to make sure that it does, I believe that this disallowance should proceed. The department can reintroduce the regulation at 9 a.m. tomorrow if it wishes and we will be in the same position that we are in at the moment, except that it will give this Parliament 14 more sitting days—whenever we start again. If the scuttlebutt that is running around that Parliament may prorogue sometime in January or February is correct, we can have 14 sitting days in which we can ensure that agreement is reached.

Members interjecting:

The Hon. PETER DUNN: I have not seen the letter that Mr—

The Hon. G.L. Bruce: It is in *Hansard* now. Read it tomorrow.

The Hon. PETER DUNN: It might be in *Hansard* now but I certainly have not been given that letter. I do not have a copy of it. I am delighted to see that the litigation has been withdrawn by the pet traders. However, while this matter is being sorted out, I believe very strongly that the disallowance motion should proceed as it is.

The Council divided on the motion:

Ayes—(12)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn (teller), M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

Noes—(7)—The Hons G.L Bruce (teller), T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Majority of 5 for the Ayes.

Motion thus carried.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 1556.)

The Hon. R.I. LUCAS: I thank members for their contributions to the debate on the Equal Opportunity Act Amendment Bill. As members know, it is a fairly simple Bill, designed to address the problems in primary school sport that have been caused by State Government policies and, in particular, by the attitude and directions of the Commissioner for Equal Opportunity, Ms Josephine Tiddy.

In closing the second reading debate, I do not intend to go over the ground I covered earlier, but I want to address the central claims made by the Hon. Carolyn Pickles on behalf of the Government, and also the speech made by the Hon. Michael Elliott on behalf of the Australian Democrats. In doing so, I quote briefly from parts of the Hon. Carolyn Pickles' speech, as follows:

> Such an amendment is not only unnecessary and unwarranted but is also contrary to the aims and spirit of the Act, the purpose of which is to ensure social justice for all.

She went on to say:

> While it [the Opposition] has acknowledged past discrimination, it is intent on introducing an amendment to the law that would, in effect, create a situation which allowed for the entrenchment of this discrimination.

That is clearly nonsense. The intention of the Liberal Party in relation to this Bill is not that at all.

The Hon. Diana Laidlaw: Quite the reverse!

The Hon. R.I. LUCAS: As the Hon. Diana Laidlaw said, it is completely the reverse. As we have seen here this evening on other matters and again in relation to the Equal Opportunity Act Amendment Bill, when Government members read out speeches that have been written for them by Government or ministerial press secretaries they ought at least to give the issue the courtesy of considering and reading the speech that has been provided to them by the ministerial assistant or press secretary.

As I said, some of the claims that the Hon. Carolyn Pickles makes in her contribution are nonsense and I intend to demonstrate that quite clearly. In her speech, the Hon. Carolyn Pickles indicated that the South Australian Primary Schools Amateur Sport Association (SAPSASA) interim policy, which is on trial for a 12-month period this year, is only one of the possible means of achieving this aim. What the Hon. Carolyn Pickles was trying to say on behalf of the Government is that really what we have in our schools at the moment is a policy that has been introduced for only a 12-month period and that it would be reviewed at the end of that time. This suggested to all members that, if at the end of that period everything was not as it was meant to be, the major aspects of the policy would be changed significantly.

That is clearly not the case. The document that has been provided by SAPSASA has as one of its headings, 'The six year plans for sport and equal opportunity; rationale for the various sports'. It is a six-year plan that has been introduced by the Bannon Government for primary school sport in our schools. This policy says:

> All sports—

there is no equivocation there at all—

> will be open to both girls and boys.

Further on it states:

> We have considered a six-year implementation plan to gradually change to an open competition at all year levels.

Finally, in relation to evaluation of the policy, the document says:

> It is anticipated that yearly reviews will be undertaken by SAPSASA, the South Australian Primary Principals Association, parent bodies, school councils, SAPSASA district zones, the Education Department Equal Opportunity Unit and other interested parties.

It goes on:

> Changes in the six year plan may be considered necessary on the feedback from interested parties.

Mr Acting President, the simple fact is that we have a six year plan from 1988 to 1994 that has commenced its implementation in primary school sport. Yes, there will be yearly reviews but the intention of the plan is to have open sport for all sports in primary schools by 1994. For various sports, there are different ways of achieving that open competition by 1994. Special measures, lightning carnivals, quota systems for the number of boys in particular teams—a whole range of special measures is envisaged in that policy. Nevertheless, the central theme of the policy is that by 1994 all sports will be open for boys and girls in our primary schools. So let us not be diverted by the response of the Minister of Education and the Hon. Carolyn Pickles in the prepared speech that really we are only talking about a 12-month interim policy. That is clearly not the case and that ought to be revealed for the untruth that it is.

Further on, the Hon. Carolyn Pickles quotes from a statement that I made when I said, 'The view espoused by the

Commissioner for Equal Opportunity has been, and continues to be, that equal opportunity in primary school sport means that girls must compete and be forced to compete with boys in all sport.' The Hon. Carolyn Pickles then says, 'The Hon. Mr Lucas appears to have either misunderstood, or deliberately distorted, the Commissioner's ruling.' Mr Acting President, let us just place this on the record and let impartial arbitrators judge for themselves the correctness or otherwise of the statement that I have made. Let me quote from a letter from the Commissioner for Equal Opportunity herself, Ms Josephine Tiddy, signed by her on 2 February 1987 to Mr Neil Brook who was at that stage the Executive Officer for SAPSASA. Josephine Tiddy says:

> You [Mr Brook] suggested that events in each age group should be duplicated, i.e. each event be offered to girls and boys separately.

I interpose there to say that Mr Brook was talking in this letter only about swimming events for primary school sport. Ms Tiddy goes on:

> Organising events in this way would, in my opinion, breach the Equal Opportunity Act and the Commonwealth Sex Discrimination Act.

That is the nub of the problem in our schools at the moment; that is the reason for the Bill that we have before us. Josephine Tiddy is saying, and the Bannon Government is agreeing, that if anyone was to organise a separate boys' and girls' swimming event in a primary school that would be a breach of the Equal Opportunity Act. Mr Acting President, that is not the case. I quoted earlier, and I will not repeat again, a learned opinion from Brian Burdekin, the Commonwealth Human Rights Commissioner and others who disagree with the interpretation by the Commissioner for Equal Opportunity (Josephine Tiddy) and the Bannon Government of the Equal Opportunity Act. Nevertheless, even though learned opinion disagrees with the views of Josephine Tiddy and the Bannon Government, the Bannon Government persists with this six-year policy for the introduction of compulsory open sport in all sports in primary school sports.

All this Bill seeks to do is to say that the interpretation of the Act of the Commissioner for Equal Opportunity is wrong. It makes it quite clear; it supports the view of the Commonwealth Human Rights Commissioner, Brian Burdekin. It says quite simply that there is nothing in the Equal Opportunity Act which prevents a sport from being organised with separate boys' and separate girls' events. It says that quite simply and it says no more. It certainly does not say what the Hon. Carolyn Pickles and the Minister seek to interpret from this Bill. So, it is quite clear that the Commissioner for Equal Opporunity has ruled in that way and that no-one, not even the Minister of Education or the Hon. Carolyn Pickles, can fairly say that I have, or anyone has, misunderstood or deliberately distorted the Commissioner's ruling because I have read the Commissioner's ruling into *Hansard*. It is there for all to see.

Ms Pickles goes on in her contribution to say that the SAPSASA policy does not have a blanket approach to all sports. In part that is right, and in part it is wrong. It does have a blanket approach to all sports in that it says that by 1994 we shall have, in all sports, boys and girls competing with each other. We will not have separate boys and girls events. In that important respect, it is a blanket broad brush approach to all sports in primary schools. Where it can be argued that there is not a blanket approach is in the means of getting there to the ultimate goal over the six-year period, and for various sports there are varying ways of getting to the common goal. But, nevertheless, the goal remains the same under the Bannon Government and the present Commissioner for Equal Opportunity, that by 1994 no boys and no girls may compete in sports separately in our primary schools. Ms Pickles then goes on to say:

> The Bill seeks to circumvent the proper assessment of what is equal by allowing separate competition whenever a school chooses. This would make lawful the situation whereby a school could say that there are insufficient resources for both boys' and girls' competitions so boys'competitions will take priority or that there are insufficient resources for a similar level of competition for girls in a particular sport.

That is an outright untruth. If I was outside this Chamber I would use another word. That is quite clearly incorrect. The Equal Opportunity Act would still prevail and would not allow any school or any principal to do what the Hon. Carolyn Pickles suggests might be done, even if this Bill was passed. The Equal Opportunity Act provides for, and I have indicated on behalf of the Liberal Party that we support, equal opportunity for girls and boys in primary school sport. So, in no way could a school, as the Hon. Carolyn Pickles suggests, decide that boys' competitions will take priority over girls' competitions. That would be against the Equal Opportunity Act and would quite clearly be unlawful and be left open to action by the Commissioner for Equal Opportunity or anyone who would want to lodge an objection under the Equal Opportunity Act to that policy. So, that is just a deliberate scare, a deliberate distortion, from the Hon. Carolyn Pickles.

It is also important to note that under this Bill, if it was to be passed, there is not to be a blanket provision which says that all sport in all schools has to be organised along separate boys' and separate girls' competitions. That is not what this Bill says and that is not what the Liberal Party has argued. As I indicated earlier (and I refer to my earlier contribution), we are quite happy and quite prepared to accept that in some sports boys and girls can play together happily and productively without there being any detriment to the girls or boys who participate in that sport. A number of examples were listed. However, we have said that there ought to be the flexibility in that, where we can identify that this policy is hurting that very group that it was meant to assist (that is, young girls), then someone ought to be able to say, 'Hold on! The policy is not working. We ought to organise competitions along the lines of separate boys and separate girls competitions as long as the girls can get a fair go at the swimming pool or on the athletics track.' Provided that that condition is met, then nothing should prevent separate boys and separate girls competitions from being organised.

I now turn to the contribution from the Hon. Mr Elliott. He said that small country schools do not have enough students and, therefore, they must have mixed competitions. Again, it is a misunderstanding on the part of the Hon. Mr Elliott to suggest that the passage of this Bill would affect that. Quite clearly, what the Hon. Mr Elliott suggests is correct and no-one would seek to change that by legislative means. This Bill does not seek to do that; nor would it change that situation in small country schools. It would not change the situation. The Hon. Carolyn Pickles stated:

> If the Bill were to be put into effect, it would encourage a return to the days where girls played only traditional girls' sports and boys played traditional boys' sports.

Again, that is wrong. It is not correct and it is a deliberate misunderstanding or distortion of this Bill.

The Hon. Ms Pickles went on to talk about the physical education program for primary school children. She then stated:

> It is important that such programs are not jeopardised.

She raised the concern that the passage of this Bill might harm the physical education program in schools. She tried to suggest that, if this Bill passes, when primary school

students participate in morning exercises, the boys will have to exercise in one corner and the girls will have to exercise in another. That is just not correct. That would not happen and it would not be sensible for it to happen. Finally, the Hon. Carolyn Pickles stated:

> There is little dispute that girls were disadvantaged under the past system, so why return to that system, for that is what the amendment would bring into effect?

That is not correct and the passage of this Bill would not return us to the days prior to the passage of the Equal Opportunity Act.

I refer to the Hon. Mr Elliott's argument about small numbers. He said that, if we returned to the old situation of having distinct boys and girls teams, we would have a different problem. Again, I point out to the Hon. Mr Elliott that this policy would not compel separate girls and boys teams in all sports. In certain sports where the appropriate authorities (not necessarily the individual school but, rather, SAPSASA and the department) decided that it would be sensible to have separate girls and boys events, they could have it and, where they wanted a mixed sex competition, that could also be achieved.

I am disappointed that the Australian Democrats will join with the Bannon Government in defending what in my view is an indefensible policy which, according not to the Liberal Party but, rather, to the experts in SAPSASA, disadvantages many young girls in our primary schools at this very moment. This policy will be important in the lead-up to the next election campaign, because parents in particular are becoming increasingly concerned about these sorts of policies and the effects that they will have on their young girls and boys who attend primary schools.

Again for the benefit of members opposite, I suspect that, if this Bill is not passed, the Government might be forced by parent pressure to do something next year. It is just not prepared to be seen to agree with anything proposed by the Opposition but, if the Government does not support this Bill, I put the Parliament on notice that, after the 1989-90 election, one of the very first acts of the Olsen Liberal Government will be to set the primary school sport policy straight. If it requires legislative amendment along the lines that I have suggested, we will do that, and we will certainly take the administrative actions required to rein in the Commissioner for Equal Opportunity (Ms Josephine Tiddy) in relation to the primary school sports policy. Further, we will take account of the experts from SAPSASA. I urge members to support this Bill.

The Council divided on the second reading:

Ayes (7)—The Hons M.B. Cameron, L.H. Davis, Peter Dunn, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), and J.F. Stefani.

Noes (8)—The Hons G.L. Bruce, T. Crothers, M.J. Elliott, I. Gilfillan, Carolyn Pickles (teller), T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pairs—Ayes—The Hons J.C. Burdett, K.T. Griffin, and R.J. Ritson. Noes—The Hons J.R. Cornwall, M.S. Feleppa, and C.J. Sumner.

Majority of 1 for the Noes.

Second reading thus negatived.

COORONG AND MULLOWAY FISHERIES

The Hon. M.B. CAMERON (Leader of the Opposition): On behalf of the Hon. Peter Dunn, and by leave, I move:

> That the regulations under the Fisheries Act 1982, concerning Coorong and Mulloway fisheries, made on 7 April 1988, and laid on the table of this Council on 12 April 1988, be disallowed.

These regulations have clearly been drawn up on the basis of some sort of uniformity over the whole State. The problem is that they have not taken into account certain special characteristics of fishing in different fisheries.

The Hon. G.L. Bruce: This is based on Mr Lewis's evidence.

The Hon. M.B. CAMERON: No, this is based on my own evidence.

The Hon. G.L Bruce: Why weren't you before the committee?

The Hon. M.B. CAMERON: I think the evidence that I would have given was given by sensible people who appeared before the committee, whose evidence, I have no doubt, was heard by the Hon. Mr Bruce, and for that reason I have no doubt that he will give full support to the disallowance of these regulations. I say quite sincerely that certain parts of these regulations were very foolish. If, during the break, the Hon. Mr Bruce would like to go fishing with me at the Coorong I will give him a dollar for every fish that he catches by line. I will certainly be prepared to take him to places in the Coorong where there is no way in the world that he could set a net from the shore that would float. The people who have drawn up these regulations obviously do not know the Coorong.

Under these regulations, when you have set your net you then have to sit on the shore and guard it. You have to be 50 metres from your net. As many members would know, the only good time for catching mullet in the Coorong is at night. We are going to see a lot of elderly people, pensioners and others who go there to fish, sitting on the shore of the Coorong in the middle of the night, freezing to death, seeing nothing and knowing nothing. However, because some regulations have been drawn up they have to be there. This would have to be the most ridiculous situation that I could imagine.

The Hon. G.L. Bruce: That is not true.

The Hon. M.B. CAMERON: Why is it not true?

The Hon. G.L. Bruce: Because we are trying to protect the fish stock.

The Hon. M.B. CAMERON: I am saying that it is absolutely true that the regulations state quite clearly that one has to be 50 metres from one's net, and the net has to be set from the shore. I understand that this foolishness has been recognised to some extent and that there will be some changes to the regulations. I applaud the people concerned for recognising the absolute stupidity of some of these parts of the regulations and for being prepared to make some changes. The unfortunate part is that I know only too well that if we did not have the power to disallow these regulations they would now be law, and there would be no way that we could get any changes. The Hon. Mr Bruce knows that as well as I do, because those laws would be put into place.

An offer was made that you could put out 100 metres of rope and sit 50 metres from the end of it. That meant that you could go a bit further. You have to go to the Coorong to know that being 100 metres out is no different from being 20 metres, 10 metres or 1 metre out in most parts of the Coorong that are fished. I cannot imagine an elderly person trying to pull in 100 metres of rope before starting to pull in the net. I do not know if the people who drew up the regulations have ever been fishing—

The Hon. Diana Laidlaw interjecting:

The Hon. M.B. CAMERON: I do not think so. They certainly have not been to the Coorong. The rope gets caught in weed and when you pull it in it is chock-a-block with weed. You would need a tractor on the shore to pull it in.

As somebody said, it would soon fill the Coorong with rope that could not be retrieved.

An honourable member interjecting:

The Hon. M.B. CAMERON: We would have rope from one end of the Coorong to the other.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: That is right. I do not mind honesty. The aim is not to catch fish, I thought the aim was not to catch juvenile mulloway. That aim has my support and the support of all Opposition members. We need a situation where these people can have a floating net. I have no problem with stopping people putting nets on the bottom. No doubt most people support that part of the regulations, but the problem is that the regulations when they came in, did not do that.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: Yes, they are about to do it, and that is why we are going to take out those regulations. Now I understand that there will be a further little catch: you can put your net into deep water but you still have to be on the shore in sight of the net.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: You go down there with a hook and try to catch some of these mullet. For example, in Lake George—

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: I do not mind doing that, but other people do. The regulations state that fishermen must put out a floating net into the Coorong in reasonable water and then be onshore and in line of sight of it.

The Hon. J.F. Stefani interjecting:

The Hon. M.B. CAMERON: Yes. This is a very tricky situation. How can you see your net at night? How can you keep it in line of sight? Perhaps members opposite have a special characteristic but there are not enough carrots in the world to get me to the point at which I can see at night. They would have to feed me forever. What on earth is the point of putting that in? Let me assure—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: Do not worry about it; I can handle it, Madam President. I assure the Hon. Mr Bruce, the Minister and any other member who brings in a set of regulations with such a silly measure that such regulations will be thrown out until we get them right. Someone in the Fisheries Department is aiming to stop people fishing.

The Hon. G.L. Bruce: No, the aim is to stop them catching fish.

The Hon. R.I. Lucas: They are allowed to fish but they are not allowed to catch fish?

The Hon. G.L. Bruce: Right, spot on.

The PRESIDENT: Order!

The Hon. L.H. Davis: Is it true that you have been nominated for fisherman of the year?

The PRESIDENT: I called for order, and that applies to all members, including the Hon. Mr Davis.

The Hon. M.B. CAMERON: That is a classic statement. I hope I understood what the Hon. Mr Bruce meant. I think he meant that they want to stop people catching juvenile mulloway. Is that right?

The Hon. G.L. Bruce: No, fish.

The Hon. M.B. CAMERON: It is time we abolished the Department of Fisheries because, if we are to be stopped catching fish, we will not need it.

The Hon. G.L. Bruce: It is time to abolish netting.

The Hon. M.B. CAMERON: That is where the Hon. Mr Bruce is wrong. One of the problems is that—

Members interjecting:

The Hon. M.B. CAMERON: No. Mullet is a special species of fish which is difficult to catch except by net. Mullet are mostly well fed and do not catch on a hook. Therefore, they have to be caught by net. The design of the net and the position of the net are such that other fish are not caught. That is exactly what happens because nets are not put on the bottom where juvenile mulloway live. The Hon. Mr Bruce knows that; he knows enough about fishing to know that it covers most of the problems. If one puts the net out from the shore, juvenile mulloway will be caught because it will not be a floating net. Indeed, every fish going past will be caught. If the Hon. Mr Bruce had been fishing in the Coorong he would know that that is where juvenile mulloway go at night: they go inshore on the shallow ground. The way the regulations are drawn up, it would be mostly juvenile mulloway that would be caught. The Hon. Mr Bruce really needs to get some fishing experience this year, and I am prepared to supply it in order to educate him.

It is quite clear that someone in the department needs some education about fishing, about the needs of amateur fishermen, and about the fact that fish are put there by the good Lord to be caught by us, and they will be caught. No-one in the Fisheries Department will win the battle with unworkable, stupid regulations that discriminate against the ordinary working man. I would have thought that Government members would consider the needs of the average working man. He cannot go and buy fish because he does not have the money under this Government. Therefore, he catches his fish and gets some fun out of it. The average working man enjoys it; it is part of his recreation.

I know that the Hon. Mr Roberts would not support this because he knows that, in Lake George, mullet can only be caught with a net. Fishermen have no choice. The department wants to ban netting, and that is a ridiculous proposition, so I suggest that the Council reject these regulations. I suggest that—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: —if the regulations come back with any provision that states that fishermen have to stand on the shore of the Coorong at night, they will be thrown out, too, because that is absolute madness. People will die of exposure. Obviously some of these people have never been down to the Coorong on a winter's night, otherwise they would not have put in this provision. I have been there and I would not stand on the shore looking at a net no matter what the regulations might say. I suggest that the Hon. Mr Bruce discuss this matter with the Minister, advising him to bring back sensible regulations. In the meantime, I urge the Council to throw out the regulations.

The Hon. G.L. BRUCE: What a load of codswallop! Departmental officers and other witnesses came before the committee, and I will put before the Council what representatives of the Department of Fisheries had to say.

Members interjecting:

The Hon. G.L. BRUCE: Members mocked me when I said that they do not want people to catch fish. In evidence, it was suggested by the department that:

> The safest way to achieve the objective of stopping or reducing the capture of juvenile mulloway in the Coorong region is to prohibit netting altogether.

That alternative was considered seriously. It must be remembered that the department deals with all the people involved in fishing, including the 40 commercial fishermen who fish the Coorong and amateur, leisure or tourist fishermen. The department has to cope with the needs of those groups.

An honourable member: And the fisherwoman.

The Hon. G.L. BRUCE: Yes, and the fisherwoman.

The Hon. L.H. Davis: Fisherperson.

The Hon. G.L. BRUCE: Yes, the fisherperson. That valid option was considered. The report continues:

However, it must be recognised that the Coorong fishery is multi-species. The major species captured by order of tonnage are yellow-eye mullet, black bream, mulloway, flounder and salmon trout. In addition, 42 commercial licence holders currently rely on access to the Coorong. The instaneous removal of netting access would result in these operations becominmg non-viable overnight.

As to what the Hon. Mr Cameron raised about the fishing for mulloway, I will refer to what Mr Peter Lewis in another place attested. The report states:

... the 'channel floor in this day and age is a misnomer'. This is not correct as distinct channels still occur in the Coorong. This was supported by later evidence from Mr Treloar. Mr Lewis also stated that 'young mulloway gather in great numbers in the shallow waters where they are freer from the risk of predation from other fish and where they can get the shelter between the surface and the bottom'. Mulloway do occur in the shallower waters; however, research surveys have identified that juvenile mulloway are most abundant in the 'deeper' sections of the Coorong, i.e. greater than 1 metre in depth.

The Hon. Mr Cameron is still playing politics as he believes there will be an election in March. He is concerned about the 14 days in which we have to get the regulations out, but this matter is still before the Subordinate Legislation Committee which has an undertaking and which has written a letter addressed to the Hon. M.K. Mayes, MP, Minister of Fisheries, as follows:

Dear Mr Minister,

Re: Regulations under the Fisheries Act—Coorong and Mulloway Fisheries

The joint committee is at present considering regulations under the Fisheries Act concerning Coorong and Mulloway Fisheries made on 7 April 1988.

I enclose for your information a copy of evidence received this day from the Director if Fisheries, Mr R. K. Lewis. From the evidence it is apparent that there have been continuing negotiations between the department and representatives from the recreational fishing organisations. At present the committee has given Notice of Motion for disallowance of the regulations in both House of Parliament.

I hope that the Hon. Mr Cameron is aware that the committee itself has motions of disallowance prepared. The letter continues:

However, the committee is prepared to defer final consideration of the regulations pending further advice from you as to whether or not you wish to proceed with the regulations in their current form, in view of the fact that there has been a suggested change in the regulations (as indicated on page 42, paragraph 83 of the evidence).

Accordingly, the committee awaits your reply.

It refers to the evidence that the Director put before the committee as follows:

Whilst the evidence presented before you was wide ranging, it appears the major issue is the setting of recreational nets from the shore. The regulations were aimed at restricting recreational netting (in lieu of removing nets altogether). Disallowance of these regulations will certainly result in the continued unacceptable mortality of juvenile mulloway as occurred under the previous arrangements. In order to retain the bases of the comprehensive package, the department is willing to recommend to the Minister that the setting from shore requirement be removed. Therefore, recreational netters would be able to operate throughout the Coorong with floating nets but must be in attendance. It is believed that this offer would remove most of the concern expressed by the witnesses, but still retain the concept that nets must float and be attended at all times.

The Hon. Mr Cameron is adament that nets should not have to be attended. What he is saying to the Council is, 'We will do our netting and fishing from the hotel bar or from the recreation resources of a holiday shack on the Coorong. We will not worry about fishing; we will set the nets, leave them out all night and catch what we will.'

However, any fish caught are destroyed after being in the nets all night. They are no good. The department says that people should service those nets while they are set. It says that people should be in attendance with those nets. The Hon. Mr Cameron knows that, if people have drops nets, there is no way they can go out and leave them, because people have to go around to the drop net every 20 minutes and look at it. We are talking about salt water fishing. The same thing should apply to nets. Why should people be able to put them out for a week, for 24 hours, 12 hours, eight hours or four hours? Why should people not have to service those nets in the same way as they service a rod, line and hook?

I can understand the logic of that. The Hon. Mr Cameron laughed when I said that the department does not want people to catch fish. That is because there is no fish breeding down there. There is a real problem with the mulloway and with the Coorong meeting the needs of the 42 licensees and the recreational fishermen. A witness appeared before the committee and said that for years he had caught only half a dozen fish a year. He thought that he was in front. He enjoyed going there for the experience of fishing. The Hon. Mr Cameron said that the poor people of South Australia need to have access to fishing, but that is a misnomer. If people go fishing, by the time they buy their bait and gear, they could go to the fish shop and buy it cheaper than going out and hooking them or catching them from a boat.

If people have a boat they have paid a fortune for the boat, the motor and the petrol. Any amateur fisherman knows that if he wants a cheap feed of fish he goes to the fish shop and buys it; he does not get it by catching it himself as an amateur fisherman. It is a recreational sport. The number of fish is diminishing. The department is a cleft stick, between a hard place and a rock. If it keeps going, there will be no fish at all; if it keeps a few fish there, everyone will hang on and hang in; so the department has brought in these regulations trying to be all things to all people. The professional fishermen say that the department is trying to nobble and restrict them. The amateur fishermen and the tourist fishermen are saying they have no hope of getting fish as the commercial fishermen are taking it all.

It is a difficult position for the department; it is on a tightrope. People have raised points about their not being able to net from the shore, and that is valid. The department has recognised that and is prepared to do something about it. If Mr Cameron thinks that people should be able to sit in the hotel or holiday shack and play cards or drink beer and still catch fish by having nets in the Coorong all night, he is completely wrong. It is a finite stock and will not last. The department is aware of that—all the evidence points that way. The Subordinate Legislation Committee spends more time on fishery regulations than any other regulations. That is because it is a fluctuating industry. It has to be assessed every season, involving every person who has an input into the fishing industry. It is in a state of flux all the time. It cannot remain static; it is a flexible industry. The department is meeting those needs and it deserves support in this matter. It consults with everyone before regulations are brought in. It assesses the needs of everyone and what people want out of the fishing industry before introducing regulations.

Members interjecting:

The Hon. G.L. BRUCE: I do not believe that is true. The department does take notice of people because in the final report Mr Lewis himself—

The Hon. M.B. Cameron: Once the disallowance motion is on.

The Hon. G.L. BRUCE: That is not true. Mr Lewis acknowledged that the pressure was on and that it appeared that the major point was recreational netting from the shore. He was prepared to concede that point. The department acknowledged that the pressure was too great and that it should bow to that pressure. And it has. The department does a successful job in adverse conditions. You cannot please all the people all the time and there is virtually no way the department can please any of the people any of the time. It is between a hard place and a rock. I believe that what the department has done with this regulation, given the assurance that it has considered Mr Cameron's main objection about netting from the shore, is worthy of support by this Council. I oppose the disallowance of the regulation.

The Hon. J.C. BURDETT: I support the motion. The Hon. Mr Bruce did not understand about European carp and I do not think he understands about gill or mesh netting.

The Hon. G.L. Bruce: I heard the same evidence you heard.

The Hon. J.C. BURDETT: Yes, but I understood it—you didn't. In regard to the need to be in attendance or otherwise risk killing the young fish, that is ridiculous. We are talking about a gill net or a mesh net and about catching mullet, because that is what people are trying to do. If a floating net is used, which they all agree to using, a mullet or any other fish will not be caught unless it is gilled, therefore it has to be of sufficient size to be gilled. A small mullett will go through, and other fish will not be caught. A gill or mesh net can safely and successfully be set at night without any danger to young fish, because only the fish which are the right size, those that are gilled, will be caught.

I wish to refer to page 42 of the evidence given before the committee: the Director (Mr Lewis) started to make the offer of thinking about a compromise and allowing the nets to be set offshore instead of on the shoreline, which the regulations provided. I might say that the requirement to set them on the shoreline was absolutely ridiculous and would have been quite dangerous. After he had suggested that nets could be set offshore I asked Mr Lewis (page 42):

> I refer to the evidence given by Mr Peter Lewis [the member for Murray-Mallee] on page 17 of the transcript as follows:
>
> If we are going to avoid catching juvenile mulloway the net must float off the bottom. The leadline must be suspended by the mesh from the corks and there has to be a gap underneath. The waters in which the net is set must be deep enough to carry the lead above the level of the weed on the bottom. It is not good enough to say that just because the top is floating and a foot below the leadline is the bottom that we have plenty of slack in the net. Sure, the top is floating, but the net is not and it must if the young mulloway are to survive. We can catch mullet, whether commercial or recreational. We can still catch mullet without taking those small mulloway if the net is not touching the bottom.
>
> The way in which the regulations are framed means that the net will have to touch the bottom. The shoreline waters are too shallow. Wherever they are likely to be deep enough they are too dangerous or out of bounds.

He is saying that, because the water close to the shoreline is shallow, according to these regulations the leadline will be on the bottom and there will not be a gap for the young mulloway to get underneath. I note that you are prepared to consider removing the requirement that the net must be set from the shore. As I understand the evidence, that is the bone of contention of recreational fishermen. So, if the requirement to set on the shoreline is removed that would remove their complaint. Do you quarrel with the statement that I just read or do you accept that it is fair comment?

Mr Lewis replied:

> Like most statements they are based on fact and I do not quarrel with the general thrust.

Further on page 43 I asked:

> My next question relates to the mechanics of putting into effect your compromise of removing the requirement that the net must be set from the shoreline. From what you have said, the operation will have to be monitored and you may have to change the regulations in future. I want to know the mechanics of how you will do that. One possibility that occurs to me is that if the regulations are disallowed you will want to remake most of them, and that would provide an opportunity to include the requirement to set from the shoreline. If the regulations are not disallowed, what sort of timeframe would you recommend to the Minister in which to make this change?

Two matters result from that. One is setting on the shoreline which, apparently, the department is prepared to depart from, although we still have not heard from it. We still do not know what it will do.

The Hon. G.L. Bruce: That is why the Subordinate Legislation Committee has a disallowance on.

The Hon. J.C. BURDETT: Okay, but the regulation has not been disallowed and we do not know.

Members interjecting:

The Hon. J.C. BURDETT: All right. The point is that we do not know what the department will do. It has talked about allowing the nets to be set offshore. That is one thing, but there is still the requirement that the fisherman must be in attendance, or should I say, 'fisher person'. The Director used the word 'fisherman'. The fisher person must be in attendance. The question is what is 'in attendance'? We had a discussion with the Director about what that phrase meant. I do not see any reason why the net should not be set overnight.

The Hon. G.L. Bruce: Why?

The Hon. J.C. BURDETT: I have just explained that carefully. If the net is set overnight there is no danger of undersized mullet, or undersized anything else, being caught, because it is a gill net and only fish of the right size can be caught in that net. The Director (Mr Lewis) and I have had discussions during the committee hearings as to what 'in attendance' meant. Mr Lewis talked about 'in attendance' being in line of sight.

The Hon. J.F. Stefani: At night time!

The Hon. J.C. BURDETT: At night time, exactly. What does 'in line of sight' mean? I asked Mr Lewis what it meant and I suggested that the new regulations, when they were brought in (which has not yet been done), should define what being 'in attendance' meant. He suggested 'in line of sight'. He referred to other regulations. According to the marine scale fisheries definition 'in line of sight' is not more than 200 yards. One cannot see it at night anyway. In relation to matters raised by the Hon. Mr Cameron, no real compromise is being offered. The only compromise, if the new regulations are introduced, is that the net can be set offshore. We have not heard that yet, and it was some time ago that Mr Lewis gave evidence.

As far as I am concerned, the more critical issue is the phrase 'in attendance'. As the Hon. Martin Cameron said, it would be ridiculous if an old person has to sit out on the shoreline, 200 metres or whatever from the net, at night. It would not happen. The Hon. Gordon Bruce stated that one option was that netting would not be allowed at all.

The Hon. G.L. Bruce: No, that was said by the Director.

The Hon. J.C. BURDETT: It was said by you, too.

The Hon. G.L. Bruce: Yes, I quoted him.

The Hon. J.C. BURDETT: It was stated by the Hon. Mr Bruce that one of the options mentioned was that netting would not be allowed at all. Evidence given by the people who net for recreational purposes is that they do not catch many fish but that they like the recreation. That is what recreational fishing is for. In reality these regulations are trying to stop recreational net fishing—full stop. That is what they are about and it should not happen. For these reasons I support the motion moved by the Hon. Martin Cameron.

The Hon. M.J. ELLIOTT: The Australian Democrats are on record in this place as supporting controls on fishing where that is necessary. It was not that long ago that we were looking at the catching of snapper in the Spencer Gulf. As with the previous debate in this place earlier this evening in relation to exotic fish, I believe that the stated intent of the regulations is laudible and we support them, as we did in the other case. However, we are finding that there are problems with the current regulations. There now seems to be an admission that there are problems with the regulations and that, in fact, they do more than carry out the stated intent, that there are other effects.

The Hon. J.C. Burdett: And other intentions.

The Hon. M.J. ELLIOTT: I do not know about other intentions, but they certainly have other effects.

The Hon. M.B. Cameron interjecting:

The Hon. M.J. ELLIOTT: The Hon. Mr Bruce is suggesting that there are other intentions, but that has never previously been publicly stated. It is unfortunate that the conciliatory attitude now being shown by the department comes about after a motion of disallowance or after a Bill becomes bogged down in this place. That occurred with the exotic fish regulations when debate went on for a considerable period. This time last year we were debating another regulation concerning exotic fish. We saw the same occur when a Bill came in concerning the Gulf St Vincent prawn fishery, and thank God we amended it and got some conciliation after a while.

An honourable member: And there's a problem with it.

The Hon. M.J. ELLIOTT: And there are still severe problems there as well. It is terribly important that this department stop and listen to the industry. That does not mean that the industry or the amateurs will always be right, but I think that there are times when mistakes are made which need not have been made if only a little more time was spent in consultation.

The Hon. G.L. Bruce: They spend hours and days on it.

The Hon. M.J. ELLIOTT: If they had done that in the beginning we would not be doing it now. The motion needs to be carried, for the same reason that was clearly explained in respect of another motion of disallowance that has already been carried tonight, because problems need to be rectified as there is a chance, no matter how small, that Parliament could be prorogued which means that it then loses control of this legislation, which will then become entrenched. It is only sensible and responsible of this Parliament to ensure that it does not lose control of it. If the department, while it is getting its act together, wishes to bring the regulation back in tomorrow, it is perfectly able to do that and we can look at it further in February, although I would hope that by then it would have brought in a further set of regulations which did exactly what it said it intended to do and did not have what are, apparently, unintended consequences. We support the motion.

The Hon. M.B. CAMERON: I do not intend to go into great detail commenting on the Hon. Mr Bruce's speech. What he does not understand is that after you have been in this place a few years and have watched Governments cut across assurances you start to get a little suspicious. I clearly recall a set of regulations concerning the closure of roads at Rose Park where we had an assurance from the Minister of the day that those regulations would be altered. An election intervened, and that assurance flew out the window, although the Minister remained the same; we did not have a new Minister. The only reason for this push is that I do not trust Governments or Ministers.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: Well, I don't. If the House is prorogued (and there has been a story in the paper that was fed to the press by somebody in Government, maybe the Premier's minders—and that would be unacceptable behaviour by the Government) there is every reason to be suspicious. Indeed, we are suspicious, and so we are moving to disallow these regulations so that Parliament can keep control of them, and because the regulations, as they stand, are ridiculous; and the department itself now says that we have to change them. If the regulations come back with a provision that people have to stand on the shore and try to see a net out in the Coorong in the dark, the same situation will recur, and that is stupid; there is no need for that. It will not make any difference. It will be impossible to police. No-one can see whether or not a person is watching a net. The department does not have enough inspectors now, so do not let us put in ridiculous provisions and turn people into law breakers. The fish do catch at night and people will not sit on the shore and watch them. The fish are not gilled if they are under a certain size, as the Hon. Mr Burdett said.

If they are shifted offshore, it would help the department because there would be less risk of the young mulloway being caught. So, I suggest to the Minister and his advisers that they should take the regulations away and bring them back again when they are sensible. It will not take long, because all that is needed is a very simple amendment.

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: Let me tell the Hon. Mr Bruce something else: there is no way in the world that these regulations would have been changed if there had not been a disallowance motion. I know that only too well, and anybody who has had any discussions with people in that department would know that, too. So do not come that nonsense with me. I know the reason why things have changed, as well as the Hon. Mr Elliott. I urge the Council to disallow these regulations.

The Council divided on the motion:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, and R.I. Lucas.

Noes (6)—The Hons G.L. Bruce (teller), T. Crothers, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pairs—Aye—The Hons L.H. Davis, R.J. Ritson, and J.F. Stefani. No—The Hons J.R. Cornwall, M.S. Feleppa, and C.J. Sumner.

Majority of 3 for the Ayes.

Motion thus carried.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) 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

It addresses a number of matters that are necessary for the effective ongoing operation of the WorkCover scheme. As a result of recent legal interpretation it has become

necessary to clarify certain provisions of the Act to ensure that the original intent of the Act is maintained. The Bill also seeks to establish a mechanism for distributing the surplus on the Silicosis Fund.

With respect to the first issue, in *Santos Ltd v Saunders* the Supreme Court, in a majority decision dated 8 September 1988, considered the question of the principles that should apply when a company appealed a decision of the WorkCover Corporation denying them exempt status. The Supreme Court held that a review officer hearing such an appeal was required under the current Act to consider such applications afresh and accordingly was not able to apply the normal rules that apply to the review of an exercise of a discretion.

This majority finding of the Supreme Court has serious implications for the WorkCover scheme because it undermines the discretion of the corporation in such matters and *de facto* makes the review officer's decision the key determinant of exempt status. This is clearly not appropriate.

In addition, the Supreme Court held in the case cited that review officers were not empowered on an appeal to take account of the financial effect on the fund of a grant of exempt status. As Justice King stated in his minority reasons for decision:

> In such a scheme the necessity of considering the effect on the fund of exemptions seems to be inescapable. If all employers with good records and adequate capacity to meet obligations must be exempted, the amount of levy must rise and the corporation would be powerless to protect the solvency of the fund.

As it stands the majority decision of the Supreme Court means that the corporation will lose control of the fund unless the Act is amended as a matter of some urgency.

To overcome these problems this Bill proposes to make clear that the only avenue of appeal from the WorkCover Corporation's decision on exempt status is to the Minister. Under this Bill, section 60 (4) is also to be amended to include the financial effect on the fund as a criterion to be considered for exemption, and section 60 (3) is to be amended to make clear that the corporation need only exercise its discretion to grant exemption in exceptional cases.

A number of the provisions of this Bill are concerned with the utilisation of the surplus on the Silicosis Fund. This fund, which is currently administered by the Silicosis Committee, was established under the previous Workers Compensation Act to meet the claims of workers or their dependants as a result of the worker's death or disablement from silicosis. Contributions to the Silicosis Fund were made by employers in those industries where workers were engaged in work involving exposure to silica dust. Collection of Silicosis Fund contributions from these employers ceased upon the commencement of the new Workers Rehabilitation and Compensation Act in late 1987 and the workers who are disabled by silicosis as a result of work undertaken after the commencement of the new Act now come under the general umbrella of the new scheme. Silicosis is now included under the second schedule of the new Act with those other disabilities where there is a recognised general causal connection between the disability and the nature of the work.

Under the new Act, clause 4 *(b)* of the first schedule of the Act provides that the Minister may cancel the scheme and transfer the Silicosis Fund to the WorkCover Corporation as part of its Compensation Fund, with the corporation thereafter picking up the liability for any silicosis claims.

Currently, there is considerable excess on the fund as the number of claims have significantly reduced over recent years. The fund currently stands at $5.528 million. It would appear that the majority of this amount is surplus to foreseeable needs to meet the cost of claims that have arisen under the old Act.

As the new Act is currently worded, however, this surplus in the fund cannot be used for purposes other than to meet the cost of claims. Discussions have taken place with the trade unions concerned and the South Australian Chamber of Mines and Energy and broad agreement has been reached on the proposed framework to utilise the surplus on the fund for occupational health and safety purposes within those industries that contributed to the Silicosis Fund.

This Bill also contains certain provisions that are necessary as a result of legal interpretation of a section contained in the last set of amendments to this Act. In that last set of amendments a new section 58 *(b)* relating to continuation of employment was enacted, but has not yet been proclaimed. This provision sought to protect workers suffering compensable disabilities from having their employment terminated where it was reasonably practicable to keep them in their original jobs or in other alternative employment. The intention of this provision was to assist the rehabilitation and eventual return to work of workers who were incapacitated by a work related injury. It has become apparent, however, that the amendment has gone further than was originally intended and accordingly it is proposed to amend the section to make it clear that the notice of termination provisions under that section do not apply to those workers who have fully recovered from their disability.

The other provisions contained in this Bill are of a technical nature and relate to the bringing into operation of amendments already approved by Parliament under the Workers Rehabilitation and Compensation Act Amendment Act 1988. I commend the Bill to the Council.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure. The amendments to section 60 of the Workers Rehabilitation and Compensation Act 1986 are to be deemed to have come into operation at 4 p.m. on 30 September 1987.

Clause 3 provides that for the purposes of Part II of the Bill (clauses 3 to 9 inclusive), a reference to 'the principal Act' is a reference to the 1986 Act.

Clause 4 provides for the replacement of subsections (3) and (4) of section 60 of the principal Act by new subsections. New subsection (3) will provide that the corporation may register an employer or a group of employers as an exempt employer or group of exempt employers if the corporation is satisfied that special circumstances exist that justify the conferral of exempt status. New subsection (4) sets out various matters that should be considered by the corporation when deciding whether to confer exempt status. The subsection includes the matters that are presently contained in the existing legislation, plus a paragraph that directs the corporation to consider the effect that an exemption would have on the compensation fund. The subsection will also clarify that the corporation may consider any other matter that it considers relevant.

Clause 5 will amend section 65 so as to enable the corporation to 'group' employers. A similar provision had been included in section 18 of the Workers Rehabilitation and Compensation Act Amendment Act 1988, in conjunction with the amendments to section 66 of the principal Act. It has now been decided that the amendments to section 66 of the principal Act are not to proceed immediately.

However, the grouping provisions could be usefully applied in the meantime. It has therefore been decided to include the relevant amendments in this Bill and remove them from

the Workers Rehabilitation and Compensation Act Amendment Act 1988.

Clause 6 strikes out paragraph *(d)* of subsection (2) of section 95 of the principal Act. Other amendments to the principal Act by the Workers Rehabilitation and Compensation Act Amendment Act 1988, provide that an employer or group of employers can appeal to the Minister against a decision of the corporation in relation to the registration, or proposed registration, of the employer or group as an exempt employer or employers. This approach is in conflict with the operation of section 95 that provides that such a decision is reviewable by a review officer, and so it has been decided to amend section 95.

Clause 7 introduces new provisions relating to the Silicosis Fund. It is proposed to continue the scheme under the repealed Act but to transfer the management of the fund, and any liabilities, to the corporation. The fund will be held in a special fund entitled the Mining and Quarrying Industries Fund. This fund will be notionally divided into two parts, one part to be immediately available to satisfy the corporation's liabilities in relation to appropriate claims and the other part to be available to a new committee to be established under the fourth schedule. The fund may be invested as if it were part of the compensation fund.

Clause 8 establishes the Mining and Quarrying Occupational Health and Safety Committee, to apply money available from the Mining and Quarrying Industries Fund towards promoting and supporting projects and other activities that could improve occupational health or safety in the mining and quarrying industries or assist in the rehabilitation of disabled workers in those industries.

Clause 9 is a transitional provision designed to ensure that the amendments affected by the principal Act by clause 4 are not taken to effect any decision of the corporation, made before the commencement of this Act, to register an employer a group of employers as an exempt employer or employers.

Clause 10 provides that for the purposes of Part III of the Bill (clauses 10, 11 and 12), a reference to 'the principal Act' is a reference to the Workers Rehabilitation and Compensation Act Amendment Act 1988.

Clause 11 proposes an amendment to section 15 of the principal Act in relation to proposed new section 58b of the 1986 Act. It is proposed to clarify the operation of subsection (3) of that new section.

Clause 12 is a consequential amendment to section 18 of the principal Act in view of the proposed enactment of clause 5 of this Bill.

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

DANGEROUS SUBSTANCES 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 Dangerous Substances Act provides for the keeping, handling, packaging, conveyance, use, disposal and quality of toxic, corrosive, flammable or otherwise harmful substances. The Act places a duty of care on persons who keep, convey etc. dangerous substances and authorises the making of regulations which, in the main, adopt various standards of Standards Australia to provide detailed requirements.

One of the Act's principal features is a licensing system that permits the Director of the Department of Labour to grant a person a licence to keep any dangerous substance that has been declared by regulation to be a dangerous substance for the purposes of the Act.

A licence is required where dangerous substances are to be kept in quantities exceeding prescribed amounts. This ensures that prescribed health and safety measures are in place relevant to the particular substance or substances kept. The Act's present licensing provisions are such that the Director is not permitted to grant a licence unless the premises in which it is to be kept complies with prescribed requirements.

This Bill seeks to alter the conditions under which licences are issued to overcome administrative difficulties that have arisen from subsequent amendments to regulations made under the Act. These difficulties arose following the introduction in 1987 of regulations requiring licences for the keeping of class 6 and class 8 dangerous substances, being of a toxic and corrosive nature respectively.

Persons required to be issued with a licence were those already operating businesses or establishments. There were two stages to the operation of the regulations, the first stage being the requirement to be licensed followed six months later by the second stage—compliance with the prescribed physical safety requirements. This lead-in time was to give licensees the opportunity to carry out any necessary improvement work.

In some instances compliance could not be achieved within the six month period. This had the effect of placing the Director in the situation of having issued a licence for premises some of which do not meet all prescribed requirements, contrary to the Act's licensing provisions.

The proposed amendments to the Act include an administrative discretion that will enable premises to be licensed even though they may not fully comply with prescribed safety requirements, providing there is no immediate danger to health or safety. In such cases improvement conditions will be attached to the licence which will ensure that the licensee receives positive directions as to the action or measures to be taken to meet the requirements of the Act and regulations and a date to be set by which the work must be completed.

To compound the problem outlined, the Act does not authorise inspectors to issue improvement notices requiring compliance work to be carried out within a certain period.

This Bill proposes that inspectors appointed under the Act be provided with powers to issue Improvement Notices and Prohibition Notices similar to the powers of inspectors under section 39 of the Occupational Health, Safety and Welfare Act 1986. Improvement notices will serve to direct industry to attend to deficiencies which do not constitute an immediate danger to health or safety or the safety of any person's property. In the case of immediate danger situations a prohibition notice can be issued.

These amendments will not only allow for the proper and effective administration of the Act but also provide uniform procedures where appropriate between Acts with similar inspectorial functions. The opportunity has also been taken to upgrade the penalties provided by the Act, to express them in terms of divisions.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 makes a consequential amendment to section 3 of the principal Act.

Clause 4 strikes out subsection (3) and (4) of section 9 as the powers contained in these subsections are to be replaced by new powers under the provisions relating to improvement notices and prohibition notices.

Clause 5 amends section 12 of the principal Act to provide that a person keeping, handling, conveying, using or disposing of a dangerous substance must take steps to avoid endangering a person's health as well as a person's safety.

Clause 6 enacts a new section 14 in order to clarify the operation of this provision.

Clause 7 amends section 15 of the principal Act in two respects. First, the provision that prevents the Director from granting a licence with respect to premises that do not comply with the regulations is to be replaced with a provision that will enable the Director to grant a licence in such a situation provided that the Director is satisfied that the keeping of prescribed dangerous substances on the premises does not constitute an immediate danger to health and safety. Secondly, the penalty for failing to comply with a condition of a licence is to be included in section 15 (instead of under section 14).

Clause 8 enacts a new section 18 in order to clarify the operation of this provision.

Clause 9 includes a penalty for failing to comply with a condition of a licence in section 19 of the principal Act (instead of in section 18).

Clause 10 provides for a new Part III A relating to improvement notices and prohibition notices. An improvement notice may be issued where an inspector believes that a person is acting in contravention of the Act. An inspector may include in the notice directions as to the measures to be taken to remedy the contravention and specify a day by which the relevant matters must be attended to. A prohibition notice will be available in cases involving immediate danger to health or safety. An inspector may include directions as to the measures to be taken to avert, eliminate or minimise the danger. A person to whom a notice is issued may apply for a review of the notice.

New provisions will also empower an inspector to take action if a person fails to comply with a notice, or if there is immediate danger to health and safety and there is insufficient time to issue a notice.

Clause 11 makes an amendment to section 24 that is consistent with other amendments that are intended to protect a person's health as well as his or her safety.

Clause 12 and the schedule alter the penalties under the Act so that they become divisional penalties under the scheme recently introduced into the Acts Interpretation Act 1915.

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

STATUTES AMENDMENT (CRIMINAL LAW CONSOLIDATION AND SUMMARY OFFENCES) BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

Returned from the House of Assembly without amendment.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) BILL

Returned from the House of Assembly with the following amendments:

Page 3, schedule 1, insert amendment to section 12 of the Supreme Court Act as follows—

Section 12—

Delete this section and substitute:

Remuneration of judges and masters

12. (1) The Chief Justice and each puisne judge are entitled to salary and allowances at rates determined by the Remuneration Tribunal in relation to the respective offices.

(2) A master is entitled to salary and allowances at the rates applicable to a District Court Judge.

(3) A rate of salary for a judge or master cannot be reduced by determination of the Remuneration Tribunal.

(4) The remuneration of the judges and masters is payable from the General Revenue of the State, which is appropriated to the necessary extent.

Consideration in Committee.

The Hon. BARBARA WIESE: I move:

That the amendment be agreed to.

Members will recall that this Chamber was not able to deal with one clause of this Bill because the clause related to money matters. That has now been passed by the House of Assembly and so it is appropriate for this Chamber to agree to it.

The Hon. K.T. GRIFFIN: I am happy to indicate support for that. It is only the matter of the money clause.

Motion carried.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

The Hon. BARBARA WIESE: I move:

That the Council do not insist on its amendment.

I do not think that there is any point in going through the debate on this issue again. The position was stated very clearly earlier this evening in the debate on the Bill. The Government feels very strongly that this matter should not be included in this Bill.

The Hon. K.T. GRIFFIN: I believe that the Committee ought to insist upon its amendment and, if that is the wish of the Committee, the matter can be considered by an appropriate conference of managers.

The Hon. I. GILFILLAN: The Democrats believe that the Council should insist on its amendment.

Motion negatived.

BOATING ACT AMENDMENT BILL

In Committee.

(Continued from 29 November. Page 1654.)

The Hon. BARBARA WIESE: When we last dealt with this matter, I indicated that I wanted to address some issues that had been raised by the Hon. Mr Elliott in his second reading contribution. I believe that the issues that I need to address on this matter are probably best dealt with in the regulations section of the Bill, and I will postpone my remarks until that time. At this stage, we should proceed with the Hon. Mr Dunn's proposed amendments.

Clauses 13 to 16 passed.

New clauses 16a and 16b.

The Hon. PETER DUNN: I move:

Page 10, after clause 16—Insert new clauses as follows:

16a. The following Division is inserted after section 30 of the principal Act:

DIVISION II—PROVISIONS RELATING TO BREATH ANALYSIS, ETC.

Interpretation

30a. In this Act—

'alcotest' means a test by means of an apparatus of a kind approved by the Minister of Transport for the purposes of the Road Traffic Act, 1961, by which the presence of alcohol in the blood of a person who exhales into the apparatus is indicated:

'analyst' means a person who is an analyst for the purposes of the Road Traffic Act, 1961:

'breath analysing instrument' means an apparatus of a kind approved by the Governor as a breath analysing instrument for the purposes of the Road Traffic Act, 1961:

'breath analysis' means an analysis of breath by a breath analysing instrument.

Presumption of blood alcohol level

30b. If it is established that there was present in the blood of a person charged with an offence against section 26 (3) *(b)* the prescribed concentration of alcohol at any time within two hours after that offence is alleged to have been committed, it will be presumed, unless the court before which the person is charged draws, from the evidence before it, a reasonable inference to the contrary, that the prescribed concentration of alcohol was present in the blood of the person at the time the offence is alleged to have been committed.

Contracts of insurance

30c. (1) A person who is convicted of an offence against section 26 (3) *(b)* is not, by reason only of the conviction and any consequent penalty, to be taken, for the purposes of any law, or of any contract, agreement, policy of insurance of other document, to have been under the influence of, or in any way affected by, intoxicating liquor, or incapable of operating, or of exercising effective control of, a boat, at the time of the commission of that offence.

(2) The provisions of subsection (1) have effect notwithstanding any law, or any covenant, term, condition or provision of, or contained in, any contract, agreement, policy of insurance or other document, and a covenant, term, condition or provision purporting to exclude, limit, modify or restrict the operation of that subsection is void.

(3) Any convenant, term, condition or provision contained in a contract, policy of insurance or other document purporting to exclude or limit the liability of an insurer in the event of the operator of a boat being convicted of an offence against section 26 (3) *(b)* is void.

Compliance with directions of police

30d. (1) A person required under this Act to submit to an alcotest or breath analysis must not refuse or fail to comply with all reasonable directions of a member of the police force in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest or breath analysis is conducted, in accordance with the directions of a member of the police force.

Penalty: Division 8 fine but not less than the maximum of a division 9 fine.

(2) It is a defence to a prosecution under subsection (1)—

(a) that the requirement or direction to which the prosecution relates was not lawfully made;

or

(b) that there was, in the circumstances of the case, good cause for the refusal or failure of the defendant to comply with the requirement or direction.

(3) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that, by complying with that requirement or direction, he or she would, or might, furnish evidence that could be used against himself or herself.

Right of person to request blood test

30e. (1) A person required in accordance with this Act to submit to a breath analysis may request of a member of the police force that a sample of his or her blood be taken by a medical practitioner.

(2) Where a request is made by a person under subsection (1), a member of the police force must do all things reasonably necessary to facilitate the taking of a sample of the person's blood—

(a) by a medical practitioner nominated by the person;

or

(b) if—

(i) it becomes apparent to the member of the police force that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within one hour of the time of the request at some place not more than ten kilometres distant from the place of the request;

or

(ii) the person does not nominate a particular medical practitioner,

by any medical practitioner who is available to take the sample.

(3) The taking of a sample of blood pursuant to this section—

(a) must be carried out by the medical practitioner in the presence of a member of the police force;

and

(b) must be at the expense of the person from whom the sample is taken.

(4) A sample of blood taken by a medical practitioner in accordance with a request under subsection (1) must be divided by that practitioner into two approximately equal parts and placed in sealed containers of which—

(a) one must be handed to the member of the police force present at the taking of the sample;

and

(b) one must be retained by the medical practitioner and dealt with in accordance with the directions of the person from whom it was taken.

(5) Nothing in this section absolves a person from the obligation imposed by section 30d (1).

Evidence, etc.

30f. (1) Without affecting the admissibility of evidence that might be given otherwise than in pursuance of this section, evidence may be given, in any proceedings for an offence against section 26 (3), of the concentration of alcohol indicated as being present in the blood of the defendant by a breath analysing instrument operated by a person authorized to operate the instrument by the Commissioner of Police and, where the requirements and procedures in relation to breath analysing instruments and breath analysis under this Act, including subsections (3) and (4), and under any other Act or regulations have been complied with, it will be presumed, in the absence of proof to the contrary, that the concentration of alcohol so indicated was present in the blood of the defendant at the time of the analysis and throughout the period of two hours immediately preceding the analysis.

(2) In any proceedings for an offence against section 26 (3), no evidence can be adduced in rebuttal of the presumption created by subsection (1) except evidence of the concentration of alcohol in the blood of the defendant as indicated by analysis of a sample of blood taken and dealt with in accordance with section 30e or 30g.

(3) As soon as practicable after a person has submitted to an analysis of breath by means of a breath analysing instrument, the person operating the instrument must deliver to the person whose breath has been analysed a statement in writing specifying—

(a) the concentration of alcohol indicated by the analysis to be present in the blood expressed in grams in 100 millilitres of blood;

and

(b) the date and time of the analysis.

(4) Where a person has submitted to an analysis of breath by means of a breath analysing instrument and the concentration of alcohol indicated as being present in the blood of that person by the breath analysing instrument is the prescribed concentration of alcohol, the person operating the instrument must forthwith—

(a) inform that person of the right pursuant to section 30e to have a sample of blood taken by a medical practitioner;

and

(b) warn that person that, if he or she does not exercise that right, it may be conclusively presumed for

the purposes of proceedings for an offence against section 26 (3) that the concentration of alcohol in the blood during the period of two hours preceding the analysis was the concentration as indicated by the breath analysing instrument.

(5) In proceedings for an offence against section 26 (3), a certificate—

(a) purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate is authorized by the Commissioner of Police to operate breath analysing instruments;

or

(b) purporting to be signed by a person authorized under subsection (1) and to certify that—

(i) the apparatus used by the authorized person was a breath analysing instrument within the meaning of this Act;

(ii) the breath analysing instrument was in proper order and was properly operated; and

(iii) in relation to the breath analysing instrument, the provisions of this Act and of any other Act or regulations with respect to breath analysing instruments were complied with,

is, in the absence of proof to the contrary, proof of the matters so certified.

(6) A certificate purporting to be signed by a member of the police force and to certify that an apparatus referred to in the certificate is or was of a kind approved under the Road Traffic Act, 1961, for the purpose of performing alcotests is, in the absences of the proof to the contrary, proof of the matter so certified.

(7) A certificate purporting to be signed by a member of the police force and to certify that a person named in the certificate submitted to an alcotest on a specified day and at a specified time and that the alcotest indicated that the prescribed concentration of alcohol may then have been present in the blood of that person is, in the absence of proof to the contrary, proof of the matters so certified.

(8) Subject to subsection (10), in proceedings for an offence against section 26 (3), a certificate purporting to be signed by an analyst, certifying as to the concentration of alcohol, or any drug, found in a specimen of blood identified in the certificate expressed in grams in 100 millilitres of blood is, in the absence of proof to the contrary, proof of the matters so certified.

(9) Subject to subsection (10), in proceedings for an offence against section 26 (3), a certificate purporting to be signed by a person authorized under subsection (1) and to certify that—

(a) a sample of the breath of a person named in the certificate was furnished for analysis in a breath analysing instrument;

(b) a concentration of alcohol expressed in grams in 100 millilitres was indicated by that breath analysing instrument as being present in the blood of that person on the day and at the time stated in the certificate;

(c) a statement in writing required by subsection (3) was delivered in accordance with that subsection;

and

(d) the person named in the certificate was informed and warned of the matters referred to in subsection (4) in accordance with that subsection,

is, in the absence of proof to the contrary, proof of the matters so certified.

(10) A certificate referred to in subsection (8) or (9) cannot be received as evidence in proceedings for an offence against section 26 (3)—

(a) unless a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than seven days before the commencement of the trial, been served on that person;

(b) if the person on whom a copy of the certificate has been served under paragraph *(a)*, has, not less than two days before the commencement of the trial, served written notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed;

or

(c) if the court, in its discretion, requires the person by whom the certificate was signed to attend at the trial.

Insertion of heading

16b. The following heading is inserted immediately before section 31 of the principal Act:

DIVISION III—MISCELLANEOUS

This amendment is consequential and it is necessary for the proper enactment of the legislation.

The Hon. BARBARA WIESE: The Government supports this amendment.

New clauses inserted.

Clauses 17 to 23 passed.

Clause 24—'Regulations.'

The Hon. BARBARA WIESE: As I indicated earlier, during his second reading contribution the Hon. Mr Elliott raised a number of issues. This seems an appropriate place for me to respond to those questions. The first issue related to two companies that operate hire boats of one kind or another. I am advised that both these operators were aware that, before they expanded their businesses, their operations were not in accordance with the nationally accepted standards. It is therefore hardly appropriate for those people to complain afterwards when they were informed of the standards that would be required of them.

Department of Marine and Harbors officers advised those people in good faith, but I am informed that, in each case, they chose to go their own way. However, grandfather provisions may be extended to those vessels which may not meet all the proposed new standards but which are otherwise considered to be safe. It is not anticipated that such grandfather provisions would apply beyond five years after this Bill is assented to.

It is not realistic to indicate exactly how long the grandfather provisions would be extended to any particular craft at this time, since the law relating to survey requirements of commercial vessels requires that the issue of a certificate of survey be valid for a period of one year. It would not, therefore, be inconsistent to state here that certain vessels will be allowed to operate for a number of years without qualification.

There is little doubt that alcohol consumption is becoming an increasing problem in the recreational boating area. Claims have been made at various times about unacceptable and dangerous behaviour by persons operating power boats. The safety of persons engaged in aquatic activities must be protected. The proposed breathalyser tests will apply to all boats, including commercial houseboats and other hire and drive craft.

It is intended that the requirements for the various classes of vessels will be introduced gradually from the middle of next year, in consultation with the various operators. These measures are not bureaucratic revenue earning procedures; they are safety provisions, intended to protect the interests of the boating public—including our valued tourists. That deals with the major points raised by the Hon. Mr Elliott. However, I believe that honourable member may want to ask questions on some other issues as well, and I will do my best to respond to them.

The Hon. M.J. ELLIOTT: It was made clear during the second reading debate that the problems that the operators who have contacted me, and other people as well, will have will be those that are likely to occur from the regulations that will be proclaimed under the new Act. Nevertheless, I think this is the appropriate time to explore some of these matters a little further. I cannot recall the exact wording that the Minister used just then, but I think the suggestion was that if boats are somewhere near the specifications they may be found to be acceptable, so long as they are shown to be safe. Can we have a clearer interpretation of this? The

operator on the Murray River who operates a ski business has inboard motors and under these requirements, in the long run he will be required to have outboard motors. During the time which the grandfather clause operates will this person have a chance to use inboard motors as long as they are kept in good condition and that person is undertaking to phase them out within five years?

The Hon. BARBARA WIESE: Yes, that is the expected position.

The Hon. M.J. ELLIOTT: Under the grandfather clause, if a person tries to sell a business within that five year period, or whatever it turns out to be, will that right be transferred with the business—otherwise such a person would be severely affected by the provision?

The Hon. BARBARA WIESE: It is expected that the same provisions would apply as long as the same degree of standard was kept to by the new proprietor.

The Hon. M.J. ELLIOTT: Finally, in relation to the business at Port Lincoln which uses the hire sailboats, how close to specification is 'reasonably close'? Can we have a clear indication about this? I imagine that the Minister's adviser would know how many boats the person has and how close they are to specification. Can we have a clear explanation about the likely impact on that business?

The Hon. BARBARA WIESE: It is difficult to be specific about the issues that would be included. In fact, officers of the department are currently negotiating with those people about the standards that can be agreed upon. The sort of issues being looked at are the layout and strength of the boat, the operational areas and the type of operation. By that, I mean the hours of the day or night in which the boats might operate. These are the sort of issues which are being addressed and which will form part of the negotiations with the operators.

The Hon. M.J. ELLIOTT: That is still a bit vague for me. I need to know how significant a change in the current operations would need to occur—whether or not it is likely that a couple of the boats will be so far out of the specifications that they will be undesirable and whether or not these changes will be significant to the business.

The Hon. BARBARA WIESE: That question is also difficult to answer at this stage because the operator has applied to have only one of his boats inspected, so only one has been inspected at this stage. However, he operates four boats. So, until the remaining three boats have been inspected it is difficult to say how serious the divergences from the required standards are likely to be and whether or not they will have a significant impact on his operation.

The Hon. PETER DUNN: I am confused whether we are looking at the marine survey of these vessels or the determination of the sea conditions in which these boats may operate. If this State can change the determination of the sea conditions, will a boat with a lesser specification be able to operate in those waters? I will explain a little further. Boston Harbor is a smooth water, but outside that area is deemed to be rough. Therefore, a higher specification will be required on a boat that operates in that water. Am I correct in assuming that, and am I also correct in assuming that a grandfather clause is being put on the survey or length of these vessels? I understand that the vessels in question are 9.8 metres long and it is required that they be 10 metres long? On the other hand, is this because they do not meet survey specifications?

The Hon. BARBARA WIESE: In this instance, both survey conditions and sea conditions are looked at. The operator has challenged the department's sheltered waters limits. He is trying to have the limits extended which would mean that lower standards would apply if he were successful in his application. The situation is complicated by that factor as to what standard would apply, whether it would be a sheltered water standard or an open sea standard. These matters are currently under discussion.

The Hon. PETER DUNN: Is it an international, national or State body that determines whether those waters are smooth or open sea?

The Hon. BARBARA WIESE: The standards for sheltered waters are decided by each State Government but they are based on criteria from the national uniform shipping laws code.

The Hon. PETER DUNN: Will the grandfather clause apply to the fact that boats are 9.8 metres in length or because they do not meet survey specifications?

The Hon. BARBARA WIESE: This is still under discussion with the operator but it is intended that the grandfather clause will apply to the survey standards.

The Hon. M.J. ELLIOTT: The Democrats support this Bill. I am pleased that the Government is seriously considering a grandfather clause in relation to two existing businesses that may be affected. I make clear that, when the regulations are eventually proclaimed, the Democrats will look very carefully at them. We do not want safety standards to be breached and it might be necessary to keep a rigorous watch on the boats that are slightly under survey length. I hope that, where it is reasonably consistent with safety, the grandfather clause will apply for five years and that, more importantly, clearer indication is given to those businesses as soon as possible as to what is likely to happen.

The regulations are not due to come into place until June next year. I hope that progress will be made before that because the clearer the advice is and the longer their lead time, the better chance these people will have to phase out equipment. It would probably be easier for a fellow using a motor craft to phase out some equipment over a longer time. The longer the lead time, the more chance these operators have of not compromising their business while achieving the safety standards required in the longer term.

The Hon. PETER DUNN: What will be the requirements when the grandfather clause expires? Will it be 10 metres outside Boston Harbor and 9.8 metres, or less than 10 metres, inside Boston Harbor?

The Hon. BARBARA WIESE: At the expiration of the grandfather clause, the standard that is proposed, that is, 10 metres outside sheltered waters, would apply and the limit would be less than that inside sheltered waters. As I indicated earlier, that matter is currently being negotiated as well; the question is whether or not the sheltered waters limit should be extended. Should the operator be successful in negotiating an extension of the sheltered waters limit, he may be in a position to make no change. The craft he now operates may be quite acceptable. We do not know at this point, because the matter is still being discussed.

The Hon. PETER DUNN: That is a bit unsatisfactory. Those limits should have been determined by now. The waters around the Sir Joseph Banks Group are relatively calm because they are rather large islands and people can run for shelter whenever the weather turns foul. As the Minister knows, and as I said in my second reading speech, the operators have about 10 mooring points around the islands. Yachts are protected from the Southern Ocean swell by Thistle Island. By this stage there should have been a determination on those waters.

This Bill will have a detrimental effect on someone who has established a practice; people could be shot down or sunk because of a different determination about where they can go if someone says that the water in the area they have been operating over a long period is too rough. It is unsat-

isfactory that this determination has not been made. It would be wise to determine smooth waters as being those extending to the perimeter of Dangerous Reef, running north through the Sir Joseph Banks Group. I have been out there on a number of occasions. True, beyond that point a heavy swell comes up the gulf but, at that point, the easterly point of Thistle Island protects that portion within the area to which I refer from heavy swell and heavy seas. Heavy local seas arise because of wind and unusual conditions, but people can run for cover in the islands. Can the Minister tell me how long before this determination will be made?

The Hon. BARBARA WIESE: It is important to be clear that the department has a view about what the limits of the sheltered water area should be, and that has been based on evidence concerning the nature of the seas in the area, including wave heights in particular seas. That would be the standard that it would propose to pursue, except that the operator at Port Lincoln to whom we have been referring has put a submission to the department that the limits ought to be extended. He has suggested that he is able to offer scientific evidence to support his claim that the limits of the smooth water area should be extended, and the department has indicated that it is willing to examine the evidence if it is produced.

If it is convincing, presumably changes would be made. So far, that evidence has not been forthcoming, and there are probably differences of opinion on the question amongst the yacht charter operators in that area. That aside, the department has agreed to look at the question again if evidence is produced to make it worthy of further consideration.

The Hon. PETER DUNN: Where has the department got its evidence to say that the waters are not smooth? If it is waiting for evidence from elsewhere, where did it get the evidence that it is not smooth?

The Hon. BARBARA WIESE: I cannot be very specific about it, but I understand that the current standards were determined some 10 years ago when the uniform shipping laws came into force and they were based on the practical experience of people who had been operating craft in the area.

Clause passed.

Title passed.

Bill read a third time and passed.

JUSTICES ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendment to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9.45 a.m. on Thursday 1 December, at which it would be represented by the Hons T. Crothers, I. Gilfillan, K.T. Griffin, Carolyn Pickles, and J.F. Stefani.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November. Page 1573.)

The Hon. L.H. DAVIS: This is one of the most insidious pieces of legislation we have seen this session. The second reading explanation is brief; the Bill is even briefer. At first glance it looks to be an innocuous piece of legislation but, in fact, it is insidious. The legislation, as I read it, seeks to endorse retrospectively actions taken by the South Australian Metropolitan Fire Service which it does not have the power to do under the existing Act. There has been no consultation whatsoever with industry, and in many ways this is almost the worst piece of legislation that we have seen this session.

My colleague the Hon. Diana Laidlaw has spent some time in detailing its inadequacies, but I want to expand on her comments and cover some matters which have come to my attention in recent days from industry sources, not only here but interstate.

The Hon. T.G. Roberts: Name your sources: how many?

The Hon. L.H. DAVIS: I will be quite happy to name my sources, unlike the Government which hides behind the cloak of anonymity.

Let me turn to the Metropolitan Fire Service Act. In 1984 the functions and powers of the service were amended in order that *(a)* the fire service should provide efficient services in fire districts for the purpose of fighting fires and of dealing with other emergencies; and *(b)*, to provide services with a view to preventing the outbreak of fire in fire districts. This Bill simply seeks to add an additional paragraph to the functions and powers of the corporation, as follows:

> such other functions as may be assigned to the corporation by the Minister.

In other words, it is a dragnet clause—anything goes. With this Government, anything does go! Here we have the very best example yet of this Government's commitment to public sector activity in what has been traditionally a private sector domain. The Government has not learnt the lesson of the South Australian Timber Corporation in New Zealand or the lesson of the *Island Seaway*—which perhaps could be better described as the *Island Slew-way*. It is not content with that. It is not content with the defects that a proposal such as the one we have before us has already revealed in Victoria, where similar legislation is in place under the Cain Government.

If the folly of the VEDC was not lesson enough for this Government, it ploughs on regardless, bending to the whims of the labour unions. Let me illustrate this point. First, the Minister in the very brief second reading explanation stated that it has become necessary to expand fire equipment servicing activities to include replacement sale of fire protection equipment. Why is it necessary to expand fire equipment servicing activities? There are 75 firms in the private sector that are ready, willing and able to provide replacement fire protection equipment. There is no criticism whatsoever in this Bill about the services provided by the existing private sector firms.

Secondly, we are told that the Fire Equipment Servicing Division of the fire service presently services and maintains fire extinguishers and fire hoses on a contract basis for clients throughout the State. The second reading explanation goes on to state:

> It is essential that the division be able to supplement the servicing by the replacement of condemned fire protection equipment in order to provide a total service to its clients.

Why is it essential that the division be able to supplement this servicing by the replacement of condemned fire protection equipment? The second reading contains no explanation whatsoever. I have made this point before and I will make it again: that this Government's sloppy, high-handed, arrogant approach to legislation in this place which has far-reaching implications for South Australians is just not good

enough. It is not satisfactory to introduce such far-reaching legislation in several paragraphs, masking its real impact and true intent and ignoring the fact that industry has not been consulted. The explanation further states:

> Furthermore, the need to replace such equipment will be exacerbated in 1989 by the introduction of new standards, which will render obsolete a very large number of fire extinguishers currently in use by fire service clients. As a consequence, it is necessary to amend the Act to provide for these activities described.

That is a downright lie. As my colleague, the Hon. Diana Laidlaw says, quoting chapter and verse, there has been no proposal whatsoever by the Australian Standards Association to introduce new standards in 1989.

So the scene we have in South Australia at present is that 75 companies are involved as suppliers of fire equipment and 60 come under the heading of 'Fire Protection Equipment and Consultants' in the yellow pages. We have a big market in South Australia. My colleague, the Hon. Diana Laidlaw, suggests that market is of the order of $20 million a year, and it employs over 500 people. There is no suggestion whatsoever that the industry does not work effectively.

I have made inquiries in the industry here and I have spoken to people who have been serviced by the private sector. The very nature of the fierce competition that exists within the industry ensures that it has high standards. It is well recognised that is the case. Yet, this Government has the temerity to introduce this legislation and does not consult with the industry. Indeed, industry did not know until after it was introduced in the Lower House that this far-reaching legislation was proposed.

The Hon. Diana Laidlaw: After the Bill was provided to it by the Opposition.

The Hon. L.H. DAVIS: In fact, as my colleague the Hon. Diana Laidlaw rightly notes, the Bill was provided to it by the Opposition—another example of the Government's arrogant, high-handed, no consultation and no communication approach. Talk about open Government! This is not open Government; it is open slather. My colleague, the Hon. Diana Laidlaw, went to some pains to list the number of associations and companies, both here and interstate, which protested vehemently about this far-reaching measure.

The point that I want to make is that the Metropolitan Fire Service is a public funded body. Its charter is to be a policeman of the industry, to fight fires, to analyse the cause of fires, to effect fire protection measures, to give advice on fire protection and of course to act in that area. But when you are talking about giving a publicly funded body, such as the South Australian Metropolitan Fire Service, an unfair competitive advantage over the private sector then it is time for us to say 'Stop'. There is obviously a conflict which will exist between a body which is set up by a policeman to maintain standards on the one hand does and yet on the other hand seeks to provide to customers equipment and the servicing of that equipment. There is the possibility of conflict and I will demonstrate in a little while that conflict has been demonstrated to exist in South Australia and in Victoria where similar legislation is in place.

Let me provide an example of the unfair competitive advantage that exists. The Hon. Diana Laidlaw quoted from a letter from Douglas Greening, the Chief Executive Officer of the Fire Protection Industry of Australia. He makes the following point:

> The South Australian Metropolitan Fire Service has an extremely unfair advantage in the market place. Many instances may be cited but some of the more obvious are sales tax exemptions, entry to premises by uniform authority status, ability to offset staff costs between departments without appropriate expense adjustments and relief from many Government charges.

Let me elaborate on that point. A typical service vehicle used by the private sector in servicing fire equipment would be a Hiace panel van. That would cost a private sector operator in the vicinity of $22 000. I am advised that the Metropolitan Fire Service, with the exemption of Government charges and sales tax, is able to purchase that vehicle for $12 000. That is a big difference; a competitive advantage. Although, of course, as my colleague illustrated neatly from the most recent South Australian Metropolitan Fire Service report, it is not translated into a bottom line profit which again is an example of the inefficiency and ineffectiveness of Government operators when compared with the private sector.

Another advantage upon which I want to spend some time is the fact that the South Australian Metropolitan Fire Service can enter premises with the authority of the fire brigade uniform. The uniform and the emblem is a perceived advantage. It is a symbol of authority.

The Hon. T.G. Roberts: And a symbol of standard, as well.

The Hon. L.H. DAVIS: My colleague, the Hon. Terry Roberts, interjects and says that it is a symbol of standard, as well. The Hon. Terry Roberts opposite has fallen into a web of his own making because the standards that have been adopted in Victoria, and in this State by the South Australian Metropolitan Fire Service, are less than ethical. There have been examples that I have had, and I can cite them (although the lateness of the hour will prevent me from going into too much detail) of the Metropolitan Fire Service making demands on people which are outside the standards set down by the Standards Association of Australia. In other words, the private sector is being held to ransom and there are examples—both here and in Victoria—where the Metropolitan Fire Service has required standards with which the customer does not really have to comply and they are held to ransom with the threat that, if it is not made right, the system will not be connected.

There is also evidence that standover tactics are being used with businesses, that the equipment should be replaced by the Metropolitan Fire Service. In fact, there are examples where the Fire Equipment Services Division of the Brigade (FES) is actually competing with its own fire prevention division. They are competing against each other. They are also very aggressive inservicing people out there in the community who require fire equipment.

There have been examples in South Australia and also in Victoria where the Fire Equipment Services Division has gone into premises and serviced fire equipment which is already under contract for service to private sector operators. That is outrageous and unethical behaviour, and it is unacceptable. The Government in South Australia would be the first to complain if the private sector was caught doing that, yet its own authority has been caught red-handed doing it.

These are quite serious examples in their nature. I do not take lightly this information. The fact that the Bill has been introduced late in the session in such a surreptitious manner underlines the fact that the Government has known quite clearly what it is on about, but there has been no reference in the second reading explanation to the implications of this legislation. There has been a lack of candour and a lack of honesty and that is disturbing.

I will read a letter from no less a person than the President of the Chamber of Commerce and Industry, Mr Karl Seppelt, who has expressed his concern in this letter dated 23 November 1988. It states:

> Dear Mr Davis
>
> I write in my capacity as President of the Chamber of Commerce and Industry S.A. Incorporated to express grave concerns

as to the impact of the possible legislation of the South Australian Metropolitan Fire Services Act Amendment Bill 1988 as it applies to servicing and selling of fire equipment and other activities as may be assigned to the corporation by the Minister.

It is quite clear that the enactment of this Bill will severely disrupt an orderly industry which already provides an efficient and competitive service to the community under heavily regulated conditions.

The chamber considers the entry of a Government funded body in this instance totally unwarranted and outside the original charter and intentions of the Act.

We would question the necessity of any such Act which duplicates activities already carried out by private enterprise, and we view this simply as a vehicle to legitimise current activities in the fire equipment servicing area, including an open ended clause which will allow the possible monopolisation and subjugation of the industry.

A similar Act of Parliament exists in Victoria and the experience to date clearly confirms the potential for this Act to create havoc within the industry, and we should avoid these problems at all costs.

I urge you to consider carefully the serious implications of this Bill, and respectfully suggest that you withhold your support.
Karl Seppelt, President

I must say that plea has fallen on very receptive ears, at least with this honourable member.

I will conclude by summarising the reasons why the Liberal Party is very much against this legislation. First, it appears from the second reading explanation that the Government is admitting that the South Australian Metropolitan Fire Service is already performing activities which it does not have the power to do. In other words, it is acting outside its original charter. That, of course, is a point that has been well made by the President of the Chamber of Commerce and Industry.

Secondly, it provides an example of where there is the potential for conflict between duty and interest, and I have already demonstrated that conflict does exist in the sense that it cannot act both as a policeman in the industry and provide services. Thirdly, it is obvious that the wider powers which it is now seeking retrospectively are already being abused. Fourthly, it is quite clear that the South Australian Metropolitan Fire Service has an unfair advantage in the sense that it saves on Federal and State Government taxes and charges.

Fifthly, no evidence whatsoever has been led by the Government in this House or in another place that the private sector is not catering for fire equipment and the servicing of that equipment in South Australia. On the contrary, all the evidence that I have received indicates that the industry is highly reputable, professional and highly regarded by all its customers.

Finally, the point to which I most take exception is that this Government has introduced this legislation rather late in the sittings in a highhanded fashion and without any communication whatsoever with the industry. The Government deserves to be condemned for introducing this legislation, which is insidious, unwarranted, unjustified and deserves to be defeated.

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

ROSEWORTHY AGRICULTURAL COLLEGE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 November. Page 1663.)

The Hon. R.I. LUCAS: On behalf of the Liberal Party, I support the Bill, which arose out of the Roseworthy College Council's reviewing the Act and suggesting to the Government ways in which the Act might be updated. Most of the amendments are of a minor or housekeeping nature.

The most significant amendment relates to superannuation. The current Act provides an entitlement to membership of the State superannuation scheme, without giving discretion to the college, after consultation with the staff, to opt for some other arrangement. As I am sure you are aware, Ms President, in recent years a national scheme for superannuation has been developed. That scheme is called the Superannuation Scheme for Australian Universities. All this Bill will do is allow the college to move to that new scheme or some other arrangement, if it so chooses, whilst at the same time preserving the right of access to the current State scheme and protecting existing entitlements of staff with respect to superannuation. It only offers a further option or choice for the Roseworthy College and staff. The Liberal Party would support that proposition.

Other parts of the Bill seek to delete outdated references, to clarify the eligibility for membership of the college council and to increase some penalties for contravention of by-laws. Further it updates the definition clause and deletes an outdated reference to the requirement to pay to the State part of its primary production and agricultural processing income.

As I indicated, the Bill is not of a substantive nature. When the restructuring of higher education in South Australia comes before this Parliament, we will be required to consider not only the Roseworthy Agricultural College Act but also the Acts relating to all the other higher education institutions. On that occasion we will be called upon to make a more substantive contribution to the parent legislation. The Liberal Party supports the second reading of this Bill.

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

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 November. Page 1666.)

The Hon. PETER DUNN: The Opposition supports the Bill, but I want to make just a few comments about some of the things in the Bill that are not terribly acceptable. First, the Bill sets out to increase certain penalties. I guess this is understandable in the light of inflation having caused the price of protein, in the form of fish, to rise. I suppose that if people are going to get more money out of selling fish and they catch them illegally, it is reasonable to assume that the fines incurred by people who are caught doing that should be increased.

The Bill also introduces a provision for expiation of these penalties. In other words, people will be able to pay fines quite simply, and the Government will make some money out of it. I sometimes wonder about expiation. It seems to be the 'in thing'. I can understand why the Government does this; it is a very good way for the Government to raise some money. It is a bit unfair in some ways, however. Another point is that I suppose without an expiation system of fines the legal system can get clogged up. I certainly do not condone people taking fish illegally. I am very fond of fish myself; I fish a few times during the year in Spencer Gulf and I love the product that we catch in that area.

The Hon. T.G. Roberts: You said the smallest ones were the sweetest!

The Hon. PETER DUNN: I must say that we do not catch fish illegally. However, there is a provision in the Bill

that I am not terribly happy about. It appears that the Bill will allow a fishing inspector to take my catch and to say to me, 'Prove that you have caught these fish legally.' That would probably be fairly difficult to do. In this regard the Bill is introducing the concept of reverse onus of proof. It is providing that one must prove that the fish that one has caught were caught legally. I think that principle is wrong. It is not promoted in the English law which we have inherited, which we abide by and which we cherish. That concept ought not be promoted in the law of this State. It is an easy way out; it is a cop out by the Government to catch people. The inspector can say to people, 'We know you have those fish on board, prove to me that they were caught legally.'

Having caught you with those fish, the fishing inspector should have to prove that they are undersize or that you caught them illegally. I am not at all happy about this reverse onus of proof; it leads to corruption of inspectors in departments. It is very easy for them, without knowing the circumstances, to come aboard your boat and say that your catch was caught in the wrong place or you have caught too many fish. Take the case of a professional fishing boat which has caught many tonnes of fish. The inspector comes aboard and says, 'You have caught these fish illegally; I will confiscate them.' The first question is: what does the inspector do with the fish?

Let me take members back a year or so to a situation when a family of tuna fishermen in Port Lincoln were caught by inspectors who said that their catch was illegal. The Government lost that case. Not only did it lose the case, but it lost all the fish as well. Here was a case where fisheries inspectors got the situation wrong and made a big mistake. It was a very costly exercise. When an Act promotes this reverse onus of proof, that will often happen.

The other thing that worries me is that more protection is being given to the professional fisherman. The amateur or recreational fisherman is the guy at whom this Bill is aimed. The regulations say people cannot catch fish under a certain size or in certain spots. Tonight Parliament has had a nautical and fishing theme about it. We have had four Bills to do with water, fish, the sea or boats. On two occasions tonight we have seen situations where people have been unhappy about what the Government is doing with the control of fishing. I know that it is a vexed question.

The Minister's balloon has just gone up. I do not know whether that is significant in this fishing debate, but I must say that the balloon has gone up on the control of fishing in South Australia. There is a problem, since stocks are diminishing. That is understandable because more people are fishing. Fishing is a lovely recreation. I must admit that I drown an awful lot of bait before I catch too many fish, but it is a great way to relax and spend an afternoon. If you do catch some fish, take them home and cook them, it is an enjoyable and complete way of relaxing.

It appears that we are making it more difficult for the amateur recreational fisherman to proceed in the manner to which he has been accustomed in the past. Maybe that will have to change; maybe there will have to be some changes in how we go about fishing. The methods we use today seem to be very confrontationist. It appears that the department is buying a fight nearly every time it brings out a regulation dealing with fishing controls.

We have proved tonight that we have got the fishing industry wrong. Some of the ideas are wrong and not enough research is being done into the method of control of catching fish. I lived by the seaside in the 1940s and 1950s and I must admit that in those days professional fishermen caught large quantities of fish. Although the return to them was rather low, they caught a lot of fish and made a fairly good living.

At the same place today there are only three professional fishermen. They operate in a different manner, using high speed boats rather than cutters. That is one of the problems, that the general public can buy high speed boats and get to fishing grounds very quickly. Maybe we need to control that practice.

Problems will always result from attempts to control the size of fish caught, where people fish and the way in which they fish, and some clever guy will always get around the provisions. I have some sympathy with the department but I implore it to do its research more carefully because its decisions affect an enormous number of people. Nearly everyone in this Chamber has tried fishing, and almost everyone is affected. It requires some effort by the department to make sure that it gets its act together and that its regulations are right. It should do its research properly and not go off half-cocked.

The Bill contains some fairly draconian penalties and a provision with respect to the reverse onus of proof. All in all, it is a Bill that is necessary for the time being, and the Opposition supports it, but I warn the department that it must get its research right before it introduces regulations and makes changes to the Act. I do not like the reverse onus of proof provision. Nevertheless, I support the Bill.

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

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1751.)

The Hon. K.T. GRIFFIN: We are doing the Government a big favour by speaking on this Bill tonight, considering that it was passed by the House of Assembly late yesterday evening and was received in this Council only today. However, we are conscious of the desire by the Government to end this part of the session tomorrow, and it is for that reason that I have agreed to put on the record tonight the views of the Opposition on this Bill.

I really desire to address three major issues raised by the Bill. One could perhaps explore other issues relevant to the workers rehabilitation and compensation scheme. To some extent, that was undertaken in another place, but I do not believe that it is necessary to repeat the criticisms that the Liberal Party has made over a long period about the scheme or to reflect the hundreds of complaints we have received from employers about the operation of this system. It is for that reason that I desire to address three major issues.

Essentially, the Bill has arisen out of a decision by the Full Supreme Court of South Australia to uphold an appeal by Santos to become a self-insurer. One has to remember that under the principal Act there are those employers who must pay a compulsory level to the Workers Rehabilitation and Compensation Corporation and there are about 43 in number who are self-insurers. Whilst they pay a small levy to the corporation, essentially they are responsible for their own work safety and employer rehabilitation processes. A number of those self-insurers are particularly effective, in fact more effective than employers covered by WorkCover, in providing a safe working environment, in minimising industrial and workplace accidents and in developing and implementing appropriate rehabilitation programs.

Santos applied under the provisions of the principal Act for exemption from the provisions of the Act to enable it to become a self-insurer. It reckoned with its safety record that it would be able to save about $1.6 million by becoming a self-insurer. Its workplace practices were good and it believed that on past practices and records it could do much better for a cheaper price than the cost of belonging to WorkCover.

It was initially denied, by a review officer, the right to depart the WorkCover system. It appealed to the Supreme Court which, by two judges to one, upheld its right to opt out of the scheme. It must be remembered that Santos made an application under the law as it then was, well over a year ago, and its application was approved by the Supreme Court on the basis of that law. Now the Government wants to change the rules and deny the rights it has exercised. It wants to do that retrospectively. The problem is that the Government now seeks to say that Santos, having exercised its right and that right having been upheld by the Supreme Court (an independent arbiter of the law that Parliament has passed), will now have its rights taken away retrospectively.

The Bill seeks to say to Santos, in particular, 'The law under which you have gained a right to be an exempt employer, a self-insurer, is now to be changed. What you acted upon, what you believed to be the law and what was the law is, by virtue of the passing of this legislation, not the law.'

The Hon. G.L. Bruce: It's not retrospective.

The Hon. K.T. GRIFFIN: It is retrospective. The Bill says that it is retrospective. In the other place the Government did not accept an amendment that the Opposition moved to remove the retrospective effect of this legislation. The Government is denying rights, taking away accrued rights by legislation. The Labor Party has professed to be a Party very sensitive to questions of civil liberties and individual rights whether they attach to citizens or to companies, but in the context of this Bill will have a direct contradiction of the rights which it espouses publicly but behind the scenes deny.

It is not, of course, the first occasion on which it has hypocritically acted in this way. But, on this occasion, there is nothing more obvious and pronounced than that the Government is seeking to take away retrospectively accrued rights. If any Liberal Government attempted to do that the Labor Party would be in uproar and there would be marches on the streets and criticism from every part of South Australia, orchestrated by the Labor Party. In this instance it is doing what it would criticise us for doing and hoping that it would go through quietly. It will not happen that way.

Not only is the provision which the Government seeks to introduce in this Bill retrospective but also the ground rules are to be changed quite dramatically. No longer will the decision be made according to what might be regarded as objective criteria but, according to clause 4 of the Bill, the effect that registration of the employer or group would have on the compensation fund may be taken into consideration by the corporation in determining whether or not an employer or group of employers may be granted exemption. That changes the ball game completely. Rather than looking at the benefit to the company and to the employees, the corporation may now look at the effect that the loss of revenue will have upon the operation of the compensation fund.

As a Party, as an Opposition, we have been highly critical of the cross-subsidisation inherent in this legislation. We have been critical of it from day one, when the principal Act was first introduced into Parliament, because at least 60 per cent of employers are paying more now than they were paying previously, and they are subsidising those who were previously paying a very much higher premium. If we take into account the obligation to pay the first week's salary and other expenses, 75 per cent of employers are paying more under this scheme than they had to pay under the old scheme, and they are cross-subsidising a whole range of other employers whose premiums were previously as high, in some cases, as 30 per cent of salaries.

We strongly oppose that cross-subsidisation, and we strongly oppose it now. It does not offer any incentive for employers to improve their work practices and to take a greater interest in rehabilitation. The scheme, in our view, is basically defective, and we will continue to criticise it in that and other respects. The right of review decision is to be quite dramatically reduced, which is also a major concern. What we now have under the Government's Bill is this corporation being a law unto itself. I believe very strongly that there is nothing more necessary where bureaucrats, statutory bodies, governments and government agencies are involved in the lives of citizens than that there ought to be some mechanism for independent review of decisions so that individual liberties are not prejudiced, and so that bureaucratic organisations do not become a law unto themselves and impinge upon and breach individual rights. That is what will happen here because of the very significant reductions in opportunities for review of the decisions of the corporation, particularly in the area of exempt employers.

The second area which is addressed by this Bill and which in principle we do support relates to the restructuring of the silicosis fund. We want to ensure that this is essentially under the control of employers rather than the committee of seven which the Government seeks to enshrine in this Bill. Quite obviously, if this Bill is passed there will be many more people with a finger in the pie to expend the $5.5 million which is in the fund and which, on all estimates, is far in excess of what is required to meet the obligations towards those suffering from silicosis. We will move some amendments there.

The other area is one where I believe we ought to be making a significant amendment. That significant amendment relates to regulations in so far as they affect fines and the definition of 'remuneration'. We have seen in the past few months some quite outrageous provisions implemented by the corporation by notice in the *Government Gazette* requiring penalties for late payment of up to 300 per cent of the levy. Nowhere else in the community of South Australia or in any other part of Australia, I suggest, are penalties of 300 per cent imposed for late payment of levies or premiums.

If that happened in the commercial sector, it would be illegal. It would be illegal as a penalty under the common law. It would be illegal under consumer credit legislation and it would be quickly legislated against by a socialist government in particular which would, quite rightly, accuse somebody charging a 300 per cent penalty for late payment as being a usurer.

There was a lot of criticism in the early days of the introduction of consumer credit legislation of usury, where moneylenders were making a packet out of persons who had to borrow money from them rather than from established bankers or other financiers. The Moneylenders Act was introduced to curb the right of usurers to charge exorbitant interest rates. Here though we have a Government agency embarking on something that, I suppose, might be regarded as the extreme in usury, and the charging of a penalty of 300 per cent is quite unconscionable and unrea-

sonable. If it happened in the private sector it would be outlawed but, because a Government agency is doing it, this Government condones it.

The interesting aspect of this is that it never came before Parliament. The mistake that was made when the principal Act came in was that whilst we were focusing on so many other important issues no one believed that the corporation would act in a way that was outrageous in promulgating, by notice, the rates of penalties which might be payable on a levy. Who could have imagined that this Government agency would have charged those sorts of penalties? Who could have envisaged that this agency would have sought to include in a definition of 'remuneration' a quite extraordinary range of allowances and payments made by an employer to an employee?

The fact is that a mistake was made in not requiring the level of fines to be made by regulation, which would then be subject to review by Parliament. A mistake was made in not requiring a regulation to be made to promulgate certain definitions, particularly those relating to remuneration.

Remuneration is the basis on which the levy is made under the principal Act. Let me run through some of the areas that are deemed to be remuneration by virtue of a notice published by the corporation in the *Government Gazette* without any scrutiny by Parliament. They include a clothing allowance that is not a benefit to the employee but is an incident of the work and is required for the purpose of allowing that person to be appropriately dressed, whether it is in safety equipment or in the uniform of a particular business to provide a service.

Also included is an entertainment allowance, fares for travel to and from work and a follow-the-job allowance. They are not allowances or payments that provide any net benefit to the employee; they provide the facility by which the employee can move from job to job and get to and from work, and it maybe at night when the buses have stopped running, when the person is starting shift work or in some other context.

Also included is an entertainment allowance. It is designed not to provide a benefit to the employee but to enhance the capacity of the employee to carry out the work requirements set by the employer. It includes a living away from home allowance; a meal allowance; a motor vehicle allowance; school or education expenses for children, spouse or dependants of employees because the employee may be a banker and has had to move to the country, interstate or overseas but is required and wishes to send children to school in the home base; superannuation contributions by the employer, a telephone allowance, reimbursement for telephone expenses incurred by the employee in carrying out the employer's work; a tool allowance; a travelling allowance; and a uniform allowance. All of these provide no benefit to the employee yet they are included in remuneration which forms the basis upon which the levy is calculated. I think it is quite extraordinary that these sorts of allowances are being deemed to be remuneration and included without reference to Parliament by the corporation in the base figure that is used for the calculation of the levy. I do not believe that it is appropriate for the levy to be calculated on those items in particular and a number of others that are included in a long list of items deemed to be remuneration for the purposes of the Act.

The point I make is that this Bill is before us and this is an ideal opportunity to provide for regulations to cover the question of fines and what is included in remuneration so that it can be reviewed by Parliament and so that the corporation is accountable. I hope that in Committee members can be persuaded that an amendment to include that is a fair and reasonable proposition.

They are the significant matters to which I want to address my remarks. I will take the opportunity in Committee, if the Bill is read a second time, to address those issues. The Opposition will oppose the second reading of the Bill; we will call for a division if we are not successful on the voices and, if the Bill passes the second reading stage, we will seek to move a number of amendments which will quite dramatically alter the impact of the legislation, overcome a number of significant areas of defect and include a new area relating to regulation making. Therefore, we oppose the second reading.

The Hon. I. GILFILLAN: The Democrats support the second reading. We will move quite substantial amendments in Committee to delete the retrospectivity clause and to modify the criteria that are listed in the Bill regarding the granting of exempt status. We will also introduce a measure to protect the continuing exempt status of those companies which have been granted exemption at this stage—what might be called a grandfather clause for those companies.

It is to be expected that those who opposed this scheme will criticise it. Many of the criticisms, although made with a fair amount of political flourish, are significant and WorkCover and the WorkCover board must, in conscience, look at all criticisms constructively. On balance, it is fair to assess the performance of WorkCover over just one 12 month period since it was formed. Certainly, the Democrats have expected that, quite naturally, there will be faults in any scheme which has been in existence for only that period of time.

We are optimistic that many of these earlier faults can be corrected. It is also important in a fair assessment, which I do not intend to try to cover now, that many employers, not the least of which include the Acting President and me, have received substantial benefits in workers compensation premiums. You will not find too many complaints about WorkCover in the rural community. A comparison of premiums currently levied with what obtained prior to the establishment of WorkCover on a dollar for dollar basis is unreasonable, in the light that my committee, which assessed the costing of workers compensation, made it quite plain that many private companies were levying quite distorted and inaccurate premiums on workers compensation in an attempt to attract further insurance business.

In any appraisal of WorkCover, we need to take an objective view as to what would have been the real premiums applying in any alternative market compared with what applies through WorkCover. Cross subsidisation is an issue which I do not feel we are to address in this Bill. It is a major policy of WorkCover and of the Government which put it in place. It is arguable when we are looking to compete with businesses and manufacturing interstate. The Bill has some specific tasks to do, and it is on those lines that the Democrats will be seeking to move amendments. We do not regard this Bill as an overall macro debating area on WorkCover at large. We indicate our support for the second reading.

The Council divided on the second reading:

Ayes (8)—The Hons G.L. Bruce, T. Crothers, M.J. Elliott, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Noes (7)—The Hons M.B. Cameron, L.H. Davis, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

Pairs—Ayes—The Hons J.R. Cornwall, M.S. Feleppa, and C.J. Sumner. Noes—The Hons J.C. Burdett, Peter Dunn, and J.C. Irwin.

Majority of 1 for the Ayes.

Second reading thus carried.

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

That so much of Standing Orders be suspended as to enable me to move that it be an instruction to the Committee of the whole Council that it have power to consider new clauses relating to definitions of 'remuneration' and 'imposition of fines'.

Motion carried.

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

That it be an instruction to the Committee of the whole Council that it have power to consider new clauses relating to definitions of 'remuneration' and 'imposition of fines'.

Motion carried.

ADJOURNMENT

At 11.48 p.m. the Council adjourned until Thursday 1 December at 2.15 p.m.