LEGISLATIVE COUNCIL

Tuesday 11 April 1989

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

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to Questions on Notice Nos 45 to 47 be distributed and printed in *Hansard.*

ETHNIC AFFAIRS

45. **The Hon. J.F. STEFANI** (on notice) asked the Attorney-General:

1. Will the Minister direct the employment by the South Australian Ethnic Affairs Commission of the additional 5½ information officers as recommended by the review team?

2. Does the Minister expect the existing 2⅓ information officers employed by the South Australian Ethnic Affairs Commission to train more information volunteers as well as discharge their normal duties Statewide?

3. Will the Government give a commitment that it will reimburse ethnic information volunteers' out-of-pocket expenses, when volunteers are engaged on projects to provide information services not provided by the Government?

4. Will the Minister confirm or deny the Government policy to relegate the information services required by various ethnic community groups to mainstream organisations without the provision of additional financial and manpower resources?

5. Will the Minister provide a list of the Government departments which have established an ethnic information service to ensure equity of access to the service provided by each Government department?

The Hon. C.J. SUMNER: The replies are as follows:

1. The South Australian Ethnic Affairs Commission will not be directed to employ 5½ additional ethnic information officers. Such a move would be contrary to the spirit of the report of Review of the South Australian Ethnic Affairs Commission, September 1983 (Totaro report).

The review believed that the main thrust in the development of ethnic affairs policies should be 'mainstreaming' of services and that the commission should provide leadership in improving access to such services. The review was critical of a situation whereby the Ethnic Information Service acted either as a counselling service or a referral service for Government agencies which had failed to meet their service obligations to ethnic communities.

The review of the commission recommended a 'mainstreaming' approach to information, counselling and other service provision because it recognised the inefficiency and unfairness of relying on one agency to carry the responsibility for service provision to one-fifth of the State's population. It was a sad situation that forced persons with limited fluency in English to first face up to a service counter in a Government office, only to be referred to the commission so that a commission officer could fill in their forms and then refer them back to the agency that should have helped them in the first place. Clients were forced to do three or more trips to two different locations in order to obtain a service that persons with English fluency could transact with one visit or by telephone.

As recommended by the review the counselling aspect of the Ethnic Information Service of the Ethnic Affairs Commission, which accounted for 70 per cent of its work in 1983 (review report page 84) has ceased. There is no justification for continuing to provide counselling services to clients as it is not an appropriate role for an information service. Moreover other agencies are now equipped to fulfil this task. There are now 19 agencies employing welfare officers funded from the State Government's welfare grants scheme and another 18 agencies are funded by the Department of Immigration, Local Government and Ethnic Affairs' Grant-in-Aid scheme. Welfare workers employed under both grant schemes not only provide counselling services but also information where necessary.

In addition as a consequence of the report of the Migrant Welfare Task Force, the Department for Community Welfare has progressively implemented a policy of employing bilingual welfare workers, particularly in district offices serving large migrant populations.

Another source of information provision that has developed since the 1983 review are:

- the settlement and other services of the three subcentres of the Migrant Resource Centre at Woodville, Salisbury and Whyalla;
- self-help projects for the ethnic aged and disabled, funded through the Home and Community Caree (HACC) scheme and the South Australian Ethnic Affairs Commission's volunteer reimbursement schemes.

Equally as significantly, Commonwealth agencies which in 1983 were generating a substantial proportion of the information/referral work of the commission have developed their own 'access and equity' approaches to community services. This is particularly the case for the Department of Social Security and the Department of Immigration, Local Government and Ethnic Affairs which employ bilingual counter staff, interpreters and officers with community liaison functions.

Since the review reported in 1983, the commission has redirected its resources to its advocacy role with other agencies by developing both its policy and community affairs staff resources. In negotiating ethnic affairs management commitments or giving advice to agencies within and outside the public sector, commission officers repeatedly place high priority on advocating information provision to persons of non-English speaking background.

The commission still receives a number of inquiries each day by telephone from the public which require referral to appropriate source, inquiries from other agencies which are referred to other staff, and inquiries from students and the public about ethnic affairs policies. To meet these tasks the commission employs three ethnic information officers (two and a half positions) and an information services officer whose duties include library information services. In addition the commission employs an overseas qualifications officer. (This position was established in 1987 by upgrading one of the ethnic information officer positions.) Currently the commission has a second overseas qualifications officer on temporary transfer from another department.

2. The ethnic information officers, supported by other officers of the commission, will continue to train information volunteers as part of their normal duties. The commission's intention is to use its information staff primarily as an information support service to other services. The training of volunteers is in line with the 'mainstream' philosophy on community information, namely that local information services and networks using both paid and voluntary workers should be encouraged and supported. The commission's aim is to help these community-based serv-

ices to become accessible to all residents, irrespective of their language and cultural background. Despite the limited staff resources available for this task, the commission has been able to develop its volunteers training program through the willing cooperation of other agencies, most notably the Community Information Support Service of South Australia (CISSA), the Woodville Ethnic Information Service and local government authorities. It is the essentially cooperative nature of the information network of this State that has made such a joint effort possible and effective.

3. In line with the review's 'mainstreaming' philosophy, the Government will assist volunteer ethnic information officers to seek funding from the same funding sources that assist other volunteer information services. However, as a one-off measure, on the recommendation of the commission I have approved the following grants for 1989 to community groups which are developing new volunteer information services:

Northern Region Ethnic Information Advisory Committee
Salvadorean Community of Adelaide Inc.
Chinese Alliance Church
Dutch Community (Social Welfare Club) Inc.
Greek Orthodox Community of the Nativity of Christ Inc.
Greek Women's Association Texiarchis Inc.
Greek of Egypt & Middle East Society Inc.
Kos Society Inc.
Italian Cultural Centre Salisbury
Korean Community Club
Royal Park Ethnic Information Service

A number of other grants were partly directed at assisting established volunteer information programs.

4. The Government does not have a policy to 'relegate' the information services required by various ethnic groups to mainstream organisations. Under the previous Government's policies, mainstream agencies were allowed to relegate their responsibilities to provide fair and equitable services to all South Australians. They were dumping their responsibility on the commission.

The present Government's access and equity policy is that agencies should provide services to all their clients, whatever their language background, without requiring additional financial and personnel resources. Ethnic community groups should not be considered as an afterthought, as an extra burden, but as part and parcel of any service provision policy and program.

5. Government departments which have a sound access and equity program do not need an information referral service of the kind provided by 'ethnic information services'. Such departments have a multilingual policy, employ bilingual staff, employ staff or commission interpreters and produce, where necessary, multilingual information materials. The major State Government agencies who are implementing such policies are the South Australian Health Commission, Education Department, Department for Community Welfare, Children's Services Office, Motor Registration Division, Department of Engineering and Water Supply, South Australian Housing Trust and WorkCover. In addition all State courts and tribunals and the Police Department use South Australian Ethnic Affairs Commission interpreters. The role of the South Australian Ethnic Affairs Commission has been as the review report (page 14) recommended to be the Government's chief adviser on these matters and to be the 'prime mover' in influencing other agencies in their provision of services, including information services.

ETHNO-SPECIFIC SERVICES

46. **The Hon. J.F. STEFANI** (on notice) asked the Attorney-General:

1. Does the Minister endorse the Federal Labor Government policy with regard to the main-streaming of Ethno-specific services?

2. Does the Minister propose to allocate resources to assist several ethnic community organisations now that the Federal Labor Government has suddenly cut funding for the grant-in-aid program?

3. Does the Minister support or reject the Federal Government Policy as it affects the new role of the Department of Immigration, Local Government and Ethnic Affairs?

The Hon. C.J. SUMNER: the replies are as follows:

1. I am not sure to what policy the Hon. J.F. Stefani is referring when he speaks of mainstreaming ethno-specific services.

The Federal Labor Government established an access and equity program in 1985 to ensure that its services and programs are properly designed and delivered to Australia's multicultural community.

The Federal Government's access and equity strategy for a multicultural Australia forms an intergral part of the Government's overall policy of multiculturalism which is based on three crucial elements—respect for cultural differences, promotion of social justice and economic efficiency.

In practice the Government's access and equity strategy means that:

- public resources must be made equally accessible to all Australians
- Government services must be provided with sensitivity and flexibility
- ethnic groups must be able to participate fully in the economic and cultural life of the community.

The term mainstreaming in a multicultural context signifies the recognition of the cultural and linguistic diversity of Australia's multicultural society by authorities and organisations responsible for providing services to the whole community. It is the responsibility of all such authorities and organisations to ensure access and equity in service delivery.

The Federal Labor Government and the South Australian Government's commitment to access and equity for a multicultural society stresses the importance of the whole of government (that is all government agencies) taking responsibility for issues affecting migrants and their families.

The Government supports the adoption of practices by mainstream organisations which enable them to respond in an appropriate cultural and linguistic context to the needs of specific groups in the community. The employment of bilingual staff, the collection of data to determine the extent to which immigrants participate in government services and programs, and cross-cultural training for counter staff are but three examples of service delivery in a multicultural society. Evidence of these and others are found in the ethnic affairs management commitment plans for various human service agencies.

The Government also supports the allocation of suitable resources by mainstream Government agencies to specific community groups to enable particular services to be provided. Grants to ethnic community organisations through the Department for Community Welfare's Non-Government Welfare Unit and through programs of the Office of Employment and Training, are typical examples of this form of support for ethno-specific organisations through mainstream agencies.

If this is what the Hon. J.F. Stefani means by mainstreaming of ethno-specific services, then, yes, the Government does endorse such a policy. Mainstreaming or more accurately access and equity for a multicultural society does not preclude funding of ethno-specific services by Government. Such funding is an access and equity strategy in itself, as is the use of interpreters, community consultation and the provision of multilingual information.

In concluding, I should point out that the Federal Labor Government does not have a policy of mainstreaming ethno-specific services. It does have an access and equity policy for a multicultural Australia which stresses the importance of all government agencies utilising a variety of approaches to service provision in an effort to dismantle barriers and eliminate any discrimination experienced by specific groups in the community in accordance with equal opportunity legislation.

2. To my knowledge the Federal Labor Government has not cut funding to the grant-in-aid scheme. In fact, information provided at the recent conference of Ministers for Immigration and Ethnic Affairs held in Melbourne, gave evidence of a significant increase in funding for the grant-in-aid scheme over the past six years, in a time when overall Commonwealth Government outlays showed considerable restraint. In particular, during the 1988-89 financial year, against a background of a 1.8 per cent reduction in general Commonwealth outlays, there has been a 7.3 per cent increase in DILGEA expenditure for the grant-in-aid scheme.

Thus, it is not that funding for the grant-in-aid scheme that has decreased in any way, but that changes have occurred in the focus of the scheme in line with DILGEA's stronger emphasis on the immediate settlement needs of new arrivals. What has actually happened in South Australia is that funding for the Ethnic Communities Council of South Australian grant-in-aid worker has not been renewed and the funds have been re-allocated to another body in line with DILGEA's new priorities.

The settlement needs of the more established ethnic groups are of particular concern to this Government especially as it recognises that although many Government agencies have begun to respond to the needs of our ethno-linguistically diverse society, some services have not as yet come to terms with providing for those needs. Furthermore, the more established ethnic groups have only a recent history of formalised in-group support.

Grant-in-aid workers and State funded ethnic community workers play a vital role in facilitating the referral process and ensuring that clients can access the necessary mainstream services and receive an appropriate service.

Currently in South Australia, 19 organisations have grant-in-aid workers funded by DILGEA and another nineteen organisations have ethnic community workers funded by the South Australian Department for Community Welfare.

The Department for Community Welfare not only provides funds for community workers, it also offers training and group support to the workers coordinated by a specially appointed departmental officer.

Furthermore, the Government allocates an additional $90 000 in a small scale grants scheme to ethnic communities through the Ethnic Affairs Commission.

Senator Ray acknowledged at the recent Ministers conference that his department will need to monitor closely the access and equity commitments of other Commonwealth agencies to ensure that the settlement needs of longer term residents are also realised. If these needs are being ignored he has agreed to reconsider the focus of DILGEA's priorities.

3. The South Australian Government supports the need to rationalise settlement services to ensure that the economic and social benefits arising from immigration are maximised. This requires a clarification of DILGEA's strategic role.

DILGEA considers that its effectiveness in the past has been limited by its attempts to play a role in migrant services beyond its expertise and resources.

Within any rationalisation that occurs it is important to recognise that settlement is a lifelong process and that individual needs vary at different stages of settlement. Not all settlement requirements are satisfied in the immediate post-arrival period.

Migrants' priorities change after a period of settlement; for example, a migrant may have a greater need for English language support after initial employment.

Circumstances may change much later in life which dramatically influence settlement needs, for example, weakening of family supports, retrenchment due to a decline in industry.

The South Australian Government supports moves to avoid duplication, to match client needs to specific services and to facilitate the speedy integration of newly arrived migrants into the Australian community.

The South Australian Government does not, however, support a reduction in the overall level of resourcing settlement services and does not support any moves by the Commonwealth Government to abdicate its responsibilities to the States.

DILGEA's apparent de-emphasis on the settlement needs of more established ethnic groups is in accordance with its new priority which is to pay particular attention to the specific needs of annual immigration intakes. In doing so, it will have particular regard for the access and equity commitments of other agencies. It would appear, therefore, that DILGEA has a crucial coordinating role to play.

The South Australian Government believes that before withdrawing from particular settlement programs, DILGEA must ensure that:

other Commonwealth agencies are in a position to assume responsibility for these programs, in accordance with their access and equity commitments;

rationalisation occurs progressively so that changes in agency roles can be adequately resourced;

services are maintained during the transition period; and

the effect on client groups is given prominence over expediency.

These views were put to Senator Ray at the recent conference of Ministers for Immigration and Ethnic Affairs.

PRISONER STATISTICS

47. **The Hon. J.F. STEFANI** (on notice) asked the Attorney-General:

1. Will the Minister supply a copy of the Department of Correctional Services' Communicable Diseases Policy as previously requested in writing on 10 January 1989?

2. *(a)* What are the total number of prisoners held in our prisons as at 28 February 1989?

(b) Of this total number, how many prisoners are adult males and how many are adult females?

3. What number of prisoners held as at 28 February 1989 are identified to be infected with—

(a) AIDS;

(b) Hepatitis B;

(c) Any other contagious diseases?

4. *(a)* Are prisoners tested for AIDS when admitted to prison?

(b) Are prisoners re-tested for AIDS during their term in prison?

(c) How many prisoners have been identified to be infected by AIDS when re-testing has been carried out?

5. What number of drug addicted prisoners are requiring clinical assistance as at 28 February 1989?

The Hon. C.J. SUMNER: The replies are as follows:

1. The Department of Correctional Services' Communicable Diseases Policy has previously been provided.

2. *(a)* 822 prisoners.

(b) Adult males—789
Adult females—33.

3. *(a)* Eleven prisoners were identified as having HIV (AIDS Virus).

(b) Fourteen prisoners were identified as having Hepatitis B.

(c) One prisoner was identified as having another contagious disease.

4. *(a)* All prisoners admitted into a prison with an expected stay of more than seven days, are subject to a compulsory blood test for HIV (AIDS virus) infection. This blood test is preceded by counselling by a prison nurse on HIV and how to avoid it in prison. The counselling and education on HIV is reinforced when the inmate is given the test result.

(b) The compulsory screening is repeated three months later. Subsequent to that, the tests are available to the inmates on a voluntary basis, and inmates are encouraged to use this facility should they feel to be 'at risk'.

(c) To date, no seroconversion had been demonstrated by the re-testing at three months subsequent to the initial compulsory testing on admission.

5. The Prison Drug Unit dealt with 498 individual clients in the first six months of the 1988-89 financial year. These figures represented 18.88 per cent of the monthly prison figures.

The majority of clients to the units are self-referrals or referrals from Prison Medical Services or the Prisoner Assessment Committee. The caseload of the Prison Drug Unit at 31 December 1988 was 160.

PAPERS TABLED

The following papers were laid on the table:

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

Planning Act, 1982—Crown Development Report—Community Health Centre, Whyalla.

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

Radiation Protection and Control Act 1982—Report, 1987-88.

South Australian Council on Reproductive Technology—Report, 31 March 1989.

Food Act, 1985—Report, 1987-88.

Controlled Substances Act 1984—Regulations—Health Risk and Syringe Use.

Drugs Act 1908—Regulations—Attendance Fees.

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

Public Parks Act 1943—Disposal of Parklands at 11-13 Walkley Avenue, Warradale.

SUSPENSION OF STANDING ORDERS

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

That Standing Orders be suspended to enable me to move a motion without notice.

The motion for which I seek to have Standing Orders suspended is as follows: I will move that this Council censures the Premier, the Attorney-General and the Government for repeated failures to ensure full and truthful answers to questions asked by this Parliament about the activities of Mr T.G. Cameron.

In seeking suspension of Standing Orders to enable me to move that motion, I will make just a few points. The first is that the motion is one of major public importance. If the Council agrees that I shall be enabled to move it, I will then disclose a range of factual material in relation to the Mr T.G. Cameron matter. I will be able to demonstrate that the investigation of Mr Cameron's building activities was grossly inadequate. I will also be able to disclose that there was a cover-up by the Government and that the issue is one of major importance.

Last week, through the Attorney-General and the Minister of Consumer Affairs, the Government tabled a report about the investigations in this Chamber. With the leave of the Council, the Attorney-General made a ministerial statement on that report.

Members on this side were not able to indicate a response to that statement. Members will recall that, when my colleague, the Hon. R.I. Lucas, sought to use the Builders Licensing Act Amendment Bill on Wednesday to raise some issues relevant to this matter, he was not allowed to do so. I now want to take the opportunity to disclose a range of material if the motion is permitted to be put. It is a matter of such importance that the Opposition is prepared to for go Question Time.

The Minister's office was notified by my colleague the Hon. M.B. Cameron at five minutes to 12 of the Opposition's intention to move for this suspension. If the Government does not support the motion, it can only be construed that it is afraid of the truth. The issue is directly relevant to the administration by the Minister of Consumer Affairs of his department and to the performance of the Premier, as Leader of the Government, and his Government. I submit that the Opposition must be permitted to present the challenge to the Minister in this Council now.

The Hon. C.J. SUMNER (Attorney-General): We will let the Opposition have its way in this matter. However, I point out that the motion that the honourable member now seeks to move was not given to me until five minutes ago. The normal courtesies were not observed in relation to this matter.

Members interjecting:

The Hon. C.J. SUMNER: The motion was not given to me, and that is what ought to happen. Normally, the courtesies are to ensure that the Minister gets the motion. In fact, with a motion of this kind, the normal courtesies are to put it on notice in the normal way and to debate it in the normal way in private members' time. However, as the honourable member wants to make a speech today about the matter, I shall not raise any objection.

Motion carried.

Mr T.G. CAMERON

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

That this Council censures the Premier, the Attorney-General and the Government for repeated failures to ensure full and truthful answers to questions asked by this Parliament about the activities of Mr T.G. Cameron.

Last Tuesday the Attorney-General and Minister of Consumer Affairs tabled two reports from his Department of Public and Consumer Affairs about the activities of the

State Secretary of the ALP, Mr Terry Cameron. The Premier, as Leader of the Government, claimed that those reports were a complete exoneration of Mr Cameron's activities in the building industry. In fact, all last week in Parliament and outside the Premier and the Attorney-General, as Minister of Consumer Affairs, continued to support the findings of those reports and the ALP State Secretary. Mr Cameron himself said, 'I always knew I had not done anything wrong.'

If that is the case, there are definitely two Mr T.G. Camerons operating as State Secretary of the ALP. The pile of documentary evidence, most of it from Government departments, which I have here describes a very different man. I have a damning dossier, none of which was revealed in the Government's reports on Mr Cameron, but all the material in this dossier, while never before made public, was available at the time of the investigation. It was, shall we say, ignored, lost, hidden, covered up.

We will let the public of South Australia decide what really happened. This dossier shows a man called Terry G. Cameron who, because he was seen by the Builders Licensing Board to be not a proper person to be a director of a licensed building company, was refused such a licence for his company.

This dossier shows a man called Terry G. Cameron, who had a convicted criminal illegally supervising homes he was building. This dossier describes a Mr Terry G. Cameron who initiated a great deal of other obviously illegal building work. This dossier describes a Terry G. Cameron whose company was found guilty of shoddy building practices—46 faults; serious faults on three houses alone. But he thumbed his nose at the Builders Licencing Board and refused to carry out the remedial work he was ordered to do on the faulty homes: on the dangerous roofs, electrical wiring and the many other serious faults identified.

All these facts—and many more which I will detail—should have been contained in the reports tabled last week, but they were not. This dossier shows a very different man from the one the Premier claims is owed an apology. If there are two Terry Camerons then an apology is certainly called for because any decent upstanding citizen would hate to be labelled with the actions which the dossier in front of me lays at the feet of one Terry G. Cameron, State Secretary of the ALP. This man, while holding one of the highest positions of his political Party in this State, deliberately and over a number of years flouted Acts and regulations put into place by his own Party to protect the people of this State against shonky builders—such as he—

The Hon. T. Crothers: Name one.

The Hon. K.T. GRIFFIN: I will, and he is in this category—put into place by a Party claiming a monopoly on concern for and protection of consumers.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: But does our Minister of Consumer Affairs, as the Minister responsible for builders licensing and protection of the public, now stand up and speak out on behalf of the people of South Australia who have suffered because of Mr Cameron's shonky business practices or on behalf of the building industry whose reputation was jeopardised by Mr Cameron? He does not; nor does the Premier as the Leader of the Government. The Premier and his centre left faction mate have tried to hide behind suggestions in these reports that Mr Cameron has done nothing wrong because he did not build homes himself. The evidence I have in front of me, which was not used in the reports tabled last week, makes a lie of that.

The Hon. T. Crothers: Expound on it.

The Hon. K.T. GRIFFIN: Just wait—it is coming; it is all coming out, and then you will not interject so frequently.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: They have even tried to claim that Mr Cameron was greviously wronged, an innocent victim, because he, they say, merely arranged for homes to be built. Those reports were wrong to reach that conclusion. The questions which we and the people of South Australia want answered today are: why were they wrong, who and what caused them to reach such wrong conclusions, and why was this Parliament denied truthful answers to legitimate questions?

The documents in front of me show that there was a great deal of evidence that homes built by Mr Cameron were built illegally and that their construction was unsupervised. At all times that evidence was available to the Government. It is in the department's files and it is even in the discussions of the Builders Licensing Board, which I put on public record for the first time today. Why can I have all this evidence in front of me, yet investigating officers of the Department of Public and Consumer Affairs somehow could not find or report on it?

Last week the Premier called the Cameron report 'a warts and all exposure of Mr Cameron's activities.' He said that the reports represented one of the most thorough investigations ever undertaken by the Department of Consumer Affairs. On 21 February, before the reports were tabled, the Attorney-General and Minister of Consumer Affairs said:

> The investigation that is to be carried out by the Commissioner for Consumer Affairs will be carried out properly and any relevant matters will be examined.

None of this is true. If it was true, all of the consumers of this State, who rely on the Minister and the Department of Public and Consumer Affairs, would be wasting their time. This afternoon the Opposition exposes a report carried out with blindfolds on and hands tied behind backs.

They did not find the warts that were staring them in the face and, now, the Attorney-General and Minister of Consumer Affairs must tell Parliament why. At best, the reports tabled by the Premier last week were a whitewash. At worst, they were a deliberate cover-up. The documents that I have here were available to the Government and easy for the Government to uncover. That alone must suggest a cover-up to keep the Premier's faction clean. This afternoon, the Minister has a duty to explain why the reports he tabled last week do not contain information which is very relevant to full and truthful answers to the questions about Mr Cameron asked almost a year ago in this Parliament.

For some time the Opposition has suspected that attempts were being made to cover up all of Mr Cameron's activities. During the departmental investigation an assistant departmental director (Mr Webb) had a discussion with the member for Mitcham (Mr Stephen Baker) and a member of the staff of the Leader of the Opposition (Mr Richard Yeeles), after the Leader of the Opposition had offered to provide additional information in response to a letter from the Commissioner for Consumer Affairs. During that discussion, Mr Webb suggested that he had been unable to find anything Mr Cameron had done wrong. In response to this comment, he was shown by Mr Yeeles the building application, which Mr Cameron subsequently admitted broke the law, for the first house that Mr Cameron had built in 1976 at Aldinga Beach. Why had not the Government pursued this evidence itself? The Council is entitled to ask why, with all its resources, the Government did not establish this breach after being questioned about Mr Cameron. Why did it take the Opposition to force this fact into the open almost

a year after allegations were first raised against Mr Cameron?

Further during his discussion with the Opposition, Mr Webb said that Mr K.R. Smith, the departmental officer who prepared the first report on Mr Cameron's activities—the report which apparently remained in the departmental pigeon hole for eight months—had made a number of serious errors. In fact, in all material respects, Mr Smith's report was spot on about Mr Cameron's improprieties. Mr Webb visited the member for Mitcham and Mr Yeeles on 28 February. He told them that he had been instructed to complete a report by the following day, only a fortnight after the investigation began. Obviously, he was under pressure from above.

While information provided by the Opposition clearly was an embarrassment and caused the investigation to be extended, it still failed to establish and present all the relevant facts. I will prove that point. First, I refer to Mr Cameron's one admitted breach of the law. As I said, this was pursued and admitted only after the Opposition brought it to the investigator's attention. Until then, it was to be ignored. It related to a house at Lot 237, Hamilton Road, Aldinga Beach. Mr Cameron breached the Act because he nominated himself as the owner/builder but he did not have a builder's licence and did not live in the house after its completion. The application to the Willunga council to build this house was dated 16 October 1976.

Exactly one month later, on 16 November 1976, another application was made to the Willunga council to build a home of identical value on the adjacent block, Lot 236 Hamilton Road. This application nominated Mr Cameron's brother (B.J. Cameron) as the owner/builder, but in all other respects the application was identical to that submitted by Mr Terry Cameron, even to the point of being in identical handwriting. In the reports tabled last week, Mr Cameron's brother is described as a person who has been associated with Mr Cameron in his building activities. At no time did Mr Cameron's brother hold a builder's licence, nor is there any evidence that he ever lived at this Aldinga Beach address. Therefore, the building of this house was another clear breach of the law with Mr Cameron thinking he could hide behind the initials 'B.J.' instead of 'T.G.'.

Obviously, Mr Cameron used his brother's name for this application because he could not apply to build two houses in his own name without a builder's licence. Under the law applying at the time, an unlicensed person could build a house only if that person then intended to live in the house. There is no reference to this matter in the reports tabled last week. Yet, I have no doubt that the investigators had both these applications. Or, should I ask, were they ordered not to investigate?

The Premier said last week (as reported in the 5 April edition of the *Advertiser*) that such breaches were trivial. They carried a penalty of $1 500 at the time they were committed. Can one seriously believe that the Premier could believe that they were, in fact, trivial? Did he have as much contempt for home buyers and the law as Mr Cameron? The Attorney-General shrugged off the report last week, when making his ministerial statement.

I now deal with the issue of who supervised the building work that Mr Cameron arranged. Mr Cameron has claimed that, at all times, his building projects were supervised by licensed builders to conform to the Builders Licensing Act. The Commissioner for Consumer Affairs, Mr Neave, stopped short of accepting Mr Cameron's word. He concluded that:

> I am unable to form a view on the extent of supervisions by those licensed builders of the work carried out.

Mr Cameron's statement is untrue. What I have in front of me proves that. Mr Neave's statement, at best, is misleading by omission. It omitted a great deal of evidence available in Government files showing that Mr Cameron's projects were not properly supervised. I have the evidence here today.

To complete the record, the Council needs first to be made aware of the circumstances in which one of the companies used by Mr Cameron to build houses obtained a general builder's licence. None of this information is in the reports tabled last week, but it should have been. Early in 1978, a company called Tarca Investments Pty Ltd applied to the Builders Licensing Board for a general builder's licence. At this time, the company had three directors. They were Mr Terry Cameron, Mr Peter Keogh and Mr Walta Tarca. Given the fact that Mr Cameron already had been found to have breached the Builders Licensing Act late in 1976, it is hardly surprising that the board did not grant this application.

I refer to a letter dated 26 June 1978 which relayed this decision to Mr Cameron. The letter, signed by the board's Acting Secretary, stated as follows:

> Section 15 (3) *(a)* of the Builders Licensing Act requires that an applicant shall satisfy the board that all directors or all members of the board of management of the company are persons of good character and repute. The board's decision to refuse this application was pursuant to that section—in particular, the board took into account that two of the directors, Messrs Terry Gordon Cameron and Peter Noel Keogh, had controlled speculative building work, on behalf of a licensed builder, Mr L.G. Addison, in respect of whom a complaint had been made by the board to the Builders Appellate and Disciplinary Tribunal. The board was satisfied that the control and management exhibited by Messrs Cameron and Keogh was such as would not render them as proper persons to be directors of a licensed building company.

In other words, Madam President, the same Mr Cameron, who still claims—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: —that he did nothing wrong in the building industry, already had been found by the Builders Licensing Board not to be a proper person to hold a directorship in a company involved in this industry.

This finding also refers to a Mr L.G. Addison. Thirty applications to build homes made by Mr Cameron and his associated companies to the Willunga council nominated this Mr Addison as the builder. But Mr Addison has said, according to the reports tabled last week, that he did not build one single home for Mr Cameron or properly supervise the building by others of homes for Mr Cameron. What Mr Addison says he did was allow Mr Cameron to use his builder's licence for a fee. Mr Cameron has denied this. The report by Mr Webb of the department concluded:

> In the light of this conflict of evidence, it is unclear who built those homes for Mr Cameron.

But Mr Webb had other evidence available to him which he did not report and which would have made this conclusion much less favourable to Mr Cameron.

There is the finding of the Builders Licensing Board, to which I have referred, refusing the application by Tarca Investments, because of Mr Cameron's association with Mr Addison. The board made a further finding in October 1978, in which Mr Addison was again named, of faulty workmanship in homes built for Tarca Investments. I refer to that finding, made on 27 October 1978, as follows:

> The board is also concerned that other buildings constructed for associates of the builder have in the past, through another builder, namely L.G. Addison, exhibited lack of supervision.

So, far from there being a conflict of evidence about Mr Addison's role in supposedly supervising Cameron Homes, as the reports tabled last week concluded, here we have not

one but two findings by the Builders Licensing Board in 1978, that Mr Addison did not properly supervise Mr Cameron's projects.

Why was this information not contained in the reports tabled last week? Why did the reports not refer to these findings of the Builders Licensing Board against Mr Cameron, which added weight to Mr Addison's statements that he did not supervise home building, rendering at least half Mr Cameron's homes as having been built illegally. Other evidence is also on departmental files about Mr Addison's involvement with Mr Cameron, which supports Mr Addison's admission. I refer to a note put on file by an inspector of the Builders Licensing Board, Mr R.W. Emery. Dated 23 February 1978, it states:

> Kevin Hayley, from Willunga council, reports that a letter has been received from Keogh and Cameron, stating that Mr Lin Addison is no longer supervising their work. The new supervisor is W. Tarca, 7 Waller Street, Woodville Gardens.

But at this time, Mr Tarca did not hold any form of builders licence, so any work he supervised for Mr Cameron was illegal. There is no evidence that Mr Cameron employed any other licensed builder at this time; nor did any of the companies with which Mr Cameron was associated hold a licence in the first half of 1978.

At the same time, there is evidence that during this period of Mr Tarca's alleged supervision, Mr Cameron was involved in a great deal of building work. That evidence comes from Mr P. Jarvis, a wall and floor tiling subcontractor. It is contained in a record of interview with an inspector of the board. Again, this evidence is on Government files and should have been referred to in the reports tabled last week as further evidence that Mr Cameron's work was not legally supervised. However, it was not referred to. The information shows that Mr Jarvis had contracts for work on 12 Cameron houses in the Willunga area between March and June 1978, the period during which, according to Mr Cameron's advice to the council, the unlicensed Mr Tarca was the supervisor. The record of interview, however, records the following exchange:

> Question to Mr Jarvis: Who supervised the work you did for them?—(Answered by Mr Jarvis) Keogh and Cameron.

Mr Jarvis held only a restricted licence at this time, so he could not have supervised Mr Cameron's projects himself.

The Hon. T. Crothers: Why did he hold only a restricted licence?

The Hon. K.T. GRIFFIN: Well, I do not know; I am just telling you the facts. If you put it altogether you will see that it was illegal. I emphasise that neither Cameron nor Keogh held a builder's licence so they could not have been supervising this work in any lawful way. At the same time, I suspect that Mr Jarvis was revealing the situation as it really existed: that Messrs Cameron and Keogh were acting illegally because, apart from having no licence himself to supervise such work, Mr Tarca also had a criminal conviction for larceny as a servant in 1974.

This now brings these events back to the application of Tarca Investments for a general builder's licence. After the first application was refused, Mr Cameron and Mr Keogh removed themselves as directors of the company.

Instead, Mr Cameron was nominated as company secretary, although, for the time being, the company's registered office remained at Mr Cameron's home address. This was an attempt to get around the Builders Licensing Act requirement that all directors of the company had to be persons of good character and repute. As the documents show, Mr Cameron had already been found not to be such a person. While this requirement covered the problem of Mr Cameron's and Mr Keogh's past improprieties, it left Mr Tarca as a director, who, only three years previously had a criminal conviction. Apparently, the board was not told of this conviction at the time.

The Act also required at least one director of the company to be the holder of a general builder's licence. To cover this requirement, Mr Nico Kodele joined the board, and in July 1979 Tarca Investments obtained its general builder's licence. However, within three months after gaining its licence, the company was brought before the Builders Licensing Board on complaints from board inspectors that the company had been responsible for faulty workmanship. This is yet another relevant fact not referred to in the reports tabled last week, which covered up Mr Cameron's actions. The complaints listed 46 faults in homes built for Tarca Investments Pty Ltd at lot 830 Reid Street, Aldinga, lot 399 Stirling Crescent, Aldinga and lot 674 Jobson Street, Aldinga: three houses. Let the Council be under no misapprehension that these complaints were trivial. The complaints included the following: a ceiling joist without hanging beam support; undersized ceiling joists; roof trusses nailed insecurely; roof water discharged on to walls and eaves linings; loose straps holding down the roof—heaven help the poor inhabitants when a storm came along at Aldinga and took the roof off—cracked brick work; rusty steel causing lifting of paint; walls of insufficient height to accommodate the cornice; unprotected electrical cables (this was a fault common to all three houses); and a hot water unit cantilevered over the passage. In each case, the Builders Licensing Board found:

> The building work has not been carried out in a proper and workmanlike manner.

The board ordered remedial work to be done within 28 days. Further, the board concluded:

> The Board is of the opinion that the three houses complained of reflect lack of supervision to a significant degree. Admitted areas concern trusses, door frames and supervision of carpenters.

Already, I have mentioned that these findings extended to other building work arranged by Mr Cameron, and the board admonished him for lack of supervision.

During the hearing of these complaints (as the only member of the company with a builder's licence) Mr Kodele was asked about the degree to which he supervised Mr Cameron's projects. Page 82 of the transcript of evidence records Mr Kodele being asked how often he visited Cameron homes to supervise their construction. He replied, 'Once a week, sometimes not.'

Based on the board's findings, and Mr Kodele's own admission of the lack of supervision, it is impossible to accept the conclusion in the report by Mr Webb tabled last week:

> There is a conflict of evidence as to the extent to which Mr Kodele properly supervised the building of houses on behalf of Tarca Investments Pty Ltd, or on behalf of Mr Cameron.

In the minds of members of the Builders Licensing Board there was no such conflict. They found that Mr Cameron had not arranged proper supervision of his projects by Mr Kodele. Why were these findings not revealed last week? The reports were also silent on Mr Cameron's failure to have the remedial work on his houses carried out as ordered by the board. In January 1979, inspections by the board showed that none of the work had been done.

A senior inspector for the board, Mr D.J. Dunstone, in a report dated 30 January 1979, stated in relation to two of the houses in question:

> As building work has proceeded on this dwelling, further problems have become evident.

In other words, Mr Cameron has continued with shoddy building practices in flagrant defiance of the Builders Licensing Board. As a result, on 20 February 1979 the board directed that the relevant files be referred to the Crown Solicitor so that complaints could be heard by the Builders

Appellate and Disciplinary Tribunal on the grounds that Tarca Investments had failed to exercise proper supervision and control of building work, and had failed to carry out remedial work as ordered by the board.

In the normal course of events, this action would have been pursued expeditiously to protect home buyers, but the documents in the Opposition's possession show that there was no further action on these matters until January 1980 until after the Corcoran Labor Government had been defeated. Apparently, for the past 7½ months of that Government, no action was taken on the complaints against Mr Cameron. Of course, this was not to be the first time his practices were to remain concealed by Government inertia.

By January 1980, when there was evidence of further attention being given by Crown Law authorities to the complaints against Mr Cameron's company, the company's licence had expired. As a result, these actions were not pressed, as the most severe penalty the Builders Appellate and Disciplinary Board could have ordered was licence cancellation.

I suppose that, in his reply, the Minister and Attorney-General will attempt, as has been done by the Government over the past week, to draw the distinction between work done by Mr Cameron and work done for him. Let the Council be in no doubt, therefore, that Mr Cameron was Tarca Investments. He ran the company, he bought all its land, and he arranged all the subcontractors who did work for the company. During the hearing of complaints against the company, Mr Cameron described his extensive role as follows:

> My role in Tarca Investments is that I am company secretary. I am primarily involved in selecting the land. In fact, I do that usually myself. I handle all financial matters, I do all accounting and book work—legal work. I am also involved in organising for materials to be delivered to the sites.

That is from page 99 of the transcript of the complaints hearing against Tarca Investments. Mr Cameron represented the company during that hearing. In other words, Mr Cameron's resignation as a director of the company made no difference to his role. It was entirely cosmetic to get around the fact that the Builders Licensing Board had found him not to be a fit and proper person to hold a directorship in a building company.

In arranging building work, it is also clear from the new evidence I have now put before the Council that Mr Cameron did not arrange proper supervision of home building activities, despite the conclusions of the reports tabled last week that the evidence on this point is not clear. It is clear; it is crystal clear; and it is damning and devastating not only for Mr Cameron, but equally damning and devastating for the Government.

Mr Cameron gave the names of three licensed builders he said undertook work for him—Mr Addison, Mr Kodele and Mr Egtberts. During their association with him, each was also brought before the licensing authorities for the consideration of complaints. I have referred to Mr Cameron's association with Mr Addison and the fact that impropriety here was used by the Builders Licensing Board to refuse the first application by Tarca Investments for a builder's licence. Mr Kodele was joined with Tarca Investments in the complaints heard and proved by the board in October 1978, while Mr Egtberts was disqualified from holding a builder's licence for one month for work he did in association with Mr Cameron. Yet Mr Cameron continues to claim he has done nothing wrong in the building industry.

The Council should not believe that these matters are in any way unimportant and that Mr Cameron was just a small time operator. The reports tabled last week suggest he was associated with the construction of about '60 houses'. I do not know why the reports could not have given a precise number. They nominated the council areas in which Mr Cameron had arranged home construction—Willunga, Campbelltown, Happy Valley and Noarlunga.

While the investigators interviewed officers of the Willunga and Campbelltown councils, they did not seek information from the other two. Why did they not seek access to all files in these council areas? They have the power to do that, and they should have done it.

In 50 cases, the report provided the names of individuals or companies nominated in council application forms as the owners of houses built for Mr Cameron. However, as the reports stated that about 60 houses were built, why have the other owners not been nominated? Could it be that those houses in fact involved other breaches of the Act?

In relation to the precise number of houses in which Mr Cameron was involved, the records the Opposition has now seen in fact point to at least 66. They comprise 48 in the Willunga area, not the 'approximately 40' nominated in the reports last week; 15 in the Campbelltown council area, not the 13 nominated last week; and others at Happy Valley, Sheidow Park and Morphett Vale.

The houses in the Campbelltown area were built by a Mr Egtberts. Yet, in a statutory declaration, Mr Egtberts has stated he was involved with Mr Cameron in building about 40 houses between 1979 and 1984. If this is true, then Mr Cameron must have arranged to build at least 90 houses. In 37 of the 48 applications to the Willunga council, the estimated value of the house is given. For those applications the total was about $600 000 in 1978 dollar terms. This suggests that, in his time, Mr Cameron has been responsible for the construction of houses worth, in today's dollars, at least $2 million.

Mr Cameron has attempted to hide the real extent of his activities. In the *News* of 15 February this year he was quoted as saying he had speculated in land and real estate with a portfolio valued at $400 000 at one stage. This is simply not true; it is a gross underestimation, just as his statement in the same article that 'all I did was the accounts and the bookwork' was a gross falsehood.

It is clear that Mr Cameron was a major player in the building industry who should have been run out of the industry long before his activities ever became so extensive. At one stage, he even applied to the Builders Licensing Board for a restricted builder's licence in his own name. He was refused this as well on the grounds (and I quote from the board's decision of 20 October 1978) 'that his experience was that of a handyman rather than of a tradesman'. Again, this was a fact not mentioned in the reports tabled last week.

Today, Mr Cameron has not reformed. He has not been prepared to admit his past when confronted by it; he has continued to deceive. No person with his record could credibly say, as he did last Wednesday, 'I always knew I hadn't done anything wrong.' Madam President, in protecting Mr Cameron, last week's reports, on any fair test, were deficient—gravely deficient, in the relevant information they should have contained. I remind the Council that, in April last year, the Opposition asked in the other place whether Mr Cameron had been involved in improper or questionable activities in the building industry. We did not use wild allegations. We did not nominate a period in which these activities were said to have occurred. We did not suggest the questions eventually could land Mr Cameron in court. We based our questions on statutory declarations and other statements made by people who had been affected by his activities, or who believed that Mr Cameron was a man

with the most outrageous double standards. The Premier promised to look into the matters raised.

Mr Apap, then the Vice President of the Labor Party, has revealed that the questions were considered at a meeting of the Party's State Executive very soon after they were asked in this Parliament. Mr Apap said, as reported in the *Advertiser* of 18 February 1989, that he had warned the Government that, unless it moved quickly to deal with the allegations, the 'whole issue could blow up in the Government's face'.This is one occasion when everyone can agree with him.

Mr Apap said in the same report that the Premier would have known of his warnings. But what did the Premier do? It is easy to imagine what his reaction would have been had these allegations been raised against the Director of the Liberal Party. His Government would have been riding the departments for a full report. But not when it is the Premier's mate, his factional wheeler and dealer, whose credibility is on the line. No, the Premier just sat on his hands, and so did the Minister of Consumer Affairs. He shrugged it off.

After the Opposition revealed, at the beginning of this year's parliamentary sittings, the existence of Mr Smith's report, the Premier told the House on 15 February that he had been entitled to assume there had been no need for further follow up. This was after he had tried to claim, in answer to the Opposition's first question: 'There is no basis for the allegations that were made.' This was the first defence of a Premier who hoped this issue would die. However, he quickly ran out of excuses.

When we pressed the issue, the Premier and the Minister of Consumer Affairs tried to blame public servants for the eight-month delay in pursuing the original inquiry. The Premier told the House of Assembly on 21 February that there had been maladministration or neglect in the Department of Public and Consumer Affairs. On the same day, the Attorney-General and Minister of Consumer Affairs said Mr Smith, who prepared the initial report which gathered dust for so long, should have pursued the matter.

But as an investigating officer in the department, he prepared a report for his superiors in response to the first questions asked by the Opposition in April 1988. He reported that 'the majority' of houses built for Mr Cameron in the Willunga area were not properly supervised. He reported that Mr Cameron had used another person's licence. He asked that his initial report be classed as an 'interim' one and that a full and comprehensive further report be prepared 'on the extensive building and investing companies and partnerships in which Mr T.G. Cameron is involved'. But it is only today, with this motion, that all of this information is coming before Parliament and the public.

The Premier, in another place, said that failure to act on Mr Smith's report was exposed and that disciplinary action would be taken against public servants. Is the Attorney-General and Minister of Consumer Affairs again going to threaten public servants following this latest inadequate investigation? Or will he, for a change, on behalf of the Government, accept the responsibility? Will he accept that when Parliament asked for information about Mr Cameron's activities, it had a right to the truth, the full truth and nothing but the truth? Will he accept that when members ask questions, they are entitled to replies which do not contain abuse, but, rather, facts?

The time frame of Mr Cameron's dishonest, immoral, and illegal practices in the building industry is irrelevant. The fact that by virtue of limitation in the Builders Licensing Act he can no longer be charged with the consequences of his actions is equally irrelevant.

What is relevant to every member of this Parliament, every person in South Australia, is why the Parliament sought answers to the deeds of Mr Cameron and why the Government has been involved in a cover-up. What is relevant is that a man who treated home buyers, subcontractors, the law and the Government of this State with contempt can be State Secretary of the Labor Party—with the full protection of the Premier.

What is relevant is the morality of a Party that will protect such a dishonest person. What is relevant is that we have a Premier who finds it so easy to put his little mate before the State.

The National Secretary of the ALP did his bit well. Mr Hogg came to Adelaide in March to proclaim Mr Cameron innocent. He made the very prophetic comment, 'I think a lot of people will be very embarrassed when the report comes down.'

It is the Government and the Labor Party which face not only embarrassment but guilt and the clearest test imaginable of their collective conscience. It is the Labor Party which has held itself out as the protector of the home buyer and the prosecutor of shonky people in the building industry. It is the Labor Party which claims, in the preamble to its consumer affairs policy, that a State Labor Government 'will identify, expose, publicise and prohibit unfair and exploitative prices and practices'.

Labor claims a monopoly of concern, compassion and protection for consumers. But how does this sit with the background and utter contempt for the law and consumers of its State Secretary, exposed in full now for the first time? The legislation he has flouted was introduced by a Labor Government, for the following reasons explained by former Premier, Mr Dunstan:

> This Bill satisfies a long-felt need in South Australia and is principally designed to improve the quality and standards of building to afford protection to the home builder and home buyer in this State and to protect the building industry and the public from exploitation by unqualified persons who, without accepting any responsibility for their negligence and incompetence, make full use of the industry to promote their own interests to the detriment and, often, the financial loss of many. We have seen an invasion of the building sphere in South Australia by persons who have no qualifications in building and who are, for the most part, building brokers. There have been many examples of extremely shoddy building as a result of the activities of such people.

Mr Terry G. Cameron has been one such person.

In his reply, the Minister of Consumer Affairs will have to decide whether he can go on defending this humbug, this hypocrisy—these appalling double standards. He will have to decide what comes first—Party or principle. Is it Mr Cameron, his centre left power broker and the factional balance of the Labor Party who must be preserved? Or is the principle of accountability to this Parliament more important? I suggest that today on this motion there is a test for every member of this Council.

A vote against this motion will be a vote for dishonest government, deceitful government, and disgraceful government. A vote against this motion will condone the cover-up, the conspiracy, the collusion to hide.

On the other hand, those voting for this motion will be showing that they are not prepared to see the rights of Parliament subverted to Party-political imperatives. It will be a demonstration that this Council is no longer prepared to put up with the arrogance of the Premier and his Government.

I demand that the Government comes clean. The Minister of Consumer Affairs must tell this Council all he knows about Mr Cameron's past in the building industry. I demand that he tells this Council whether he knew about the matters I have revealed today and, if he did, why they were not

revealed in the reports he tabled last week as a 'warts and all' exposure of Mr Cameron.

There must be a full investigation into this cover-up. I demand that the Minister gives an explanation to this Council why all the relevant evidence I have referred to this afternoon was not made public last week.

South Australians can have no confidence in a political Party run by a person who, to this day, still tries to dupe and deceive the public into believing he has done nothing wrong. They can have no confidence in a Premier prepared to defend and cover up such a state of affairs, nor can they have any confidence in Mr Terry Cameron. The choice for the Council is: Party or principle—cover-up or confession?

The Hon. C.J. SUMNER (Attorney-General): That was an interesting exercise by the Hon. Mr Griffin. There was certainly more drama than substance in his presentation.

Allow me to say that my knowledge of Mr Cameron's activities in the building industry is what is contained in the report which has been tabled in this place and the accompanying statement from Mr Neave. I have no reason to know anything else about Mr Cameron's activities in the building industry. I am the Minister of Consumer Affairs and Attorney-General.

When this matter was referred to me, it was investigated in the proper way. It was given to the appropriate official of the Government responsible for its investigation: the Commissioner for Consumer Affairs. He was given the material raised in Parliament and asked to investigate the allegations made. As it is now known, he asked Mr Webb, one of his most experienced officials or investigators in the Department of Consumer Affairs, to conduct an investigation. That is the extent of my role in this matter.

I am sure that, had I decided to take a more active role and actually carried out an investigation myself, I would have been accused by members opposite of behaving in an improper manner—and quite rightly so. The reality is that professional investigators are appointed to do these jobs—and that is what happened in this case. The matter was handed over to the Commissioner for Consumer Affairs who, in turn, asked Mr Webb to present a report. That report was checked with the legal officer of the Department of Public and Consumer Affairs and was then referred to the Crown Solicitor with the results I have already indicated to the Council.

So, to talk of a cover-up or impropriety on the part of the Minister, myself or the Premier, is absolute nonsense. The matter was dealt with in the proper way by the Commissioner for Consumer Affairs who is responsible for the investigation of complaints about activities in the building industry. I assert that the action taken by me in relation to this matter was proper. It was made clear to the Commissioner for Consumer Affairs that he should investigate these matters and come back with a report of the results of that investigation as he saw them. That is what he did and, as I said, the matter was checked by the Crown Solicitor. I think it is worth reiterating the conclusions of Mr Neave on the material presented and tabled in the Council. In a minute to me he said:

> You have asked me to conduct an investigation into the activities of Terry Gordon Cameron in the building industry. The investigation is now complete. In addition, allegations made in Parliament in relation to Mr Cameron's activities on 14, 15, 16, 21 and 22 February 1989, and allegations made to my investigating officers in the course of their inquiries, have all been investigated.
>
> It is clear Mr Cameron had an involvement in the building industry in South Australia between 1976 and 1983 in that he caused about 50 houses to be built for him (or companies associated with him) during that period. Builders licensed under the now repealed Builders Licensing Act 1967 ('the Act') were associated with the erection of those houses but on the evidence available to me I am unable to form a view on the extent of supervision by those licensed builders of the work carried out.
>
> From the evidence available to me, however, it appears Mr Cameron never actually carried on the business of the builder. That is to say, he did not carry out building work for 'a fee or reward'. The payment of 'a fee or reward' had to be proved to establish that an offence had been committed under either section 21 (3) or section 21 (11) of the Act. Section 26 (3) of the Act is also relevant. This provides that proceedings for an offence under the Act may only be commenced within two years after the offence was committed. Accordingly, it is no longer possible to prosecute for any building offences which may have been committed between 1976 and 1983 because the provisions creating the offences are no longer in operation.
>
> In any event, I have concluded, based on the evidence I have received from the Senior Legal Officer of the Department of Public and Consumer Affairs and the report made by the officer of the department in charge of the investigation that it has not been established Mr Cameron at any stage contravened the Act.

I repeat: it has not been established Mr Cameron at any stage contravened the Act. The minute continues:

> From evidence gathered during the investigation it appears that the building work was carried out for Mr Cameron rather than by him. The present Builders Licensing Act 1986 has no relevance to the matters investigated because there is no evidence that Mr Cameron has been involved in the building industry since that Act was proclaimed on 1 May 1987.

Mr Neave goes on to say that he will refer the statements taken by his officers during the investigation to the Crown Solicitor with a request for advice whether from those statements it will be possible to say whether any person has committed any offence under any legislation. That is the conclusion of Mr Neave.

So, what exists are the report of Mr Webb, the statement obtained during the investigation and a statement from Mr Neave which I have read to the Council, all of which material was made available to the Crown Solicitor at my request to ensure that the Crown Solicitor could adjudicate on whether or not the opinion of the Commissioner for Consumer Affairs was sustainable. The matter was referred to the Crown Solicitor, who has advised—and this is contained in the ministerial statement—that the evidence is not sufficient to justify prosecution of Mr Cameron for being an unlicensed builder. In any event, the time for prosecutions under the Builders Licensing Act has expired.

There is no evidence to support prosecution relating to any threat to an inspector in that there is no admissible evidence that Cameron made such threats and, in any event, the time for bringing a prosecution in respect of an alleged threat to an inspector has expired.

It is further concluded that, in respect of other allegations made against Mr Cameron, they do not involve criminal law or there is no evidence which would justify any action. The Crown Solicitor says further:

> The report raises some suspicions that other persons may have committed offences. However, all of these possible offences are now well out of time and the Crown Solicitor does not recommend any further investigation in respect of these possible offences.

That is a summary of how the investigation came about and what happened with respect to it. The matter was handled properly from beginning to end. The only problem which occurred—and this has been admitted—is that when the matter was first raised in Parliament last year and referred to the Department of Public and Consumer Affairs it was not followed up. The public servant responsible for this matter, having received the interim report from Mr Smith, did not carry out further inquiries. I have admitted that that matter should have been followed up, but I also assert—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Well, you don't know. As I said, I have asserted that that matter should have been

followed up and that the public servant who was given the responsibility of investigating the matter should have done so. Apart from this oversight by the public servant concerned, lack of action and oversight by the Premier's office and my office in not following up the matter, it was dealt with properly in accordance with procedures and the law.

I repeat: the allegations having been made, I referred the matter to the Commissioner for Consumer Affairs who conducted an investigation through Mr Webb. The results of that investigation were tabled in Parliament along with the report from the Commissioner for Consumer Affairs, Mr Neave. The statements in the report were reviewed by the Crown Solicitor and his opinion was reported to the Council.

What more should the Minister do in this respect? Obviously, had I attempted to suggest to Mr Neave how he should conduct the investigation and inspected the documents myself, members opposite would have accused me of trying to interfere with the investigation. I was absolutely meticulous in ensuring that the matter was investigated properly and at arm's length from myself or the Premier.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I repeat that that is the procedure that was followed. I draw the attention of members to the wording of the motion. The motion talks about the Attorney-General and the Premier; it is not directed to Mr Cameron. Although most of the speech was directed to Mr Cameron, the motion refers to Mr Cameron and condemning him out of hand, and I will deal with that in a minute. However, the motion censures the Premier and the Attorney-General for repeated failures to ensure full and truthful answers to questions asked by this Parliament about the activities of Mr T.G. Cameron. On that central point, leaving aside Mr Cameron for the moment, the Council has now had from me a recitation again of what I did with respect to these allegations. I had them investigated properly by the official who had the responsibility to do it. Obviously, I could not investigate the matter; that would not have been proper, anyhow. The Hon. Mr Griffin would know, despite his abuse of the procedures of the Parliament—

The Hon. K.T. Griffin: When?

The Hon. C.J. SUMNER: Today. In a minute I will tell the honourable member how he abused the procedures of the Parliament. The Hon. Mr Griffin would know that when he was a Minister, he ought not to have had a role in actually conducting an investigation. When he was Attorney-General, he would have had a role in deciding whether prosecutions should proceed, but the police are responsible for conducting investigations of allegations of breaches of the law in this State. As far as the Builders Licensing Act is concerned, the proper investigating authority is the Commissioner for Consumer Affairs. That is all I did. The material was referred to the Commissioner for Consumer Affairs, and investigated and the matter was fully reported to the Council. We did not come back with a one line statement saying that the investigation revealed no basis for criminal charges. In an unprecedented way, really, we decided to table the whole report, despite the fact—

The Hon. R.I. Lucas: It isn't the whole report.

The Hon. C.J. SUMNER: It is the whole report prepared by Mr Webb, and that was the only report prepared, following the investigation, and that of Mr Neave, which I read—that of the legal officer, on whose advice we based our opinion and the advice of the Crown Solicitor. That is the nub of the matter.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Well, the public servants are the people who must investigate the matter. The public servants are the people who advise on—

The Hon. R.I. Lucas: Aren't you responsible?

The Hon. C.J. SUMNER: Of course I am responsible, I am explaining the action that I took. If the Opposition is talking about censuring the Premier and the Attorney-General, it must censure the action that I have outlined to the Council. There is absolutely no basis for a censure of the Attorney-General or the Premier in that respect.

I said that there has been more drama than substance in what the Hon. Mr Griffin said. The reality is that, at present, Mr Cameron is the State Secretary of the Australian Labor Party. He certainly was not State Secretary when these alleged activities occurred. He was acting as a private person. He was not acting in any public capacity.

Members interjecting:

The Hon. C.J. SUMNER: I will get to the point of that in a minute. I say that for this reason he is not a member of Parliament so he cannot be questioned in this place about the actions in which he was allegedly involved, as members opposite do from time to time. He was acting in his private capacity. He was not State Secretary of the Australian Labor Party, although he was a member and, as I understand it, at that time involved with the Australian Workers Union.

Having said that, I must now say that the next important point that must be dealt with by the Council is that in this State, believe it or not (and one finds it hard to believe in the light of action in recent times), we deal with evidence of wrongdoing. If there is evidence of wrongdoing, there is a procedure for dealing with that evidence. Allegations are investigated, evidence is collected and prosecutions are taken in the courts. What the Hon. Mr Griffin has done today is constitute the Parliament as a court and condemn Mr Cameron out of hand. Mr Cameron has no right of reply to these allegations. Let us hear what Mr Griffin said about him. He said that he should have been run out of the industry.

The Hon. R.I. Lucas: What did you have to say about the McLeay brothers? Go back to some of your speeches.

The Hon. C.J. SUMNER: That was justified.

The Hon. R.I. Lucas: That is exactly the point. You made all these scurrilous allegations.

The Hon. C.J. SUMNER: That was justified.

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order, Mr Lucas!

The Hon. C.J. SUMNER: That was perfectly justified.

The Hon. R.I. Lucas: So it is all right for you but not for us.

The Hon. C.J. SUMNER: No, no.

The PRESIDENT: Order! The Hon. Mr Lucas will cease interjecting.

The Hon. C.J. SUMNER: This is what the Hon. Mr Griffin has done. On the matter of McLeay brothers, if the honourable member really wants to know, I point out that it was referred to the Corporate Affairs Commission and dealt with in the proper way as a result of questions that I asked in the Parliament. There was nothing illegitimate or wrong with that. As the Hon. Mr Griffin knows, that matter was referred to the Corporate Affairs Commission and properly investigated.

These are the charges that the Hon. Mr Griffin has made. He said that Mr Cameron should be run out of the industry; Mr Cameron has been involved in shonky activities; Mr Cameron has shown contempt for the law; and Mr Cameron has been involved in dishonest, immoral and illegal activities. They are very serious allegations, without qualifica-

tions. They are allegations made by the Hon. Mr Griffin in Parliament. In other words, he has constituted this Council as a court in an attempt to condemn Mr Cameron, despite the fact that a number of allegations had previously been made in the Parliament, despite the fact that they had been investigated properly by the relevant authorities, despite the fact that that investigation involved going to the Opposition and requesting information, and despite the fact that the Commissioner for Consumer Affairs addressed a letter to Mr Olsen on 17 February in the following terms:

INVESTIGATION: BUILDERS LICENSING ACT:
Mr T. CAMERON

As you are aware, the Minister of Consumer Affairs, Hon. Chris Sumner, has directed me to complete the above investigation as a matter of urgency.

It has come to my attention that you or other members of the Opposition may have information relevant to such an investigation. I would be pleased to receive any such information.

If it assists, I can arrange for one of my investigators to interview any person having information in order to expedite the completion of the inquiry.

Please have one of your staff contact me by telephone . . . in order to discuss the matter should that assist.

So, the Opposition was asked specifically what allegations it had about Mr Cameron's activities in the building industry, in addition to those activities and the allegations that had been made publicly in the Parliament. Mr Webb, on behalf of the Commissioner for Consumer Affairs, interviewed Mr Baker, MP, and Mr Yeeles of Mr Olsen's staff. Through its leader, the Opposition was given a full opportunity to come clean with whatever allegations it had about Mr Cameron so that the matter could be investigated properly.

But, of course, it did not. It decided to wait until today. The Opposition decided not to use a court of law for the determination of these matters. It decided to use the Parliament as a court in which to make the allegations that I have just listed against Mr Cameron, knowing full well that Mr Cameron has no capacity in the Parliament to defend himself against those allegations. They are the Opposition's tactics in this case.

If the Opposition had allegations, it could have referred them for appropriate investigation, as it was requested to do. In answer to a question last week I stated that, if there were further allegations, I would have them examined. That is the way the matter should have been handled: by proper investigation. If there was evidence of criminal activity, then—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the matter should have been taken to court. As I said, the Hon. Mr Griffin has abused the Parliament. He certainly abused the rights of Mr Cameron, who is entitled, like every other person in this State or community, to have matters investigated properly and, if there are charges to be laid, to have those charges laid in open court and to have them dealt with in open court. However, that has not been the tactic of members opposite in this case. As I said, they have used the Parliament as a court.

The honourable member has suggested that the Government has not acted in this matter because Mr Cameron is Secretary of the Labor Party. I refute that absolutely. The Hon. Mr Griffin asked what would have happened if we were dealing with a member of the Liberal Party. In fact, a prominent member of the Liberal Party has been charged with criminal offences in this State. The President of the Liberal Party, Mr John West—

The Hon. R.I. Lucas: And he resigned.

The Hon. C.J. SUMNER: That is all right. Mr Cameron has not been charged with anything. The matter has been investigated and the results of the investigation that have been tabled in the Parliament indicate insufficient evidence of wrongdoing. Mr West was President of the Liberal Party. What did the Labor Party do about that matter all the way through? Did the Labor Party ever attempt to exploit the matter publicly? Never. It was never exploited publicly.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Was it ever raised in the Parliament?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: No, of course not, because it would not have been appropriate, or proper, to do so. However, it just shows—

Members interjecting:

The Hon. C.J. SUMNER: Well, was it raised in this Parliament? No, it has never been raised in the Parliament. Members opposite know as well as I do that with respect to Mr John West the Labor Party behaved impeccably as far as the procedures of the Parliament were concerned. Madam President, this just indicates the double standards that have been exhibited. Let us have a look at a few more double standards that we have had inflicted upon us in this Parliament in relation to this matter. Let us look at the accusations made about various Ministers and individuals over the past couple of years. Of course, it was found that none of the allegations had any basis.

The Liberal Party made public allegations against the Hon. Mr Blevins that he had got a special deal in relation to a Housing Trust home—no substance! Allegations were made that Mr Blevins had been given special favours for his son in prison—no substance! Allegations were made against the Hon. Mr Mayes relating to the sale of Grand Prix tickets—that he had somehow or other got them on the cheap. Again, there was no basis for the allegations. Allegations were made against the Hon. Barbara Wiese in this Council in recent times: it was alleged that the Government had given favours to Mr Jim Stitt because of an association with the Hon. Barbara Wiese. Of course, there were also the horrendous allegations made against me over a very long period—some 18 months—that I was involved in corruption, that I was being investigated by the NCA, and that I was involved with the Mafia. It was all absolute rubbish.

However, those allegations were perpetrated and peddled by the Liberal Party and by the Leader of the Opposition over a very long period. When called to account, what happens? Nothing. The Hon. Mr Griffin would not even appear on television with me to debate the issue; nor would the Hon. Mr Olsen do so. There was not one skerrick of evidence to back up those scandalous, slanderous and defamatory allegations made against me over a very long period. However, that is the sort of person whom we are dealing with in this place. That is the sort of person we have to contend with: people who will use the Parliament in those sorts of ways. They use the Parliament to attempt to denigrate people and to pull them down, irrespective of whether or not they have any evidence. That is the colour of the person whom we are dealing with opposite. In this particular case, they have continued with that tactic. The Hon. Mr Griffin has made serious allegations against Mr Cameron. Who is to determine whether or not Mr Cameron has broken the law?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In our society the courts determine whether or not people have broken the law on the

basis of evidence. Yet, the Opposition has constituted the Parliament as a court. It has told the Parliament and the public of South Australia that Mr Cameron should be run out of the industry: that he is guilty of shonky activities; that he is dishonest and immoral; that his activities are illegal; and that he has treated the law with contempt. They are the allegations that have been made in this Parliament this afternoon. I would have thought that, rather than constitute this Parliament as the place to decide those matters, the Opposition would refer the matters to the appropriate authorities, if it had further information, and then the matters could have been investigated.

The Opposition was given a full opportunity on 17 February 1989 to put all the material that it had about Mr Cameron before the investigating officer. Obviously, it did not do so. The Opposition has attempted to use the Parliament to condemn Mr Cameron.

If Mr Cameron has been guilty of any wrongdoing, and if there is evidence to suggest that he should be prosecuted, that will be done. I have said that on previous occasions, and I will say it again. The reality is that, as a result of the investigation carried out on behalf of Mr Neave, and assessed by him and the Crown Solicitor, a report was tabled indicating that there was insufficient evidence to take Mr Cameron to court on any matters. In any event—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Madam President, I know that members opposite do not believe that people in this community should have any civil liberties, or rights to have charges against them dealt with in courts of law in this State. That is the unfortunate reality which has been exhibited recently by Opposition members in relation to a number of issues. I repeat that, if there are further allegations that honourable members wish to put forward relating to Mr Cameron, they can be investigated by the appropriate authorities. This motion is aimed at the Attorney-General and the Premier. Both the Attorney-General and the Premier have asked that the investigations be carried out properly. We have been at arms length from the investigation that has been carried out by the Commissioner for Consumer Affairs and the results of the investigation that have been tabled in this Parliament. In so far as the motion aims to condemn the Attorney-General and the Premier it should be resoundingly defeated.

The Hon. R.I. LUCAS: What a pathetic, limp wristed performance from the Attorney-General and Minister of Consumer Affairs in this Chamber this afternoon—pathetic! The Attorney has ignored the substance of the allegations that have been made—not only the allegations, but the evidence that has been presented to this Chamber by the Honourable Mr. Griffin this afternoon. I will present further evidence on matters not touched upon by the Hon. Mr Griffin.

The Hon. G. Weatherill: Say it outside.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Come in, come in!

The PRESIDENT: Order! I ask you to address all comments to the Chair, and I do not need to come in anywhere.

The Hon. R.I. LUCAS: I am not talking to you Ms President: I am talking to this gaggle of geese on the back bench.

The PRESIDENT: Order! I ask you not to. I ask you to address your remarks to the Chair, and I also ask that all interjections cease. The sooner we can get on with the 18 items on the Notice Paper, the better.

The Hon. R.I. LUCAS: You might think so Ms President, but that is a judgment for the Chamber to make. This is an important matter and it deserves the attention of the Chamber. It is a decision for the Chamber and, with due respect to your position, not one for you to make. We have this gaggle of geese squealing like stuck pigs on the back benches. Let them listen to the evidence that will be presented. Because, as the Hon. Trevor Griffin has indicated, these are not allegations being made by the Liberal Party: they are facts and evidence—

The Hon. G. Weatherill: Say it outside!

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —established by the Builders Licensing Board and associated tribunals. These are decisions of boards and tribunals established by the Government. The Liberal Party is not making these claims and allegations: the Builders Licensing Board and associated tribunals are indicating what has occurred in relation to the building activities of Mr Terry Cameron.

The Hon. G. Weatherill: Where did you get that information?

The Hon. R.I. LUCAS: It doesn't really matter where we got the information, the point is that at least we have got it and brought it before Parliament so that people can make a judgment. The Government has the information but would not reveal it, because it wanted to cover it up; the Attorney-General and the Premier want to cover up the activities of their little mate. As the Hon. Trevor Griffin has indicated, these are not baseless allegations. The information I will provide is quite separate from that, but on the same topic. It is information and evidence that has been collected by Government agencies, bodies and investigating officers. These investigating officers are not employed by the Liberal Party, but are employed by the Government. The information comes from departmental files and records. The notations and evidence presented in this debate come from Government departments.

One of the grubby little allegations that the Attorney stooped to in his contribution was that the Liberal Party, when invited in February by the Government or the Commissioner for Consumer Affairs to present allegations about Mr Terry Cameron, had in some way suppressed information at that stage and kept it back for this occasion.

That grubby allegation does the Attorney no credit at all. Mr Richard Yeeles and Mr Stephen Baker cooperated fully—with the investigating officer. As the Hon. Trevor Griffin has indicated, the investigating officer went to that interview with the attitude that Terry Cameron had not done anything wrong. It was only when Richard Yeeles and Stephen Baker provided documentary evidence of a breach of the Act that the investigating officer was forced by representatives of the Liberal Party to front up to the fact that there was at least one case of a clear breach on that occasion.

There was at least one clear breach of the Act, as the investigating officer, Mr Cameron, and even the Government have had to concede. Not the Liberal Party, one member of Parliament or one staffer had any of the information that has been presented this afternoon during this debate. This evidence is information that has arrived subsequent to that particular meeting in February. For the Attorney to make a grubby attack on a staffer who is not here to defend himself in this Chamber, and to make a grubby attack on the intentions of Mr Baker is a very disgraceful situation.

Having dealt with the Attorney's pathetic performance of trying to cover up, let me now address a range of other quite serious matters that members ought to be aware of before they vote on this matter. The Hon. Mr Griffin has

raised Mr Cameron's activities in the building industry. I am saying that Mr Cameron was not only a shonky builder but also a shonky landlord. He was quite happy to rip off tenants. He also abused the Residential Tenancies Act, which was introduced by the former Labor Government as a form of consumer protection legislation. This legislation was introduced in 1977, after many complaints from Labor members about sharks amongst South Australian landlords. It is now revealed that the present Secretary of the Labor Party, Mr Cameron, was not adverse to trying to take an arm and a leg from tenants. In fact, Mr Cameron is revealed as the great white shark.

One result of Mr Cameron's building activities was an extension into renting his properties. He was, by no means, a small landlord. The Liberal Party has records showing that, from nine of Mr Cameron's properties alone, he was taking weekly rents totalling over $1 000 by late 1982; he was taking over $50 000 a year in rent. However, in late 1982 Mr Cameron was also convicted of an offence under the Residential Tenancies Act. This is not an allegation being made by the Liberal Party; this is the revelation of a fact. He had failed to lodge (within the seven days as required by the Act) a security bond of $340 which he had taken from a tenant, and the Hon. Mr Crothers laughs at that.

The Hon. T. Crothers: Of course I do.

The Hon. R.I. LUCAS: The Hon. Mr Crothers obviously supports landlords who do not lodge bonds.

The Hon. T. Crothers: I certainly do not.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: If you are laughing at that, you are obviously condoning practices of people like Mr Cameron, who breach Government legislation supported by the Parliament, and then rip off tenants, quite contrary to the law in South Australia. This bond money had been taken on 11 March 1982, but it was not paid into the Residential Tenancies Fund until 4 August 1982—almost five months late.

On 16 November 1982 Mr Cameron was fined $50 in the Adelaide Magistrates Court. At this time the houses in which he was involved in renting were owned by B.J. Cameron Investments Pty Ltd. He and his wife (Mrs Caroline Cameron) were the only directors. After his court appearance and conviction, one would have assumed that the company would have learned its lesson. People and companies do make mistakes. The Liberal Party could accept that at least on occasions mistakes are made, but what did this person and associated companies do after that?

In 1983 Mrs Cameron was charged with seven breaches of the Act and also for failing to lodge security bonds, which totalled $2 340. An investigation of these activities revealed that the bonds had not been paid up to seven months after having been taken from tenants when they should have been paid within seven days. A record of interview between Mrs Cameron and an investigation officer from the Department of Consumer Affairs (Mr Dawson) reveals that she gave the following reason:

> All right, Mr Dawson, I'll tell you. What about us? When do we get our money back? What about when the tenants leave our properties in a dirty mess? The trouble is, when the money is paid in, we have to wait months to get it back. That's why I don't pay them in.

I have no doubt that many landlords experience similar frustrations.

The Hon. Diana Laidlaw: Most of them, I think.

The Hon. R.I. LUCAS: Most of them, but the fact is that the law is the law and it is not up to Mr Cameron or Mrs Cameron to make a judgment about the law. They are required to abide by the legislation of this State, but for a consistent period they have refused to do so. Whilst most landlords have similar frustrations, most of them do not use that as an excuse to flout the law, which was hailed at the time of its introduction by the Dunstan Labor Government as pioneering consumer protection legislation.

On 2 May 1983 Mrs Cameron was fined $445 in the Adelaide Magistrates Court. That is another fact and not an allegation or baseless smear. She was tried and found guilty of breaching the legislation concerned. Having been found guilty, Mrs Cameron was given three months to pay but, according to a note on an Adelaide Magistrates Court file, by 22 August 1983 she failed to do so. The note sought a decision from the Department of Consumer Affairs as to whether it wanted the court to issue a warrant of commitment. A further note on file indicates that on 29 August the matter was completed.

Other documents obtained by the Liberal Party show that at this time another Labor Party and Australian Workers Union identity (Mr John Lewin) was involved with the Camerons in renting houses. I thought that I would be even-handed about this. I have attacked the centre left, so I thought that I would look at the left. It appears that an officer or officers of the union which the Premier once served as an industrial officer concentrated more on ripping off home buyers and tenants than protecting the interests of its members. The documents reveal that on 29 November 1982 Mr Lewin was convicted of seven contraventions of the Residential Tenancies Act and was fined a total of $470. On 2 May 1983 he was convicted of a further three breaches and fined $120. Mr Lewin used the same post office box number as B.J. Cameron Investments to run his real estate activities.

Both Mr Lewin and Mr Cameron made it difficult for departmental officers to track down their activities. In a letter dated 4 November 1982 the Commissioner of Consumer Affairs wrote to Mr Lewin and stated:

> Mr Dawson has informed me that in the past he has had difficulty in locating you and has since left two cards at your address which you have chosen to ignore.

Mr Cameron tried to be equally elusive. On 2 September 1982 he was interviewed by an officer from the Department of Consumer Affairs. After the interview the officer made the following note on the departmental file:

> During the conversation which lasted approximately 20 minutes Cameron refused to divulge his residential address, refused to come into my office, warned me not to approach him at his place of business, suggested that I write to him at his P.O. box address of 139 Glen Osmond Post Office.

A further note on the investigating officer's file is dated 9 September 1982 and makes the following reference:

> Mr Terry Cameron is well known to the branch as well as the Residential Tenancies Tribunal. He is somewhat difficult to interview and is evasive about his private address, claiming that in the past the Residential Tenancies Tribunal has indiscriminately been giving it out to his past tenants and causing him grief.

Given the behaviour of Mr Cameron in both the building area and the letting area, I am not surprised that some former tenants have given him some grief. This was the typical Cameron approach: claim victimisation and unfair treatment. He levelled similar accusations against inspectors of the Builders Licensing Board while they were exposing his improper practices in the building industry.

The Premier and the Minister of Consumer Affairs are infected with the same persecution complex. Instead of facing up to failures and shortcoming of their mate (Mr Cameron), they have already alleged smear tactics again but, as I said, these are not smear tactics; they are facts established from Government departments and from Government established boards and tribunals.

By early 1983 Mr Cameron was under investigation for another alleged breach of the Act. Another note in the file of the Department of Consumer Affairs dated 7 January 1983 makes the following reference to the Camerons and Mr Lewin:

> Investigations carried out in relation to the attached files reveal a total of 19 contraventions of the Act and regulations. Mrs Cameron has, by her own admission, breached section 32 (2) *(b)* on 15 separate occasions. Her husband, Mr Cameron, appears to have contravened the same section once himself and Mr Lewin, another landlord for whom Mrs Cameron has acted as an agent from time to time, has contravened regulations 8 and 9 and also section 54 (1) of the Act. No good reason has been put forward to explain any of these contraventions and I [that is, the Department of Consumer Affairs officer] recommend that the files be forwarded to the Crown Solicitor for prosecution.

That reveals starkly for all to see a recommendation by the Department of Consumer Affairs to the Crown Solicitor that prosecution be launched for a total of 19 contraventions of the Act and regulations which occurred in 1983. What happened to that recommendation for prosecution? Mrs Cameron was subsequently charged with seven breaches and Mr Lewin was charged with two (not all) contraventions, but no further action was taken against Mr Cameron.

Members in this Council should ask why. The Department of Consumer Affairs states that there is evidence to establish 19 contraventions of the Act and regulations. It recommends prosecutions against Mrs Cameron, Mr Cameron and Mr Lewin. Mrs Cameron is charged, poor old lefty John Lewin is charged, but what happens to the Premier's and the Minister of Consumer Affairs' mate, Mr Cameron? He is not charged. If I were a member of the left and sitting on the back bench of this Chamber, I would make some inquiries of the Minister of Consumer Affairs as to why their mate, John Lewin, was charged, as was Mrs Cameron, in line with departmental recommendations, but why did the Minister's department not charge Mr Cameron? Why did the Minister's department not follow up the recommendations for prosecution that were made by the Minister's own department.

The simple fact, and another further example, is that the Minister of Consumer Affairs and Attorney-General has throughout put his head in the ground like an ostrich and left himself exposed to attack at the same time. But he was prepared, or officers under his charge were prepared, to charge John Lewin and Mrs Cameron. However, when the recommendation for prosecution against Mr Cameron came up, no further action was taken against him by the Minister of Consumer Affairs.

The Hon. T.G. Roberts: When?

The Hon. R.I. LUCAS: If you would listen to the debate, you would know. Read it. The Minister of Consumer Affairs in this Chamber said that if we are to vote on this matter, we have to establish that the actions taken by the Attorney-General and the Premier had not been prompt and had not followed the investigations. We have evidence from the Minister's department on file—he can look at it, he knows where it is, he knows where all the evidence is within his department—but he would not reveal it because he knows that it reveals him for what he really is. He stands condemned by this file note which we have revealed in the Parliament. He stands up in all innocence and says, 'I have done nothing wrong. Please, Democrats, do not admonish or censure me. I have done all I can. I have referred it to the investigating officers and presented the report to the Chamber. I have been a good little boy.' But all along he has had information in his department which he and those officers did not reveal during the debates on previous occasions.

When the Opposition has tried to debate the matter, or when we have raised the matter in questions, the Minister alleges, 'Smear. This is terrible. This is awful. They are at it again.' When I tried to discuss matters during proceedings on the Builders Licensing Act Amendment Bill, he made a fool of himself with ceaseless interjections and points of order to try to prevent me and the Liberal Party from raising important matters in relation to Mr Cameron.

The Hon. C.J. SUMNER: On a point of order.

The Hon. R.I. LUCAS: And he is at it again.

The Hon. C.J. SUMNER: On a point of order, that is a reflection on the Chair. My point of order at that time wast the Hon. Mr Lucas's attempt to range far and wide over these matters was not relevant to the Bill that was before the Council. You, Ms President, upheld that point of order. His comments now are a reflection on that ruling.

The PRESIDENT: I will take the point of order. There was no dissent from my ruling, so I take it that the Council concurred with my ruling that the matter referred to was not relevant. I ask the honourable member to confine his remarks to matters which are relevant to the motion being debated.

The Hon. R.I. LUCAS: Thank you, Ms President. I ask the Democrats, and all members in this Chamber, to consider carefully the point made by the Minister of Consumer Affairs in his very short and limp-wristed contribution. Did he behave properly or appropriately in this matter? Did he make proper investigations not only on the first occasion when it disappeared for some months and it took another question from the Liberal Party to bring it back again, but, having been brought back, did he ask for all the files? Did he reveal all the evidence that ought to have been revealed in relation to this matter? The Liberal Party has revealed today that there are departmental notes and files which clearly indicate that all evidence that should have been revealed was not brought before this Chamber for information. Mr Cameron's contempt for his tenants is shown by the following statement by people whose bond money was not paid into the Residential Tenancies Fund by the required time. One tenant rented a unit from Mr Cameron on 16 January 1982 and paid a bond of $300. His statement to the departmental investigator records his experience with Mr Cameron as follows:

> We paid all our rent payments by postal order to a box number, P.O. Box 139, Glen Osmond. After about three months had gone by and after speaking with my neighbours who also rent their units from Terry Cameron, I found out I should have got a blue receipt back from the Rent Tribunal. I rang the Rent Tribunal and was informed the bond had not been lodged. They advised me to ring the landlord and get him to tell me the bond number if he had lodged it. I rang the landlord some time in June 1982 and told him what the tribunal had said. He started to abuse me, saying that he had so many hassles about bonds. He said it had been lodged and perhaps it had been lost in the Rent Tribunal office. He said he would send out another bond form. I later signed another bond form and sent it to the landlord. This would have been in July 1982. I waited about three weeks or so and rang the tribunal and they said it still had not been lodged. I terminated the agreement on 14 August 1982 when we moved out. This bond was not in fact lodged with the tribunal until 23 August 1982—seven months late.

There are pages and pages of further stories from the departmental files which I will not take time to put on the record. There are literally pages and pages of similar documented evidence in the department's files in that form and nature. If any members want to look at some of these, they ought to have a word with the Minister and get him to look at the evidence to which he undoubtedly has access.

Mr Cameron's contempt for the law and for tenants was demonstrated by the fact that, even after these delays, his company continued to avoid paying bond money into the Residential Tenancies Fund until departmental and court

action forced it to do so. This is the type of person whom the Premier and the Minister of Consumer Affairs have now defended for more than a year.

The Hon. M.B. Cameron: A whitewash.

The Hon. R.I. LUCAS: A whitewash, or cover-up, as the Hon. Mr Cameron has indicated. This is the type of person that the Labor Party has as its Secretary. This is the type of person that members opposite must this afternoon stand by or cast adrift. We have had no criticism of Mr Cameron's activities by the Minister of Consumer Affairs. We can only assume from that that he is condoning Mr Cameron's activities in the building industry and in relation to the matters that are now being raised.

The Hon. T.G. Roberts: He did not say that.

The Hon. R.I. LUCAS: He certainly did not criticise Mr Cameron. There was not one word of criticism. This Attorney-General, as a member of Parliament in the late 1970s, stood up not only against McLeay Bros, but a range of other examples and made a series of allegations about those people and companies. It is all right for the Hon. Mr Sumner to make allegations, but should anyone from the Liberal Party make allegations, there is something wrong. The Minister is hoist with his own petard in defending Mr Cameron and condoning his actions, but members, particularly left members, of this backbench should consider seriously whether they will defend and condone Mr Cameron's activities in the building industry and in the residential tenancies area as well. If Labor members put their heads in the sand with the Minister of Consumer Affairs and defend Mr Cameron and the actions of the Minister and the Premier on this issue, those members will stand condemned. I support the motion.

The Hon. I. GILFILLAN: I move:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (11)—The Hons G.L. Bruce, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner. G. Weatherill and Barbara Wiese.

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

Majority of 1 for the Ayes.

Motion thus carried.

MINISTERIAL STATEMENT: ROXBY DOWNS

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

Leave granted.

The Hon. BARBARA WIESE: Towards the end of last year, a question was raised in this place by the Hon. Mr Gilfillan about Roxby Downs and, in particular, the Health Commission's submission to the Roxby Downs select committee in May 1982. This followed an article in the *Sunday Mail* of 30 October 1988, just before the official opening of the Olympic Dam project. The article called into question the credibility of some former and present employees of the Health Commission. In the article the Deputy Leader of the Opposition stated that he believed the Health Commission's report to the select committee was 'a deliberate attempt to sabotage the project'.

That is a very serious allegation. To claim that the report lacked scientific competence and integrity and was politically motivated in an attempt to sabotage the project is a very serious allegation to make about the integrity and competence of past and present employees of the Radiation Control Section of the Health Commission, who are understandably concerned about their professional reputation and the slur which has been cast upon it.

I am advised that the report intended to place before the select committee a review of the scientific evidence available at the time on the radiation hazards of uranium mining. It was compiled by competent scientists on the basis of the best scientific evidence available. The radiation protection philosophy adopted by authorities worldwide, including the Health Commission, has not changed since 1982 and must be based on the premise that any exposure to ionising radiation carries a risk. The report was not acceptable to the Hon. Mr Goldsworthy and was withdrawn. A revised submission was later made.

I now table both the first and final submissions of the South Australian Health Commission to the Roxby Downs (Indenture Ratification) Bill 1982 select committee. This will enable members and the public to judge the issues for themselves. I would add that this Government is concerned about the potential for increased lung cancer incidence as a result of inhaling radon gas and its decay products. The Government's concerns for all aspects of radiation safety led to it taking action in 1986 to amend the Radiation Protection and Control Act to introduce a licence to mine or mill radioactive ore and to allow conditions placed on that licence to be enforceable in a court of law.

Such a licence has been granted to the Olympic Dam project and under the project is bound to abide by internationally recognised radiation protection standards, including, most importantly, the so-called ALARA principle. This principle, that radiation doses should be reduced to as low as reasonably achievable, economic and social factors being taken into account, applies even when dose limits are being complied with, and ensures that radiation doses and resulting risks are minimised. The Government, through the South Australian Health Commission and the Department of Mines and Energy, is active in ensuring that all radiation protection requirements are complied with at the Olympic Dam Project.

REPLIES TO QUESTIONS

The Hon. BARBARA WIESE: I seek leave to have the following answers to questions inserted in *Hansard* without my reading them.

Leave granted.

MILNE ROAD TRANSMISSION LINES

In reply to the **Hon. J.C. BURDETT** (1 November 1988).

The Hon. BARBARA WIESE: In response to the honourable member's question, the following information has been provided by my colleague the Minister of Mines and Energy:

A notice of intent to construct 66 000 volt overhead lines through this general area, including the Golden Grove development area, was issued for consideration and comment in September 1985. The Minister for Environment and Planning responded in February 1986 detailing the preferred route for the 66 000 volt line between the Ingle Farm and the Golden Grove substations. The first section of line along Hancock Road north of Milne Road was completed in December 1987. As the notice of intent was issued in September 1985, the suggestion that the time for representations has been very restricted is hardly valid.

The proposed line is required to improve the security of the electricity supply to the general area north of Grand Junction Road and east of Bridge Road. This area is currently supplied by 66 000 to 11 000 volt substations at Ingle Farm, Tea Tree Gully

and Golden Grove. The proposed line will complete a loop which will reinforce supply to each of these three substations.

Milne Road east of Nelson Road is wider than many suburban streets. West of Nelson Road it is 20 metres in width; just east of Nelson Road it is 26 metres wide and reduces to 20 metres near Kelly Road and further east. Many suburban streets between Ingle Farm substation on the corner of Maxwell and Sloan Roads and Montague Road are only 15 metres wide.

Although the 11 000 volt and 415 volt lines are being placed underground in the Golden Grove development area, because of the cost of undergrounding 66 000 volt lines, they will continue to be conventional overhead construction. There is no wide-scale undergrounding of 66 000 volt lines.

To relocate the new line on Montague Road would increase the route length by approximately 2.3 km—from 7.8 km to 10.1 km. Because two overhead transmission lines already approach the Ingle Farm substation from the south, any additional transmission lines leaving the substation in this direction would need to be via underground cable. To clear these existing lines some 300 route metres of 66 000 volt cable would be required which would cost of the order of $500 000. The residential streets between the substation and Montague Road are now wider than Milne Road. They are generally curved which means larger, stronger poles would be required to negotiate bends. These larger poles would have a greater visual impact in these streets than the more slender line poles along Milne Road, where they would be screened at ground level by well established low trees and shrubs.

The additional 2 km of overhead line for a route via Montague Road would cost of the order of $250 000. Thus, the overall cost of the line between Ingle Farm and Golden Grove substations would increase from around $1 million to $1.75 million; an increase of 75 per cent.

ETSA engineers have reviewed the design of the proposed line in Milne Road, and have developed an alternative scheme which would accommodate some of the concerns raised regarding the aesthetics of the line.

The original proposal was to replace every third existing pole with a 23 metre pole, to gain sufficient height for the 66 kV line above the low voltage street mains, and also to allow the introduction of 11 kV mains at some later time if and when low voltage reinforcement of the area becomes necessary. This is standard practice.

The new proposal is to replace every second existing pole with a 14 metre pole, which will result in a much lower (by 8 m) and therefore less obtrusive line. ETSA would lose the ability to introduce 11 kV along that road should load growth later require it, and other solutions would have to be found should those circumstances develop.

In addition, the steel channel of the new poles would be 'Dimet' coated (a grey corrosion resistant coating) and 'smooth sided' (that is, with no protruding edges on the steel channel). These measures are all intended to make the construction less obtrusive, and will add about $80 000 to the cost of the job.

LEGIONNAIRE'S DISEASE

In reply to the **Hon. J.C. BURDETT** (17 November 1988).

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

1. Yes.

2. As indicated in the STA staff bulletin, there has been a thorough review of bus coolers in the STA fleet, including testing of water samples from the buses. Also, experts from the Thames Water Authority with particular expertise in relation to legionella bacteria were brought to South Australia to review STA procedures and equipment. The staff bulletin outlines the outcome of those review processes, and indicates the STA's commitment to ensuring rigorous safety standards in relation to its bus cooling systems.

The investigation of the recent outbreak of legionella infection in the southern suburbs has not produced any evidence to indicate that the STA, should reconsider the steps it has taken. To reiterate what is said in that bulletin—cooler systems have been tested and cleaned; the water in the systems will be treated; the systems will be maintained and monitored; only serviceable systems will be operated; and refrigerative air-conditioning is being trialled.

SELLICKS BEACH MARINA

In reply to the **Hon. M.J. ELLIOTT** (15 February).

The Hon. BARBARA WIESE: Following the beach party held at Sellicks Beach on 19 February 1989 the Minister for Environment and Planning has advised that all activities were located on the beach itself. Aboriginal sites identified in the Sellicks Beach Marina environmental impact statement were not affected by the above activities.

WHEAT TRADE DEREGULATION

In reply to the **Hon. M.J. ELLIOTT** (15 February).

The Hon. BARBARA WIESE: The South Australian Government's attitude to the Commonwealth Government's proposals for deregulating wheat marketing arrangements will not be determined until the Commonwealth makes available to the State for detailed analysis, the legislation that it plans to give effect to its proposals.

ROXBY DOWNS

In reply to the **Hon. I. GILFILLAN** (29 November 1988).

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

1. The commission supports the recommendations of both the International Commission on Radiological Protection and the National Health and Medical Research Council which are based on the premise that all radiation exposures may entail some risk of genetic damage.

2. The Government is concerned about the potential for increased lung cancer incidence as a result of inhaling radon gas and its decay products. The Government's concern for all aspects of radiation safety led to it taking action in 1986 to amend the Radiation Protection and Control Act to introduce a licence to mine or mill radioactive ore, and allow conditions placed on that licence to be enforceable in a court of law. Such a licence has been granted to the Olympic Dam project and under it the project is bound to abide by internationally recognised radiation protection standards, including, most importantly, the so-called ALARA principle.

The principle, that radiation doses should be reduced to as low as reasonably achievable, economic and social factors being taken into account, applies even when dose limits are being complied with, and ensures that radiation doses and resulting risks are minimised. The Government, through the South Australian Health Commission and the Department of Mines and Energy, is active in ensuring that all radiation protection requirements are complied with at the Olympic Dam project.

3. The first and final submissions of the Health Commission to the select committee in 1982 are hereby tabled.

4. It is suggested that the honourable member pursues directly with the Hon. Mr Goldsworthy the reasons for withdrawal of the first Health Commission submission to the select committee.

In reply to the **Hon. I. GILFILLAN** (14 February).

The Hon. BARBARA WIESE: My colleague the Minister of Mines and Energy has advised that the Olympic Dam project tailings dam occupies an area of approximately 75 hectares and is designed to provide a permanent storage for the tailings produced by the project. The design and location of the tailings dam were approved by the State under the Radiation Protection (Mining and Milling) Code. The approved design did not include any requirement for a waterproof synthetic membrane, as the use of such a membrane was not considered necessary. The long-term reliability of a membrane of the size required, that is, 75 hectares, would be questionable in any case. The site chosen for the tailings dam at Olympic Dam was primarily large, open swales consisting of low porosity silty clay with varying amounts of sand and gravel. Prior to developing the site,

the joint venturers undertook a large number of test pit excavations to a depth of two metres over the storage area. None of these excavations encountered porous solid limestone or subsurface voids.

In the subsequent development, a minimum of one metre of competent soil cover was maintained over the tailings storage area. Release of tailings into the dam is cycled between numerous release points around the perimeter. With a rainfall to evaporation ratio of 1:20 at Olympic Dam, this cycling process will permit rapid loss of excess contained liquid, and result in the formation of impermeable layered deposits of high density tailings, thereby effectively minimising seepage into the base of the storage. Laboratory tests also indicate that sealing of the storage base will be enhanced by the generation of insoluble gypsum resulting from the chemical reaction of tailings liquid with any limestone-containing ground strata.

To confirm the continued integrity of the tailings storage at Olympic Dam, a comprehensive groundwater monitoring program is required to be undertaken by the joint venturers as part of their approved waste management program. A series of fifteen bores has been established around the perimeter of the storage area, and each will be regularly monitored for water level and quality, and the results reported to Government along with those from the numerous other monitoring programs conducted by the joint venturers.

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 16 March. Page 2484.)

The Hon. DIANA LAIDLAW: This Bill seeks to amend the Equal Opportunity Act 1984 to achieve a number of major reforms. One reform proposed is the extension of the ambit of the Act to those who have an intellectual impairment. However, that is not the only major reform desired. I highlight that fact because that is the impression that is being conveyed through major media sources in this State.

There are other important reforms, which I will outline briefly. One is to extend the Act to include voluntary workers by incorporating a new definition of 'employee'. The second deals with discrimination by certain associations on the grounds of marital status or pregnancy in addition to sex and covers expulsion of members on these grounds. A further major reform is to provide that authorities or bodies that confer authorisations or qualifications to practise a profession or carry on a trade or occupation will be guilty of discrimination on the ground of race if they fail to inform themselves properly of overseas authorisations or qualifications of applicants for positions.

They are just some of the major reforms proposed in this Bill. I highlight the range of those issues because it is of grave concern to me and other members of the Opposition that the Government did not see fit to consult on this Bill with the major employer bodies or individual companies in this State or with the major health and welfare organisations which utilise voluntary workers. That is of major concern because they will be affected substantially by the extension of this Act. If not out of courtesy, with respect to generating community support for this initiative, one would have expected the Government to undertake some degree of consultation with those bodies.

It is of interest to note that on 5 March 1981, when the Hon. Trevor Griffin introduced the Handicapped Persons Equal Opportunity Bill, he indicated that the Tonkin Government would undertake extensive consultations with representatives of particular organisations in an attempt to explain the legislation and to understand the problems faced by those bodies in giving equal opportunity to physically handicapped people. That was a particularly sound approach. The debate was adjourned until June so that consultation with various organisations could be undertaken. I commend that approach to the Government in this instance because the measures proposed in this Bill and the lack of consultation in recent times with employer and voluntary organisations warrant further consideration.

I am not directly opposed to the provisions in the Bill, although I would have appreciated further time to talk with a whole range of people, as would those organisations. In addition, I would like to be more confident that the Government had actually looked at the implications of this Bill in relation to other legislation. I understand that the Government's argument in relation to consultation is based on the working party which was convened by the Disability Adviser to the Premier, and which reported in 1985 in favour of this measure of extending the Act to incorporate intellectual impairment. During the period of the Tonkin Liberal Government, a working party concerned with a similar issue was chaired by Sir Charles Bright, and a discussion paper was released.

I concede that the issue has been around for a long time, but a lot has happened since both Sir Charles Bright's committee and the 1985 committee chaired by the Disability Adviser to the Premier recommended in favour of an extension of this Act. For instance, major changes have been made to workers compensation legislation and to occupational health, safety and welfare legislation and, although there is no reference in the Bill or in the Attorney-General's second reading explanation, I would like to be confident that the relationship between provisions in this Bill and those other pieces of legislation have been considered. As members would be aware, on two occasions I have introduced a Bill to amend the Equal Opportunity Act to incorporate the ground of age.

In a ministerial statement last week, it was indicated that the Government would oppose my Bill and that it intended to introduce its own legislation in the August session to amend the Equal Opportunity Act to incorporate the ground of age. Considering that time frame in respect of the Government's proposed age discrimination legislation and the fact that the Government proposes to have consultation on that legislation and its relationship with business and other sectors of the community, it would be opportune for the Government to discuss with those same bodies the provisions contained in this Bill so that discussions on age discrimination, intellectual impairment and inclusion of voluntary workers could be considered in the one round of consultation.

It is an important measure because the Attorney-General indicated in his second reading explanation that New South Wales and Victoria have similar legislation with respect to intellectual impairment. However, neither of those States has age discrimination legislation, and there is a direct relationship between age and equal opportunity, and age and physical and intellectual impairment. Members should be aware of the relationships between age, physical impairment and intellectual impairment before Parliament moves to extend this Act to incorporate age and intellectual impairment in addition to the existing provisions relating to physical impairment.

I note that about 70 per cent of people with physical disabilities are aged 60 years and over and that there is a very high incidence amongst old people of dementia and Alzheimer's disease. They could be, and generally are, described as mental illnesses and not intellectual impairments. That is a technical distinction that most people in the community would not be able to make.

The Hon. R.J. Ritson interjecting:

The Hon. DIANA LAIDLAW: Well, as Dr Ritson has suggested, it may well be that dementia, Alzheimer's disease, and the like, come into the definition of impairment. The Alzheimer's self-help group calls dementia an illness. This Bill, in the definition clause, seeks to make a distinction between intellectual impairment and mental illness. This distinction is important. However, I am not sure that even the medical world has made a clear distinction in respect of the definitions of these illnesses or diseases. Therefore, it is very difficult for the community to come to grips with those matters, and they may be involved unwittingly in breaches of the Bill as proposed if they, and we in this Parliament, are not confident of what we mean in terms of the distinction between intellectual impairment and mental illness.

I do not want to go any further at this stage. I simply want to argue the need for deferment of this Bill on the grounds that I believe the Government, in seeking in an earlier commitment to wide consultation on the issue of age discrimination, should, in fact, be using that process to consult widely in the area of intellectual impairment and the other major provisions in this Bill. Also, as I have sought to argue, there is a close relationship between measures to incorporate age and intellectual impairment into this Equal Opportunity Act at the same time. I also note in passing that this Bill makes major advances in amending the Equal Opportunity Act to introduce gender neutral language. That initiative certainly has my whole hearted support.

The Hon. R.J. RITSON: I am not sure of my attitude to this Bill. It is very extensive and, in my view, it is a Committee Bill. I look forward to the Committee debate. There are enormous dangers in casting ever widening grounds for proceeding against people for various sorts of discrimination. Perhaps some very fundamental problems can be dealt with, but this seems to be attempting to dot a lot of i's and cross a lot of t's and a lot of unintended results could flow from it. For example, the Bill gives very little credit to the role of education in changing society's attitudes. It gives very little credit to the undoubted positive and constructive attitude on the part of most of the major employers in relation to discrimination. It is a sad commentary that we need to expand in minute detail the burden of rules, regulations and laws that tell people exactly how to run their clubs, societies, appointments, committees, and the like. I look forward to the Committee stage when we will look at the problem areas. Until that time, I reserve my judgment of the Bill.

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

The Hon. M.B. CAMERON: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

SELECT COMMITTEE ON CHRISTIES BEACH WOMEN'S SHELTER

The Hon. G.L. BRUCE brought up the report of the select committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 6 April. Page 2732.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports the basics of this Bill, because it is quite clear that younger drivers are involved in more motor vehicle accidents. The Bill goes beyond the point that is necessary.

The Hon. J.C. Burdett: It's not the very young drivers who are the trouble.

The Hon. M.B. CAMERON: That is correct. The trouble is that the breakdown of the statistics is not accurately reflected in this Bill. The effect of this Bill on 16-year-olds will be quite dramatic, particularly on those who are competent to drive. Plenty of young people are very competent drivers at 16 or shortly thereafter, and are probably more competent than some older citizens (I will not reflect on anybody in particular). They are very skilled drivers.

A lot of younger people use the motor vehicle for their work and, in country areas in particular, the inability to get a licence for the full 12 month L plate period, as outlined in the Bill, will cause very real difficulties. I believe that it is an unnecessary provision. I do not see any reason, if we have a provision where people can go on the road at 16, if they are competent and can be proved to be so, why they should not be allowed to exercise their right to have a P plate? Therefore, on behalf of the Opposition, I will move an amendment to that provision. I would expect that the Government, and certainly the Democrats, would consider that very seriously. I am sure the Hon. Mr Gilfillan would understand the reasoning behind that amendment. It is not an attempt to cause difficulties for people on the road: it is merely an attempt to reflect the skills of younger drivers.

In New Zealand, where I lived for three years in my younger days, a person can get a full licence at the age of 15, not 16. The New Zealand statistics for that age bracket are no worse than ours. New Zealand does not yet have P plate provisions. There is good reason for having P plate provisions because they enable the authorities to place some restrictions on young people. The feeling of freedom experienced by a person when they first get a licence is something that should be curbed in some younger people.

With these comments, I indicate that the Liberal Party has no problem with the Bill. However, there is no reason why a person over the age of 18 who applies for a learner's permit should be subject to any different probationary provisions from those applying to a person who is under the age of 18. A difference would seem to be some sort of reflection on young people.

There are plenty of old people who, for various reasons, have to learn to drive. In some cases their spouses have done their driving all their lives, and they suddenly find they no longer have a spouse, or in the case of people who are divorced, one or other partner could well have been the driver of the family, and the other person may not have learnt to drive. It is my experience that it is quite often

more difficult for an older person to pick up the skill of driving than it is for a younger person. We shall look seriously at an amendment in that area, and during the Committee stage we shall be debating that issue.

The speed limit increase from 80 km/h to 100 km/h is a sensible provision. I know that people have fears of young drivers speeding, but having a provision of 80 k/ph can cause some terrible problems on the road in terms of traffic being held up. From my experience of travelling on the Coorong Road you may have a person with a P plate travelling at 80 km/h, and unfortunately, you get a lot of other people banked up behind them taking unnecessary risks while attempting to pass them through sheer frustration. I do not condone that but, nevertheless, it does cause frustration. It can often cause a more dangerous situation than if you were allowing the young people to travel at what is considered a reasonable speed—that is 100 km/h. P plate drivers are generally quite sensible. You always have to deal with the person who will not behave. But, in general terms, these drivers are reasonably sensible. We do have some sensible provisions already on P plate drivers.

I will table a letter from the RAA which indicates that it also does oppose the increase in the minimum age for a P plate licence to 17 years. The RAA provides information on the situation with 16 year olds which, in absolute terms, shows that 16 year old drivers do not constitute a major part of the problem in road accidents.

Figures supplied by the Road Safety Division indicate that for the year 1986-87 17 and 18 year old drivers were involved in twice as many accidents as were 16 year old drivers. These figures show that 16 year olds were involved in only 6 per cent of total accidents for the 16 to 24 year age group. Those figures indicate that with this Bill we are really attacking the wrong end of the spectrum.

As a parent who has had a family of five, I cannot describe the frustration I would have felt if I had had to provide training or driving supervision for five children, each for a 12 month period. I think that both my wife and I would have gone absolutely bonkers trying to provide that facility. In the end I suspect what you would do is ask other people to take that place, and you would find younger friends doing it—not younger in terms of younger than the person concerned. They would be seeking all sorts of people to take them out. That is not necessarily a good thing.

I suggest that it is unnecessary to have total driving supervision for that period. In our opinion, it would mean that, because an L plate motor cyclist cannot have anybody with him (because motor bikes are not built for that), most 16 and 17-year-old people would go through that L plate period riding a motor bike. Young people are not stupid; they will get around this provision. I do not wish to see an increase in the number of young motor cyclists on the road. On the contrary, I would prefer to see less, so I believe that this Government is heading to a situation where accident rates will increase and greater problems will arise on the road for young people.

I do not believe that it is desirable to have an increased number of unskilled young people in charge of a motor bike but, if they want to have a job, really we are not giving them any choice. Even though they may be skilled drivers, we will not give them P plates until they reach 17 years of age but, from the age of 16, they can ride a motor bike. I do not think that the Government intends that to be the case. For those reasons, I am sure that our amendment will be supported. I table the letter. We support the Bill with some amendments, which I think will be ready later tonight.

The Hon. I. GILFILLAN: The Democrats support this Bill. The Road Safety Division and RAA statistics will probably cause members to scrutinise the supporting argument more closely. I believe that this issue must be based on fact rather than conjecture and that there should be no attempt at grandstanding or political point-scoring. I am not making that accusation about any honourable member in either place.

We should assess the accuracy of the conclusions drawn by two competent bodies which surveyed basically the same area. I seek leave to have inserted in *Hansard* without my reading it a purely statistical table compiled by the Australian Bureau of Statistics which sets out the results of a survey of motor vehicle usage in South Australia for the 12 months ended 30 September 1985.

Leave granted.

SURVEY OF MOTOR VEHICLE USAGE TWELVE MONTHS ENDED 30 SEPTEMBER 1985

Total Annual Kilometres (Thousands) by Age and Sex of Driver, Size of Vehicle and State of Registration for Drivers of Cars and Station Wagons

State of Registration: South Australia, Size of Vehicle: Total

Age of Driver	Sex of Driver							
	Male		Female		Not Stated		Total	
	km ('000)	Rel. Se(%)	km ('000)	Rel. Se(%)	km ('000)	Rel. Se(%)	km ('000)	Rel. Se(%)
Less than 16	—	—	—	—	—	—	—	—
16	33 770	50.00	26 936	80.97	—	—	60 706	45.41
17	43 707	35.68	17 795	54.78	—	—	61 502	29.86
18	104 046	29.98	23 734	39.05	—	—	127 779	25.45
19	132 079	31.36	49 137	31.42	—	—	181 216	24.32
Total, under 20	313 602	17.99	117 602	25.34	—	—	431 204	14.74
20	207 231	25.98	77 631	33.37	—	—	284 862	20.94
21	231 666	29.58	58 563	29.81	—	—	290 229	24.34
22	190 029	29.61	85 093	27.28	—	—	275 122	22.10
23	158 409	23.82	60 766	26.30	—	—	219 175	18.64
24	94 522	30.48	144 898	29.15	—	—	239 421	21.31
Total, 20 and under 25	881 856	12.77	426 952	13.80	—	—	1 308 809	9.63
25 and under 30	763 874	13.74	423 242	12.39	—	—	1 187 116	9.79
30 and under 40	1 378 332	7.89	875 798	9.66	—	—	2 254 130	5.93
40 and under 50	1 314 421	8.50	531 205	11.13	—	—	1 845 626	6.73
50 and under 60	982 369	9.23	247 462	13.67	0	(1)	1 229 832	7.78
60 and under 70	500 604	11.20	136 754	17.12	3 038	99.86	640 396	9.42
70 and over	224 776	15.20	66 028	35.22	—	—	290 804	14.17
Not stated	16 557	61.95	—	—	248 319	27.83	264 876	26.36
Total	6 376 391	3.46	2 825 043	4.60	251 357	27.51	9 452 791	2.16

The Hon. I. GILFILLAN: I also seek leave to have inserted in *Hansard* without my reading it a statistical table of the 1987 South Australian accident statistics as compiled by the Royal Automobile Association.

Leave granted.

ACCIDENT STATISTICS

Using the above data and 1987 South Australian accident statistics, the following table can be developed showing significantly lower accident involvement rate for 16-year-olds.

Driver age	Accidents involving young drivers	Millions of kilometres travelled	Accident involvement rate per million kilometres
16	1 123	60 706	18.5
17	2 170	61 502	35.3
18	2 615	127 779	20.5
19	2 473	181 216	13.6

The Hon. I. GILFILLAN: This table shows that, according to its interpretation, the 16-year-olds have a lower accident rate than do the 17 and 18-year-olds. However, I also have some information entitled 'Details of the Road Safety Division's Young Driver Exposure Survey.' It reads:

1. Purpose—To derive more accurate estimates of the distances young people aged 16-19 years drive.

2. Sampling—The Road Safety Division liaised with the Australian Bureau of Statistics to determine a suitable sample size. The ABS recommendations and achieved sample sizes are shown below:

Once again, I seek leave to have inserted in *Hansard* without my reading it a purely statistical table which shows the sample sizes as recommended by the ABS.

Leave granted.

SAMPLE SIZES

Age	Recommended sample size*	Achieved sample size
16 years	100	189
17 years	40	52
16 years	30	58
15 years	30	50

*To achieve a relative standard error of 5%

The Hon. I. GILFILLAN: The document continues:

The sample requirements were therefore met, and, in fact, exceeded.

The sample was selected randomly from the licence file of the Motor Registration Division. Contact phone numbers were obtained using Telecom Australia's 'Telelift' Service.

3. Procedure—The survey was conducted by staff of the Road Safety Division during February 1988. Sample subjects were telephoned at home in the early evening and asked the following question: 'How far, in kilometres, have you driven since your most recent birthday?' Responses were recorded and allowed average kilometres to be calculated for individual ages 16-19 years. The averages were then multiplied by the total number of licence holders of the respective ages. The results are shown below:

Once again, I seek leave to have inserted in *Hansard* without my reading it a purely statistical table which illustrates the results of that survey.

Leave granted.

SURVEY RESULT

Age	Average kms travelled	Number of drivers	Total M kms
16 years	1 600	12 170	19
17 years	4 400	17 633	77
18 years	5 000	20 233	101
19 years	6 300	21 358	134

The Hon. I. GILFILLAN: The document continues:

Statistical comparisons revealed the following interesting findings:

(a) 16-year-olds travelled significantly less than 17, 18 or 19-year-olds; the above table shows that in terms of total distance travelled 17-year-olds drive four times the distance of 16-year-olds, and that 18 and 19-year-olds drive five and seven times further respectively;

(b) young drivers (16-19 years) who own a car drive significantly further than those who do not have a car—in fact, nearly 3½ times further; and

(c) young country drivers travel significantly further than young city drivers—in fact 40 per cent further.

4. Computation of accident involvement rates on a distance travelled basis

ACCIDENT INVOLVEMENT BY DRIVER AGE*

Once again, I seek leave to have inserted in *Hansard* without my reading it a purely statistical table.

Leave granted.

TRAFFIC ACCIDENTS

Age of drivers involved	Number involved**	Total km travelled/ year (millions)***	Rate of involvement per M km
16	1 123	19	59
17	2 170	77	28
18	2 615	101	26
19	2 473	134	18

The Hon. I. GILFILLAN: I also seek leave to have the notes to that table incorporated in *Hansard* without my reading them. The notes relate directly to the detail and statistical data.

Leave granted.

NOTES

*These statistics relate to total accident involvement. The higher involvement of 16-year-olds is also shown in casualty accidents where the rate is 9.5 casualty accidents/million kms compared with 4.6, 4.3 and 3.2 casualty accidents/million kms for 17, 18 and 19-year-olds respectively.

**Road accidents in South Australia, 1987 (Road Safety Division)

***Young drivers exposure survey, 1988 (Road Safety Division)

The Hon. I. GILFILLAN: The document concludes:

The table shows that 16-year-olds have two or three times the risk of 17-19 year-olds.

In summary, we now have before us two apparently conflicting interpretations of the accident rate of 16-year-olds in relation to 17, 18 and 19-year-olds. Before we can support or modify the Bill which the Government has introduced, that matter must be resolved. Although we will support the second reading of this Bill, we are aware of the difficulties in which some 16-year-olds may find themselves as a result of this Bill if it is not amended. They will find it impossible to drive to their place of work or study. We believe that a permit system should be introduced so that they can apply for exemptions under specific circumstances. If the Bill is supported in its present form, we will raise that matter.

On the other hand, if some doubts are raised about the interpretation of the data, the amendment as foreshadowed by the Opposition may be more appropriate. The Democrats have an open mind on that issue but, if the statistical data shows that the 16-year-olds have this increased hazard, we would support the Bill in its original form, but with the inclusion of the permit provision. We hope that more light will be thrown on this matter during the Committee stage. We commend the Government for its initiative and we urge all members to work towards achieving the best result with this legislation.

The Hon. K.T. GRIFFIN: I am pleased that the Hon. Mr Gilfillan has indicated that the Democrats still have an open mind on the period for which 16-year-olds should be required to drive on learners plates before being entitled to obtain a probationary licence. I concede that it is a complex and difficult question. It will have ramifications not only for 16-year-old drivers, but also for other road users and families and friends of those 16-year-olds who, when they get their learners' plates, are able to progress to holding probationary licences when they demonstrate their competence to handle a motor vehicle and emergency situations which can arise whilst driving without a licensed driver beside them.

The letter from the Royal Automobile Association, to which previous speakers have referred, strongly urges members of the Legislative Council to amend the Government's proposal. That proposal has the effect of allowing a probationary driver's licence only at the age of 17 years. In practical terms, for the majority of 16-year-olds, that will mean that, notwithstanding their competence to drive and deal with emergencies on the road—a competence which is fairly well established in many young drivers—members of the family and other fully licensed drivers will have a year in which to hold the reins, preventing 16-year-olds from driving without a licensed driver beside them and to accommodate their own program as well as the 16-year-olds' program to those occasions when they are able to travel together.

I think that is unfortunate in many respects. I know that one can criticise 16 and 17-year-olds, but by far the majority of them are responsible citizens, even with other drivers. Generally speaking, parents are responsible and exercise the appropriate responsibility and impose the necessary constraints to ensure that 16-year-olds do not abuse the right to drive. I know that 15 and 16-year-olds are concerned about the possibility of driving on learners plates for 12 months. They do not believe that is reasonable. Their view is that it shows a misunderstanding of the sense of responsibility of the majority of young people, both male and female.

The RAA highlights the other difficulties which might arise, particularly for young people in the country. There will be difficulties also for those who attend trade and other schools and undertake training activities in the sense of getting to those facilities to enable them to further their education both in the metropolitan and the country areas.

The Hon. Martin Cameron referred to the RAA's assertion that an undesirable outcome of the proposed legislation as it is could be the undesirable increase in the use of motor cycles by 16-year-olds who would be able to travel unaccompanied on a learner's permit for up to 12 months. It would be most unfortunate if there were a move away from motor vehicles to motor cycles because the danger to motor cyclists is greater than to car drivers. Also, the potential for losing control and driving at excessive speeds is more likely than when driving a four wheeled vehicle.

I urge the Australia Democrats to consider seriously the amendments that the Opposition will be moving as reasonable alternatives which will not add to an increase in the road toll, but will facilitate 16-year-olds in their development, skills and sense of public responsibility when driving on the road.

I have no difficulty with probationary licences until the age of 19 or, if one gets a learner's licence at a much later stage, for probationary licences to last about two years. That is good. I have some reservations about moving from 80 to 100 kilometres per hour as a maximum speed limit but I can see the arguments on both sides. At the earlier age at which young people gain a licence, 100 kilometres per hour is too fast, but, as youngsters develop their expertise at 18 or 19, for example, many, if not all, are able to accommodate to that speed. There are arguments for and against. I just have some reservations about it at the lower end of the probationary licence period.

In order to enable the amendment to be considered and because some aspects of the Bill have my support, I indicate my support for the second reading.

Bill read a second time.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

In Committee.

(Continued from 6 April. Page 2748.)

New clause 8a—'Registration of employers.'

The Hon. C.J. SUMNER: The new clause seeks, first, to provide for a joint process of registration of employees under the Occupational Health, Safety and Welfare Act and the Workers Compensation Act. Currently employers must separately register under each of those Acts. To eliminate the necessity of doing this, the amendment seeks to enable employers jointly to register under the two Acts at the time they register with Workcover.

Secondly, to further cut down on the paperwork faced by employers, the amendment seeks also to provide a mechanism whereby registration fees under the Occupational Health, Safety and Welfare Act can be collected on behalf of the Department of Labour by the WorkCover corporation at the same time as the latter body collects its levies.

Again, the intention is to minimise the numbers of pieces of paper that employers have to deal with by providing for the one billing process. Currently, fees payable by employers under the Occupational Health, Safety and Welfare Act are set down by regulation and are based on the number of employees employed in a workplace. The Government's amendment provides for the fee structure to be set by regulation (as under the current Act) but because of the single billing process proposed it is likely, following consultation with employers, that the fee will be set in a way which simplifies the method of payment so that the WorkCover levy and the occupational health and safety fee are paid at the same time as part of the one process.

The Hon. J.F. STEFANI: The amendment deals with the registration of employers. It provides that employers who are required to register under the Workers Rehabilitation and Compensation Act 1986 are required also to automatically register under the Occupational Health, Safety and Welfare Act at the time that they register for WorkCover. Exemptions which may apply are as follows: first, where persons are exempted by the regulations from the obligation to register. I take this to mean the regulations applicable to this Act which cover the exemption of:

(a) A residence where a domestic employee is employed;

(b) Mines;

(c) Places covered by the Petroleum Act,

(d) Where the Director of the Department of Labour may, if he or she thinks fit, dispense with the requirement of registration of a workplace.

Secondly, the Occupational Health, Safety and Welfare Commission may, by unanimous decision by notice in writing to the employer grant an exemption to the employer from any of the provisions of the Act under section 67 (2) exempting the employer, a specified operation and specified workplaces after the employer applies to the commission as required by section 67 (1).

As the matter now stands, it is quite clear that these amendments have not been formally considered, recommended or approved by the commission. There has been no consultation with the Industrial Relations Advisory Council, and there has been no employer consultation about these proposals. If we abandon the principle of consulting the very people affected by this legislation, then we have failed in our duty as members of Parliament, and we can expect employer organisations to walk away from any future collective approach which the Government may hope to achieve.

It is my view that, if these amendments which introduce new regulations were allowed to take their normal course, and in the first instance be proposed and properly developed by the commission, public comment and consultation would occur automatically as provided by section 14 (5) of the Act, as can be seen in the advertisement placed by the commission in the *Advertiser* of Monday 10 April calling for public comment on another matter.

A number of administrative problems which further affect employers have not been considered. For example, a family proprietary limited company (such as a family farming company) or an investment company with two working directors is now required to register under the Workers Rehabilitation and Workers Compensation Act, although in the past it may not have been required to register as a workplace or to register its employees.

The opposite position also applies, particularly in the building industry, where two self-employed subcontractors working as a partnership are not required to insure under WorkCover but carry a personal accident policy. These partners may work in a small workshop as cabinetmakers or plumbers. This situation is at odds with the proposed legislation which does not cover such circumstances and therefore does not eliminate the current dual reporting systems.

Last week I spoke about the continuing requirement to report to the Department of Labour work-related injuries, accidents, and dangerous occurrences. This will still be required to be carried out and therefore will not reduce paperwork for employers. It is obvious that, whilst these amendments unsuccessfully attempt to rationalise the reporting of work-related injuries to one agency, they fail to rationalise the reporting requirements with regard to accidents, dangerous occurrences and, to some extent, the registration of workplaces, employees and injuries sustained by self-insured self-employed subcontractors.

These provisions will also require a great percentage of future proprietary companies, which would normally only register under WorkCover compensation laws, to seek written exemptions and dispensation from workplace and employee registration. I find the provision which deals with payments of registration fees not clearly defined and fixed to the current level. In any event, the suggestion that in certain circumstances double penalties will be imposed on employers is a cynical way of expressing the desire to encourage and assist our business community in the process of employing people.

I am at a loss to understand how amendments which specifically deal with the Occupational Health, Safety and Welfare Act can be dealt with under another Act without appropriate corresponding legislation being enacted in the Workers Rehabilitation and Compensation Act 1986 to accommodate these proposed changes. I find the notion of a double handling of moneys collected by one agency to be paid to another a waste of accounting and manpower resources, particularly as WorkCover can cross-charge and deduct any costs reasonably incurred to undertake registration and collection fees.

I have great concerns about the provisions which require the disclosure and exchange of information relating to personal injuries or other physical conditions resulting from work-related injuries. There is no guarantee in these procedures that such delicate and sensitive details may not be linked to a number of people in the transition process between Government agencies. The disclosure of medical information between various departments is surely not permissible without first obtaining the employee's consent.

For all these reasons—and with the support of members of the commission and a wide cross-section of employer organisations—The Opposition strongly urges the Government not to proceed with these ill-conceived amendments, which will create an administrative nightmare for employers, WorkCover and the Department of Labour alike.

As a person with substantial experience as an employer, I seek the support of all members—particularly the Democrats—to support the Opposition's proposal to defer and oppose these amendments and to allow the commission, which has the capacity and the appropriate tripartite representation, to formulate and recommend any future administrative procedure which will be acceptable to all parties.

The Hon. I. GILFILLAN: I indicate, as I possibly did when we last debated this matter, that the Democrats support the amendment in its intention, as we understand it. I respect the observations made by the Hon. Mr Stefani in his apprehension of some of its implications. If some problems are experienced, it should be noted that this is a facilitating measure which does not attempt to impose new restrictions or new obligations on employers.

When we last discussed this matter I raised the question of confidentiality of material transferred from WorkCover to the Department of Labour and/or the commission. My fears were allayed after being referred to section 65 of the Occupational Health, Welfare and Safety Act, and the Hon. Julian Stefani may care to check with that. I am advised that that provision, which restrains any person from distributing information, is an effectively worded and enforced restraint on the abuse of that information, so my concern no longer applies.

From what I understand of the Hon. Julian Stefani's comments, it is not so much that he opposes what could evolve from this provision but that he is concerned about the timing of its introduction and believes that it requires more consultation before it is introduced. I sympathise, but there will probably be quite a long lead time before legislation is likely to be reconsidered in this place. As with other forms of new legislation, the Democrats are always sympathetic to fine tuning or adjusting it if that is found to be necessary. The commission will still be able to play quite a large role in determining exactly how this will work and that there is scope for certain people to be exempt from the impact of this amendment so that the cases mentioned by the honourable member can be covered if that is considered desirable. The Democrats support the amendment.

The Hon. C.J. SUMNER: There is no basis for delaying this matter. I am advised that the major peak councils—the South Australian Employers Federation, the South Australian Chamber of Commerce and the United Trades and Labor Council—support the amendments. They are also supported by WorkCover, which contains representatives of unions and employers. The Hon. Mr Stefani asked whether it would be possible for WorkCover to take on these extra

functions. Although we are not dealing with the WorkCover legislation, I am advised that, pursuant to section 14 (2) *(i)* of the Workers Rehabilitation and Compensation Act 1986, WorkCover may:

Exercise any other powers that are contemplated by this Act or necessary or expedient for the efficient and proper performance of the corporation's functions.

In addition, under section 14 (1) *(i)* of that legislation, WorkCover is empowered to:

Perform any other function assigned to the corporation by or under this or any other Act or law.

Given that this function will be assigned to the WorkCover board under the Occupational Health, Safety and Welfare Act, the provisions to which I have referred enable WorkCover to carry out that function.

The Hon. J.F. STEFANI: Will the Attorney-General indicate whether there will be any perceived increase in fees in the near future to cover the double administration cost that this measure will create?

The Hon. C.J. SUMNER: The fees will be prescribed by regulation and will be subject to discussion with the relevant bodies.

The Hon. J.F. STEFANI: The employer organisations are not in favour of the amendment in this format. They have indicated strongly to me that they have not had time to consult with the wider employer community, and I concur with that. I would say that very few people in Adelaide today would know that this proposal is before Parliament and will become law. Little information has been disseminated simply because the employer organisations have not had time to do so. I challenge the Attorney-General to address that comment. These amendments, which were introduced last Tuesday, have not been able to be circulated widely among the people who employ the bulk of employees in this State and who are most affected by these measures.

The Hon. C.J. SUMNER: I am advised that earlier drafts of this amendment were circulated to the relevant organisations before the amendments were introduced.

New clause inserted.

New clause 8b—'Regulations.'

The Hon. C.J. SUMNER: I move to insert the following new clause:

8b. Section 69 of the principal Act is amended by inserting after subsection (8) the following subsections:

(8a) A regulation made under this Act in relation to the notification of work-related injuries may provide that notice of prescribed classes of injury may be given to the Workers Rehabilitation and Compensation Corporation in conjunction with the provision of information relating to claims for compensation under the Workers Rehabilitation and Compensation Act 1986.

(8b) The Department of Labour and the commission are entitled to information relation to work-related injuries obtained by the Workers Rehabilitation and Compensation Corporation under subsection (8a) (and section 112 of the Workers Rehabilitation and Compensation Act 1986, does not apply in relation to the disclosure of that information to the Department or to the commission).

(8c) The Workers Rehabilitation and Compensation Corporation is entitled to charge a fee, set by the Workers Rehabilitation and Compensation Corporation after consultation with the Treasurer, for the provision of information under subsection (8b).

This amendment seeks to reduce the need for employers to separately notify work related injuries to both WorkCover and the Department of Labour by providing for the reporting of the bulk of such injuries through WorkCover. If the amendment is passed, consequential amendments will be made to existing regulations under the Occupational Health, Safety and Welfare Act which currently require employers to notify certain work related injuries to the Department of Labour. There will still be a need, however, for employers to directly notify the Department of Labour of certain categories of dangerous occurrence so that inspectors can promptly inspect the workplaces involved, for example, fatalities, collapse of shoring, cranes overturning, explosion of an explosive, electrocution, etc. Those other work related injuries that are currently notifiable to the Department of Labour such as those which are not the result of a dangerous occurrence but which result in absence from work for three or more days will in the future only need to be notified to WorkCover which will then provide this injury data to the commission and the Department of Labour for their use in targeting their respective preventative and inspectorial strategies.

New clause inserted.

New clause 8c—'First schedule.'

The Hon. C.J. SUMNER: I move to insert the following new clause:

8c. The first schedule to the principal Act is amended by inserting after item 3 the following items:

3a. The procedures to be followed in respect of the registration of any person under this Act.

3b. The information to be provided by persons who are required to be registered under this Act.

This amendment is consequential.

New clause inserted.

Clause 9—'Transitional provisions.'

The Hon. J.F. STEFANI: I move:

Page 3, lines 9 to 20—Leave out subclauses (2) and (3).

The Liberal Party opposes subclauses (2) and (3). I have already outlined why we are totally opposed to the proposition of transitional employment procedures through an Act of Parliament. The Liberal Party accepts the principle that appointments within the Public Service should be made under the existing Public Service rules and, as such, they should be open to all suitably qualified public servants to make application. This is particularly because the positions of Chairman and Deputy Chairman of the commission have been changed and, more particularly, because the deputy chairman's position on the commission has been made totally redundant. There are two new positions and the Liberal Party believes that, in any event, the appointments to both positions should be determined by the board of the commission.

In relation to the Chief Executive Officer's position, the Liberal Party believes the board should approve the position. It should still be advertised and be the prerogative of that commission to determine. As such, the Liberal Party believes the normal Public Service procedures should be followed. Undoubtedly, the existing Chairman has the opportunity to apply, and we do not deny that he should have that opportunity.

The proposition to create another bureaucratic position for the Deputy Chief Executive Officer in such a small structure—when the existing position of Deputy Chairman has been made redundant—can, at best, be described as cynical and a total waste of public money, particularly as the commission has only nine officers, four of whom are senior officers (AO1 grading) and are certainly capable of acting in the absence of the Chief Executive Officer. From my wide discussions with representatives on the commission, I understand that the commission has not been consulted about this appointment. It seems to me that we are denigrating the commission by taking this action. Therefore, I ask the Attorney to accept my amendment and to allow the normal Public Service procedures to apply.

The Hon. I. GILFILLAN: The Democrats have some concern that subclause (3) was referring to a position which had not been recognised in the Bill, and the amendment previously moved has satisfied that requirement. The actual wording specifically provides:

The person who was, immediately before the commencement of this Act, the full-time member of the commission is entitled to be appointed to the office of Chief Executive Officer of the commission.

Similar wording applies in subclause (3), which provides:

The person who was, immediately before the commencement of this Act, the deputy to the full-time member of the commission is entitled to be appointed . . .

and then there is to be a slight wording change:

. . . as deputy to the Chief Executive Officer of the commission . . .

The positions apparently are already in the structure—and that is significant—in relation to the criticism about the extra positions. I emphasise the word 'entitled'. I believe that were the commission to be strongly of the opinion that either or both of these persons were not suitable to be appointed, the wording of the Bill allows that flexibility. It is not a clear instruction that that person must be appointed, or will be appointed, and my understanding of the word 'entitled' means that they are available to be appointed and that that appointment would be made by the commission. Therefore, in those circumstances, the Australian Democrats have no problem with the provision as drafted.

The Committee divided on the amendment:

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

Noes (11)—The Hons G.L. Bruce, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 3, line 18—Leave out 'as deputy to the' and substitutes 'to the office of Deputy'.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 3—'Membership of the Commission'—reconsidered.

The Hon. I. GILFILLAN: I move:

Page 1, after line 33—Insert 'with the concurrence of the Minister' at the end of new paragraph *(e) (a).*

This means that the nominee from WorkCover will have the same qualifications as all other people who are nominated or appointed to the commission. From that point of view, it has value. It also gives the Minister and the Government some confidence that they can ensure that the person representing WorkCover is satisfactory from that point of view.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 April. Page 2740.)

The Hon. DIANA LAIDLAW: The Opposition supports the second reading of this Bill, which provides that people who have a particular interest in non-profit associations are able to participate as members of the board. That includes those people who have specific qualities or qualifications (such as land agents) who sell trust properties. At the present time I understand that the provisions in the Act in relation to the disqualification from membership of the trust are quite strict. It is not the intention of the Government to reduce that level of requirement in respect to interest, whether that be direct or indirect.

However, in recent times, in relation to the appointment of members, it is believed that there is some conflict of interest where a person is a member of the board, but also has interests in charitable associations that may be renting property from the Housing Trust. The Government believes there is a need to make minor adjustments by means of this legislation to ensure that such a person can participate because of the variety of skills and expertise on the board of the trust. The Liberal Party supports that proposition.

People who are eligible for trust appointments are people who naturally possess a high degree of skill, expertise and are able to manage very large operations, in terms of trust properties, budgets and management of people, whether they be employees or tenants. It is absolutely ridiculous to assume that those people do not need considerable skill. One would anticipate that people with such skills would have wider community involvement, and often in the voluntary service sector. So, it is not surprising that those people would be appointed to the board, and that in their other activities they may encounter some association with the trust. If there is a conflict of interest of people involved in the rental or leasing of trust property for their respective organisations, that should be changed.

The Liberal Party does support this Bill, which also provides for the possibility of trust tenants being appointed to membership of the board.

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

[*Sitting suspended from 5.52 to 7.45 p.m.*]

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

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

That the committee have leave to sit during the sittings of the Council this evening.

Motion carried.

COUNTRY FIRES BILL

Adjourned debate on second reading.

(Continued from 5 April. Page 2652.)

The Hon. J.C. IRWIN: This is one of a number of major pieces of legislation before the Council this week, which no-one needs reminding is the last week of the session. It is a major rewrite of the CFS Act and, when it is finally accepted by the Parliament and proclaimed, the old Act goes out of existence. The importance of the legislation may be lost on some, because it affects only rural areas. However, I am sure that every member is aware of the Stirling council's financial crisis arising out of the bushfires, and this area of the Hills, and the Hills in general, is for the purposes of the Act very much part of the rural area.

Members are also well aware of the disastrous bushfires in the Clare area, Mount Remarkable, the South-East and other parts of the State over a number of years. I repeat what most Opposition members, including the Democrats, said last week and this week: why are three or four major pieces of legislation coming to their near final debating stages in the last week of the session, when we sat around from mid-February for some weeks virtually doing nothing and we are to go off for the so-called winter break at the end of this week for over four months, during which time there will be no legislative action or questioning of the Government? I can only conclude, as others have concluded, that the Government is incapable of managing its own legislative program, let alone every other facet of our existence which it seeks to run in great detail in our daily lives. Or, of course, it has some cynical reason for hiding this legislation in the rush of the last week of the session.

Country members have been aware of the movement to change the CFS Act for many months, but only recently have they been made aware of the final details and the direction of the legislation. In fact, I started to consult country people and councils in June last year. We were told that legislation would be in Parliament before Christmas 1988—in fact, before last summer—because certain things such as the line of command had to be in place ready for the summer of 1988-89. Now we are told that we would be irresponsible to hold up this legislation because it is needed for the summer of 1989-90. Be that as it may, the Opposition is ready to debate the Act now and put it through its Committee stages. What will come out of that is anyone's guess. Whether it will be a good Act of Parliament is also anyone's guess. I do not think that, on reflection, it is a good Act of Parliament. After considerable consultation and work on it over several months to produce the best possible result, I think that it is far from adequate legislation. I might add that I have not anywhere near finished consulting properly on the Bill.

In an ideal world and with a good and fair result in mind for all involved—the Government, the CFS, local councils, taxpayers and, above all, the volunteers, those who do the work at the front line—I should like more time, and I am sure that the Democrats would support that view. I should like more time to consider the importance and relevance of recently produced material. The Mount Lofty Ranges review and the green paper on soil conservation are some examples. The Coroner's report on the Mount Remarkable fire and the legal opinion being circulated by the Director of the Country Fire Services to support certain sections and actions proposed in the CFS Act need time to be considered in depth.

I need time to ascertain the truth in comments made to me from more than one source, that certain sections of various reports can be used to support certain aspects of the Act and, when the Act is passed, these sections can be reviewed and removed from the report or amended to reflect the correct position. Make no mistake, the reports will be challenged and, indeed, are being challenged now. I know that, the Government knows that and certain people in the community know that.

In support of my assertions, I should like to cite a couple of examples. Coming from the Coroner's finding on the Mount Remarkable fire is the statement:

> CFS officers play a major and indispensable role in firefighting and private volunteers are ineffective and unreliable and need to be controlled by CFS officers.

In other words, the CFS officers are the only experts who know everything about it. That is heartily and heavily contradicted and contested by the volunteers. The regional officer for region 4 submitted a fire report to CFS headquarters, and this report formed part of the Director of the CFS's affidavit to the court. The regional officer gave evidence to the Coroner directly. When the regional officer was challenged about the accuracy of his report at a group CFS meeting at Melrose in March 1989, he publicly agreed that it was inaccurate. In fact, he is known to have said privately that it was rubbish.

Other volunteers gave evidence to the Coroner, but I understand that they restricted their comments to the course of the fire. Is it any wonder that they were and are amazed that the findings of the Coroner and the legal opinion based on those findings are some of the bases for this Bill. It should be noted also that the person who played an enormous part in the direction of the Mount Remarkable fire was not a CFS officer but the head of the Mid-North division of the Police Force. I understand that his efforts were widely acknowledged. Comments are being made to me from all over the State, not just from Mount Remarkable and that area of CFS activity.

Volunteers and local councils do not wish this Act to be the basis of confrontation. In no way would such confrontation help to prevent or fight fires—and we know that. Volunteers do not want to see and hear much more of the sort of behaviour to which I have just alluded. They do not want to hear aggressive statements from the Director, such as, 'If you don't like what I am directing, then I will buy that truck and send you the bill', or a recent remark which has just been brought to my attention, 'In my view, if we cleared all the parks and concreted them it would solve all the problems'. When challenged on that statement the Director said that he meant it. He said further, 'If you don't clear scrub in the Hills we will hold you responsible'.

I have a high regard for the type and style of the Director and I do not wish to denigrate him in any way except to say that his remarks do not help resolve the problems relating to the proper use of his major resource of about 20 000 volunteers—not money or equipment, but people. The comments he made do not help to solve the problems in the Hills where there is a mixture of activity and a very delicate balance.

Let me say that the volunteers—mostly farmers—are sick and tired of fighting native vegetation regulations. They are sick and tired of fighting the various national parks issues involving fires, firebreaks and fire prevention and they are sick of being constantly attacked by the sorts of allegations that I quoted such as 'Volunteers are ineffective and unreliable'.

I raise this example to try to throw some light on the underlying implications of this legislation on rural areas. It is not just a matter of local government having to put up and shut up. The volunteers are the meat in the sandwich. Who are the volunteers? Are they the 3 000 people who are trained to some degree or are they the 16 000 or 17 000 who are not yet trained in accordance with the new system levels 1, 2 and 3? I believe that trained volunteers are the only ones whose official voice can be heard through the VFBA. I have some regard for the 16 000 to 17 000 volunteers who, for all intents and purposes, have no voice.

I have no doubt that this position will change in time and I hope that it does. When it changes to a clear majority of trained volunteers making the decisions which flow through to their organisations, we in this Chamber will have a much clearer message from the field.

I acknowledge the representations I have received from the VFBA, the Local Government Association, the UF&S and others. I say quite clearly that their advice has been good and fair and has helped me come to grips with many areas of concern. I acknowledge the enormous amount of

work put into resolving our position on this legislation by my colleagues in the other place, Mr Dale Baker and Mr Graham Gunn, and my colleague in this place the Hon. Peter Dunn. They have had extensive discussions with those involved. It is probable that my colleagues are volunteers themselves and have an understanding of the need to prevent and fight fires.

To balance the views I have expressed, I will read into the record a number of matters which were recently drawn to my attention. These matters have a direct impact on firefighting and prevention and the consequences of getting it all wrong or even partially wrong. My second example relates to the need for more time to consult and to come up with considered views across the whole spectrum of CFS activities. In the time that has been available to me, I have not been able to discover where the right answer lies. In a submission to me the Conservation Council states:

The concerns of the conservation movement are being largely met in the Bill by the inclusion of a number of references to the need for the application of land-care criteria over all actions in regard to bushfire prevention.

There is considerable concern that to go on 'doing a Stirling Council', a 'Mt. Macedon', or an 'Ash Wednesday' is to be avoided on all accounts—that is, to avoid the prospect of protracted litigations following bushfires.

1. The best way of avoiding widespread and prolonged litigation in respect to bushfires is to take every means of sheeting home responsibility to individual land-owners.

2. Evidence from the Ash Wednesday bushfires across Australia points to the key factors in whether or not houses and properties are burnt.

- the extent of fire-proofing of the buildings concerned and;
- the state of the immediate surroundings to the building.

It should be noted that on bad fire days 'spotting' ensures that fire-breaks have very little influence on the spread of bush fires.

3. The key to bushfire control should be in the saving of stategic properties and townships. Widespread fuel reduction in non-strategic areas is little better than pointless destruction of bushland and the vegetation, which on 364 days of the year contributes so much to amenity.

4. Onus should be placed on individual owners to protect the strategic assets on their properties. This should be done by a range of mechanisms such as—

- removing/reducing their right to litigate against their neighbours—the responsibility for their own property is theirs;
- place the responsibility on the property owner and their insurer to provide the protection needed. (This will very likely require annual inspections of properties by insurance personnel, and the imposition of differential premiums).
- The replacement of all existing legislation of references to the responsibility of property owners for the spread of fire across their properties by references to managing the land appropriately and in keeping with the appropriate fire management plan.

As it stands, this legislation does not avoid widespread and prolonged legal action in respect to bushfires. I accept the notion that on very bad days spotting of fires ensures that firebreaks have very little influence on the spread of bushfires. In very high winds sparks can be picked up and pushed forward kilometres, in some cases, certainly many metres.

The second letter to which I refer was written by Mr Bob Tanner B.Sc, CBIOL., MISIOL. I have never met this man but we should have respect for the advice he gives. The covering letter is from the Mount Lofty Ranges Consultative Management Committee, whose plan was published this week. The letter is dated 10 April. The covering note states:

The Mount Lofty Review Consultative Management plan published this week contains a chapter on bushfire mitigation, which is in contravention of the democratic procedures under which the review was set up and does not reflect the advisory committees views. This chapter is a blatant attempt to support and speed the passage of the CFS Act into legislation and reflects only the views of the CFS who wrote it.

Mr Tanner's letter states:

I wish to express my deep concern at the Mount Lofty Ranges Review Consultative Management plan, section dealing with bushfire mitigation. The Review clearly endorses a Country Fire Services Act currently before Parliament; even encourages its speedy path into legislation, making it clear to us that bushfire legislation overrides all other legislation dealing with land management practices in the Mount Lofty Ranges. The review clearly endorses a CFS Act which despite two Ash Wednesdays and hundreds of millions of dollars damage and loss of life plans to fight the next Ash Wednesday with essentially the same equipment and techniques that failed them in the last two. This chapter is devoid of any views that could lead to an evolution of firefighting techniques sympathetic to sensitive land management practices. By this endorsement the review shows us that the short term objectives of the CFS take precedence over the long term land management perspectives needed to sustain our future in these ranges and more importantly the future of our children and future generations, a sustainability that we believed they were set up to provide for us.

The problem is fundamentally a simple one of the consequences of the erosion cause by the clearance of native vegetation, euphamistically called hazard reduction.

In 1982, Weeks and Crockett studied the effects of clearance in the Aldgate Creek and Cox Creek catchments, and compared the sediment load of the two creeks with Waterfall Gully Creek in uncleared but otherwise comparable terrain. They found that, during two storms in March and August, the amount of soil and sediment in the creek water increased by 72 800 per cent in Aldgate Creek and 215 960 per cent in Cox Creek. Hundreds of tonnes of sediment were transported down these creeks during the two storms, compared with only tenths of a tonne in the uncleared catchment.

What prevents this erosion are the leaves and twigs lying on the ground surface, which trap the soil and sediment carried by stormwater flowing down the sloped surface. This litter layer is held in place by the layer of shrubs and bushes beneath the trees, both of which contribute litter to maintain this essential natural stormwater filter. Once the underbush has been cleared, this natural filter is quickly washed away.

The Manning report on water quality and pollution also revealed that these very soils and sediments that stormwaters are carrying into the creeks have substantial loads of pollutants in them, which have been building up there since 1938 (when, presumably, agrichemical methods were first introduced here). So the sediments carried by stormwater will release pesticide residues, septic system overflows, fertiliser and other pollutants directly into our reservoirs. Already an urban clearance of 2.4 per cent of the catchment is contributing 5 to 10 per cent of the pollution load reaching Mount Bold reservoir, making urban clearance the second largest contributor to pollution in the catchment. So, by endorsing the CFS Act, the review has given a mandate to clear, setting in train a process which will probably lead to the destruction of Mount Bold and other reservoirs as viable drinking water resources (in the long term).

The CFS Act uses 'failure to clear in accordance with the regulations' as evidence of negligence in any subsequent court action for damages, a clause which will set neighbour against neighbour and provide irresistible pressure to clear land of native vegetation, overriding anything else contained within the Act or the review that attempts to encourage long-term policies on the use of proper land management practices. It also provides for a legal structure ready and waiting to repeat the fiasco of chain litigation we have seen in Stirling and Victoria following the Ash Wednesday fire here and at Mount Macedon.

The concept of sustainability, which the review was set up to achieve, through the introduction of policies based on land capability, has been thrown away to support the socially divisive and environmentally destructive Act. There is no way in the world that a review with proper regard for the long-term future of our soils and water supplies, lifestyle and environment here in the ranges could have endorsed the views expressed in this chapter. This inclusion effectively undermines any credibility that may lie in the remaining chapters and pages of the consultative management plan. It appears simply to provide support for the speedy passage of the CFS Bill through Parliament this week, and allows this Act to override other land management legislation. Its inclusion is a political act, from a review supposedly concerned with non-political considerations. The review has done nothing to provide us with broad-ranging views on the best ways to manage our bushfire problem, now and in the future, consistent with a sustainable future for our soils, our water supplies, ourselves and future generations. Nowhere in these ranges is vegetation cover needed more than in the catchments of the Aldgate and Cox

Creeks, precisely the part of the ranges where this legislation will have most impact.

According to my information, Myponga and South Para reservoirs were closed for several months last year, and this advice was contained in the E&WS chapter of the Mount Lofty Review Report. They were closed because of what I understand is called 'toxic bloom'. Murray River water was used while these reservoirs were closed. Mount Bold is under some, if not severe, stress. If it ever gets the same toxic bloom, the 40 000 people who rely on that water could be at risk.

As I said, I do not know where the answer lies and I do not agree with all that is in the letters that I have read in to the record. It is certain that we will not be able to make a proper decision until all the facts are known, and that is not the case yet. I am coming more and more to the view that, because of the unique qualities of the Hills, that is, the Mount Lofty Ranges, they should be treated separately from the rest of the country fires region. I do not mean that the Hills should be handed over to the Metropolitan Fire Service, but that special arrangements should be made for this area. Many of my views and comments tend to strengthen that view.

At this stage of the debate, I will indicate the Opposition's stance with respect to clauses of the Bill, giving the Minister the chance to respond to those comments. In this hectic last week, it will be beneficial for me to indicate the Opposition's arguments now rather than draw out the Committee stage of the debate. If the Minister does not have time to respond, I will be prepared to plod through them again.

It is the Opposition's opinion that a definition of 'authorised unit' should be included in the Bill, and I seek clarification as to why it has been left out. The whole question of the Hills face, the Hills area, the Mount Lofty Range Review, management plans, the Native Vegetation Management Act, the CFS Act, the National Parks and Wildlife Act, fire hazards and fire management plans come under clause 5, which deals with non-derogation, and I may have to raise some questions about this provision in Committee.

Clause 7 concerns the constitution of the CFS. What is the definition of a volunteer worker of the CFS? I understand that it does not cost anything to become a volunteer and that all one needs to do is fill out a registration form, and that covers insurance. Are there two levels of volunteer? I mentioned before that 3 000 or 4 000 people, or more, are trained to one of three levels and there are also untrained volunteers. Does the Minister accept these two levels of volunteers? The sooner more volunteers can be encouraged to join the service and become trained the better, not only for their work value and support but to enable better decisions to be made with respect to the 20 000 volunteers supposedly in the CFS.

With respect to clause 9 concerning the CFS board, the Opposition will move an amendment providing that the Chief Executive Officer shall not be the Chairman of the board, merely a member. The board should direct the CEO, not the other way around. The Chief Executive Officer should not dominate the board. A parallel can be drawn with the National Safety Council, although in that case the CEO was not the Chairman. However, running through everyone's mind from that saga is the role of the board and why it was not more aware of what was going on, particularly the activities of the Chief Executive Officer. The CFS board should comprise strong personalities with experience and, if our amendment is successful, the Chief Executive Officer, being a member of the board, will be able to provide advice, but not dominate.

Clause 10 (2) *(f)* provides that the board must take action, so far as may be reasonable, to promote the interests and welfare of members of CFS organisations. What does that mean exactly? Paragraph *(k)* provides that the board must establish and maintain an efficient communication system. Are the integrated communications arrangements satisfactory with the SES? After the Ngarkat fire in the South-East in 1986, I discovered that there had been a considerable problem with the communications between the press, the CFS in the air—helicopters and aeroplanes—CB radios, CFS vehicles on the ground, and others. I visited that area late last year and have been assured that the problem has nearly been sorted out, not only between a particular region but within regions and with headquarters.

Clause 10 (2) *(l)* empowers the board to make provision for the use of aircraft in reconnaissance and fire suppression. What are the funding limits for air fire suppression, especially in parks? Is there to be a balance between firebreaks and native vegetation, and I will deal with that in more detail with respect to Ngarkat? Clause 12 refers to the establishment of CFS organisations and subclause (1) *(a)* provides that the board may constitute a CFS regional association in relation to a CFS region. Who had that responsibility under the old Act? Is it clear from statistics under the preparation of standards of fire covers that records were kept? Were they passed on in relation to fires attended? Why will this function be better achieved under this provision than under the provision in the old Act?

Clause 12 (8) provides that, on dissolution of a CFS organisation, its property rights and liabilities vest in the CFS. If there is a privately owned unit, that is, the unit is privately owned by one or two neighbouring properties under the umbrella of the CFS organisation which is dissolved, is the property of that unit protected? I am pleased that, under subclause (9), the CFS must take into account the views of local government in respect of any actions under subclause (8).

Clause 14 deals with the South Australian Volunteer Fire-Brigades Association. Subclause (1) provides that the association is recognised as one that represents the interests of members of CFS organisations. We believe that should be amended to use the word 'only', otherwise, what does 'other organisations' mean? Will the Minister please name some possibilities? That is, SAVFBA is recognised as an association and that recognising the interest of members, we want to know what others would be representing the interest of members.

Clause 10 (2) relates to the responsibilities of the board. I wish to comment on the communications and aircraft used, either in recognisance or fire suppression. My comments relate to Ngarkat and Billiat parks in the South-East. I convened a meeting of council in relation to the Ngarkat fire in August 1987—following the large Christmas 1986 fire in that park. I shall now state the conclusions of that meeting. The first was that adequate communications are essential and the transmission of accurate media reports would reduce concerns by persons with interest in a fire zone. I believe that communications between various groups involving CFS ground and air, CB radio, etc., are now almost satisfactory. I repeat what I have said before, media planes and helicopters must be excluded from the fire zone for obvious reasons.

Secondly, use of place names rather than map references created some confusion at the Ngarkat fire. I hope that has been addressed because it is a real problem.

Thirdly, aircraft and helicopters have a part to play. However, one must consider the cost of fighting fires. The Minister of Emergency Services supplied me with figures. There were 36 National Parks and Wildlife Service persons in attendance at the 1986 fire at a cost of $23 000; 33

brigades and vehicles plus five headquarters vehicles, with an estimated 192 persons and 3 168 person hours, were used; three planes were used at a cost of $21 600; three helicopters were used at a cost of $27 500; and 1 400 meals were served during the fire. SES incurred costs of approximately $3 000. When one adds up the cost of this exercise it would be approximately 500 000 man hours. Of course, this was voluntary time, and there was also the wear and tear on brigade vehicles, and the provision of meals.

Man hour costs and vehicle costs would be carried by local volunteers, local brigades and councils. There were some angry people after the exercise was all over. However, there was some element of success. It is all very well for certain practices to be excluded from park management, but one can hardly expect volunteers to keep coming to the rescue as willingly as they did with that fire and go on doing it forever.

The strong point I want to make is that the CFS board cannot cry poverty and then spend this sort of money ($500 000) in cash and volunteer time and still expect people to support it. This is one very valid reason why there is such unease around the State because this example is duplicated in almost every area—the Eyre Peninsula, Melrose, and so on. If the parks want to do certain things for suppression of fires then let them foot the bill, not the volunteers and councils who, after all, are the one and the same people.

The other point that came out of the meeting that I convened was that meaningful perimeter breaks are essential and local control of any fire situation is vital. Those comments are a bit out of date now, but I pass on those comments.

Clause 17 refers to country fire service funding. I assume this is dollar for dollar money which is received from the insurance levy and that this levy money refers to clauses relating to non and uninsured properties. Will they be paid into this fund intact or will they go to the brigade that fights the fire?

Clause 17 states that the board may borrow money for purposes of the fund on terms approved by the Treasurer. At present, borrowing is a moot point, especially in rural areas. One reason why the CFS is in a bind now is that councils usually paid cash for truck build-ups and for their maintenance. That may have forced councils into borrowing in other areas of their activity. However, on the whole, they did not borrow for this specific task. One council in the South-East will have to find well over $1 million in the next five years for new trucks if that is forced on them by the board. There is no other way than borrowing with those sorts of figures. Borrowing just puts off the evil day of payment. Councils may still be paying for a truck that the board makes obsolete in some years time and it is still being paid for.

I am suggesting that if the board borrows—as it has already done at the present with persistent high interest rates—the annual repayments will gobble up much of the annual money available, assuming it is relative to today's funding, of course. Some unlimited funding will overcome that problem, but we do not have that unlimited funding. Where will the money come from?

The board will before long find itself borrowing and in exactly the same bind that councils have been criticised for already. Will there be some sort of ratio limits of repayments to funds available; that is, repayments of borrowings to the fund that they have available so that there is a limit set and local government has that sort of limit? Maybe that should be applied to the CFS as well.

Clause 18 deals with insurers' contributions. I do not like the import of this provision, because it is too broad and it could cause country insurance policies to increase at a great rate from year to year. If it is too demanding, people will compensate in order to conserve funds and they will underinsure. I would prefer that a formula be included in legislation or in regulations so that it was predictable and Parliament could be aware of each case and have some control over it. I am not accusing the Treasury of being irresponsible, but I am saying that neither the Treasury nor the insurance industry have to foot the bill. The policy holders, who are the volunteers, and the landholders have to foot the bill. I am surprised that the insurance industry has not commented on this point, but does the Minister know what the insurance industry thinks about this matter? I put that position previously and later I will read something which does refer to the industry's view about that.

Clause 19 relates to the apportionment of insurers' contribution. Subclause (2) provides:

> The board will determine the amount to be contributed by each insurer, and the board's determination will be final and binding on the insurer.

I take it that that means the board, which is in possession of all the facts, does the calculation and advises the insurer. I must admit that the situation is a little clearer in clause 21. The Insurance Council of Australia stated:

> The intention of the provision is clear. There is a need to draw contribution from all insured properties not solely those underwritten with an insurer licensed to operate in South Australia. Section 19 'Apportionment of Insurers Contribution' is for the most part identical to the current provision. Subsection (iv) is new and I believe unrealistic. The subsection does not provide the practical solution. Property is placed on the interstate and overseas market either direct by owners but as is more likely the position, by brokers looking to obtain the most competitive market.
>
> To expect insurers not operating in this State and particularly offshore insurers to be aware of the provision and submit an annual return of premium income is being unrealistic. If a property owner chooses to insure out of the State he or his agent has the responsibility to advise the Commissioner of State Taxation in order that the appropriate duty is not avoided. There is a responsibility to document and pay directly to the Stamp Duties office (Stamp Duties Act 1923, section 42aa).
>
> An identical approach is found in the Fire Brigade Act 1936-1974, specifically sections 60a and also relevant section 70—copy attached. It can be envisaged that property owners could have interests in the city and/or towns serviced by the Metropolitan Fire Service as well as in Country Fire Service zones. When insuring outside the State there should be uniform procedures to ensure that financial obligations are not avoided. The practice of placing the responsibility on the owner or his agent has proved to be workable.

Clause 20 relates to provision of information to the board. I believe that the levy raised last year was $3.7 million which was matched by the Government dollar for dollar, so that was another $3.7 million. I have been advised that local government contributed about $4.7 million, so that two-thirds of CFS funding comes from the property insurance levy and direct council contribution. It is only fair that such attitudes as 'If you don't do as I say, I will purchase that equipment and send you the bill' are hit on the head very smartly by a court judging the matter rather than the people who utter such sort of nonsense. As I stated before, it contributes to a bad relationship between the CFS and local government.

Money does not grow on a tree. No matter how good one's intentions are, one cannot fund for an annual Ash Wednesday. Likewise, in relation to the health area, it cannot staff or equip every South Australian hospital to cope with a possible major tragedy every day or every week; it is just impossible. Every system involves someone ranking priorities and then doing the best with what is available. That is what it is all about almost every day Parliament sits.

Clause 23 relates to expenditure by local government. As I read this clause for the first time, I liken it to motherhood: with certain constraints, local government's own Act allows it to spend its money how it wishes. As the Minister and most members would know, local government is damned annoyed, because somebody in the CFS (ultimately the board) reaches an arbitrary percentage figure as its subsidy range for the purchase of equipment and that percentage varies from council to council. The board somehow decides that one council is better off than another and I think that that is a hide! The Standards of Fire Cover may improve this situation for a while, but we will see what happens after some time has elapsed.

For some time I was mystified as to why rural councils and individuals were silent on this legislation. However, other people who received the signals fairly quickly—more quickly than did collective councils—were not silent about it. Eventually, I woke up to one of the ploys cleverly used by the board in its percentage subsidisation scheme. It played one council off against another. Generally, the good spending councils were penalised and the poorer spending councils were the winners. The councils that gained did not want to squeal with the others, because obviously they stood to lose.

If the former system is seen to have failed—and by 'former' I mean before major changes were made to the subsidy percentage distribution—then I put it strongly that the system used today will ultimately fail. Simply, the good brigades of old will or may lose all incentives and go into a decline, knowing that 'big brother' will eventually pick them up. This is a very counter productive direction. It is the tired old 'all men should be equal' syndrome which totally ignores initiative and collective drive. I know that these comments could equally apply to other sections of the Bill, but what has happened to the much vaunted Government aim of equity and fairness?

Councils are going to get pretty tired and annoyed at vast sums of money raised in their area by the levy and by contributions to taxes and rates being spent elsewhere in the State. I have no doubt that people living in country areas and in and around country towns have no great problem about sharing their well gotten gains as far as rates, taxes and insurance levies are concerned, but there is a limit to how much. When they start doing the sums on how much is leaving their area to go somewhere else at someone else's direction, it will not be long before pretty loud noises are made.

Where was the Minister of Local Government when this draft Bill was being debated and the final Bill was being debated by Cabinet? Did she abandon local government or fight for it and its place in the delivery of the CFS to the bitter end?

The Hon. Barbara Wiese interjecting:

The Hon. J.C. IRWIN: You are fighting hard for it? That appears not to be the case, but I hope the Minister can explain her position further during the debate. Clause 25 is headed 'Proceeds of sale of equipment.' We intend putting a sunset clause into this legislation. Perhaps not at this point but at some later stage, I will be able to indicate where that sunset clause ought to be inserted. That will mean that the financial provisions of the CFS Act will need to be looked at within three years which will put it in the middle of the next term of Government—and, hopefully, it will be our Government. No Government will then be able to walk away from the responsibility of working out what the funding situation should be and will have to face up to that funding problem. If it is three years into the next Government, then some time will have elapsed, so a proper review can be instigated to see how the system is working and then, hopefully, to move from that system to some other system of funding which is more acceptable and fairer than the provisions we have in this legislation.

Clause 27 is headed 'Recovery of costs against uninsured owners.' The Opposition sees this as a significant clause and is greatly concerned about it. Who will determine what is adequate or inadequate insurance? I venture to say, as many already have, that most people do not have full insurance—whatever full insurance is. Perhaps someone might be able to tell me that. Will whoever makes an assessment—and that is not spelled out—take into account a highly equipped private unit, fire breaks around every fence, areas of irrigation, areas of shrubbery and growth around houses and sheds properly eaten down—in fact, everything a good farmer would hope to have done prior to a summer period—and match that against the supposed under insurance carried?

Does the owner have the right to exclude the CFS and, if they are not excluded and fail to keep off the property, does the owner have the right to sue for causing more damage on the property? The mind boggles at the number of combinations that could arise, giving lawyers and courts a field day in sorting it out. Much of this was discussed at length in the other place. I might just read what that recovery of costs against insurers actually says. Clause 27 (1) provides:

> Where the owner of property in the country (other than the Crown or a council) is inadequately insured against loss or damages to the property by fire and the property is damaged by a fire at which a CFS brigade attends, the CFS may recover the cost of the attendance, and of fire-fighting operations carried out.

We believe that the clause is a nonsense, and the sooner the Government sees that the better. Sadly, this affects only rural people, and the Government does not have to worry much about that. If the Government had the fortitude to fix up the whole area of CFS funding this sort of clause would not apply. Despite numerous reports, the Government is backing off this area of funding as fast as it can.

Clause 28 deals with the recovery of contributions from insurers outside the State. Again, if the funding issue was addressed by the Government we would not need to debate this clause. The Minister in another place said that this recovery could be achieved under this clause by a method similar to those that apply in relation to the collection of financial institutions duty on banks operating outside South Australia. The Opposition will wait and see what method is put forward eventually to effect the collection. The Minister referred to this in another place. A brief note from the Insurance Council on this point states:

> The recovery of contributions from insurers outside the State acknowledges that there can be difficulty in obtaining a declaration or premium on income from insurers operating outside South Australia and places upon the insured the ultimate responsibility to make contribution to the fire service. This surely is making heavy going of a relatively clear issue.

That comment dealt with clause 28, but I now comment on clause 27. A number of issues in the whole argument were put forward by my colleagues and the member for Eyre in another place. So far, none has been addressed properly by the Minister.

Has the assessor, the CFS, or the Government the right to recover more than would have been expected for the fire levy calculated on the assessment of what would be called adequate insurance? In other words, if someone calculated what would be the adequate insurance and then applied the levy calculation to that, is the clause providing that more than that would be collected or that more than that would cover the costs of the CFS actually coming on, or would

they cover only the amount of the levy? That situation is not dealt with in the legislation.

Along with many members, it is my clear recollection that in the case of Cyclone Tracy in Darwin and the Ash Wednesday fires people who were insured got less from the disaster than people who were not insured. I am talking about the well patronised and generous public appeals for cash, help and materials. In the experience of some friends of mine, that certainly was the case with all the well meaning, warm generosity in the world people are being encouraged indirectly not to insure.

The Minister in another place said that he would look at the clause. Its heading 'Recovery of costs against uninsured owners' does not line up exactly with the contents of the clause, which deals with inadequate insurance. Even if the Minister changed its meaning to 'uninsured' it would still not satisfy the Opposition, for the reasons that I have already outlined. What are the ramifications for the MFS, city houses, factories and shops that are uninsured? I expect that there are no ramifications, because the owners are some of the people who would vote for the Government. What is good for one is surely good for another.

Clause 30 deals with the responsibilities of the South Australian Bushfire Prevention Council. I cannot see why this council cannot advise the board as well as those bodies set out in clause 30.

Can the Minister say that it is automatic that the advice that goes to the Minister could or would be duplicated for the board? In that way the Minister could not withhold from the board formal information given to him by the council. In the same vein, the board should be able to refer matters to the council for advice.

Clause 31 deals with regional bushfire prevention committees. I hope that, under subsection (3), the board would be persuaded to appoint a representative from every council and CFS group in the region. That may produce unwieldy numbers, but it is better for every council and CFS unit to speak for itself in regional matters and not be represented by only two people who would represent all those councils and CFS groups within the region. We will support the clause as it stands, but will review the matter, as I am sure others will.

Subsection (2) *(b)* (i) and (ii) could be eliminated to reduce numbers. What I am suggesting will improve the functions of clause 32. Clause 32 deals with the responsibilities of a regional committee. We believe that the plans should be prepared by the council and the district committees. These regional committees are a good idea, but are more appropriate to recommending and co-ordinating the relevant authorities.

I must point out to those who are interested and to those who have not read the Bill the provisions of schedule 1 relating to disclosure of interest. The first question must be: do these provisions flow on to the members of the district and regional committees of the South Australian Bushfire Prevention Council? If they do, why? If not, why not? It is clear that to be consistent perhaps they should.

Unless I am mistaken, the council referred to is the South Australian Bushfire Prevention Council. This is another instance of the word 'council' being used and leading to confusion. We are often no doubt confused here with the use of the word council—the Legislative Council, a district council, the South Australian Bushfire Prevention Council, or whatever. All of us, including the Minister, know that rural land-holders probably make up in excess of 90 per cent, and in some cases 100 per cent, of the membership of a district council. They would all have a direct or indirect pecuniary or personal interest in the matter of fire prevention and protection. If they are forced to declare an interest and take no part in the discussions, how in heaven's name can we get any decisions? Is the Government, perhaps with good intentions, looking at an overkill here, or am I vastly off the track? Following from that, council members, or its landholders who pay the piper, will be prevented from proper representation on important matters. I refer to certain provisions, but I will not quote them now.

I must point out, as I have in previous debates and been quite properly rebuked by the President for reflecting on a parliamentary decision, that some of us here and in another place are in the same position and should declare an interest, as I do now, because I believe I am a member of the CFS. Although it may not involve a pecuniary interest, it has ramifications, and I should declare my interest as I am a volunteer. We in this place are not precluded from taking part in the debate or from voting on this or any other matter, but people in local government are.

I have already referred to clause 32, and I shall go on with more comments on it. I do not agree with the explanation given by the Hon. Dr Hopgood in another place that the job required by the board on the advice of the Coroner is much better in our minds done at local level. There is no reason at all why the board could not ensure the carrying out of the directions through both the local and the regional group. When put to the test, I am sure that this is the better way. In view of clause 32 (1) *(c)*, it is vital that this regional group be represented by all of its area. By the way, how will the cost of the operation of regional committees, travelling, office time and payment for time in going to meetings be met? Will it be met by the volunteers themselves, the board or the councils?

Clause 33 deals with district bushfire prevention committees. The provisions of subsection (1) will be difficult to implement. Like water, rabbits, weeds and fire know no boundary, except the sea. If one or more council areas are to make up a district committee there will be the same problem as occurred with the joint pest plant boards. The boards may or will impose the conditions so that the two councils may get together.

Overall, the Opposition believes that this is the best area for planning and implementing fire control measures. Clause 34 provides the responsibilities of a district committee. We believe that the district committee is the best body to prepare plans and make recommendations to the appropriate authorities, not the provisions that are set out in clause 32 (1) *(c)*. The best way to consult with the committees, as set out in clause 34 (1) *(d)*, is to have representation on the regional committee.

I now turn to clause 34 (2) *(a)* as it relates to taking into account proper land management principles. We know of the recent release of the Mount Lofty review report (to which I previously referred) but as yet I have not had time to read or digest it. No-one here, including members of the Government, knows the final outcome of the report or its ramifications for the Hills and its impact on fire prevention. We do not know what will flow from it or its legal consequences. I contend that there is a direct relationship between clause 34 (2) (relating to the taking into account of proper land mangement principles) and clause 76 (2) *(g)* under which the regulations may provide for the clearing of firebreaks and the clearing or burning-off of land and provide that failure to clear a firebreak or to clear or burn-off land in accordance with the regulations constitutes evidence of negligence in any action of recovery for damages or compensation, in respect of destruction of, or damage to, property by fire.

No-one needs to be reminded that the Mount Lofty Ranges is a unique area. Whether or not we like it there is now a mix of competing interests in the area—farm land, wooded land (both natural and planted), catchment areas for reservoirs supplying some of Adelaide's water needs, urban housing, scattered large and small towns, horticulture, viticulture, and perhaps many other pursuits.

Clearly, this area supplies a very different set of circumstances than the open agricultural areas of the State so far as fire prevention and firefighting is concerned. My colleagues in the other place, especially those representing electorates in this area, debated this point at length. They were left with the feeling, following the passage of this legislation in its amended form, that the district and regional committees will fix up the problems under clause 32 (1) *(c)* or clause 34 (1) *(c)*. But, the requirements of clause 34 (2) and clause 76 (2) *(g)* are in conflict and that conflict must be resolved now. I believe that a committee, such as a select committee, should be given the task of looking at the hills zone as a separate and special area in terms of further development and at the associated fire problems. Members will also be aware of a Government green paper (to which I have alluded) on soil conservation that has only just been released. I have not considered this paper either, so I cannot comment on its ramifications for the Hills area and fire prevention. How does the Government intend dealing with the matters I have raised? I would like clear assurances in relation to the guidelines. The legal and ecological ramifications are enormous and cannot be ignored.

Clause 40 relates to the power to direct. Subclause (5) provides:

> Notwithstanding subsection (4), if no Country Fire Services officer who is able to exercise the powers conferred by this section is present, any member of the Country Fire Service or, in the absence of any such member, any fire prevention officer, officer of the South Australian Metropolitan Fire Service or member of the Police Force, may exercise those powers.

Can the Minister explain what is meant by 'any member of the CFS'? Under the present system every member of the CFS will be registered and I believe that this system of registration will remain. I ask the Minister the following questions:

1. *(a)* Will there be a registration or membership fee by regulation? *(b)* Will there be a certification of membership paper or identity card to be carried at all times?

2. *(a)* What is the position in relation to trained CFS personnel? *(b)* How many of the total of about 20 000 are trained to any of the three levels of CFS personnel?

3. Is it envisaged that eventually only those trained to, say, the minimum level 1 will be those referred to in clause 40 (5) which refers to 'any member of the CFS'?

4. Is it clear that any registered member of the CFS who acts in accordance with clause 40 (5) is covered by compensation and legal liability?

5. Can any registered CFS person act outside his or her own immediate area, in other words, anywhere in the State?

Clause 41 deals with duties to prevent fires on private land and the proposed amendment deals with an appeal right other than to the person or persons who made the order in the first place. The other amendments on file are consequential.

Clause 41 (2) allows an appeal, but to the board or the Minister. The Opposition contends that the appeal should be ultimately made to a district court, which we and everyone else would understand to be a totally neutral umpire. We contend that the Government should provide the resources so that a district court can proceed quickly to hear objections to orders made by the CFS.

I do not expect that the majority of people are irresponsible enough to want to bog down the system with technical and legal arguments delaying what in the end may be a proper direction for fire prevention and the safety of people and property, but I acknowledge that there are some who would want to take that course. What we find obnoxious is the CFS system playing judge to its own actions. We ask the Government, which frequently professes to be and which individual members proclaim often to be fair and reasonable, to act on this principle.

If the Government is unable to come to terms with this proposal, it should look to compensation as an avenue whereby wrong actions can be somewhat redressed. Clause 41 (13) provides:

> The appellant must send a copy of the notice of appeal to the responsible authority that issued the notice to which the appeal relates.

The Minister, in response to questions by members of the Opposition, indicated in the other place that a time limit for return should be stipulated on the notice of appeal. Perhaps we can expect an amendment to this subclause or at least further clarification as to why a time limit for return should not be included.

I will deal with clauses 42 and 43 concurrently. Clause 42 relates to council land and clause 43 to Crown land. The Opposition will seek to delete clauses 42 and 43 or to bind the Crown. The Minister could not convince me in 45 minutes or 1½ hours that matters affecting park management should not be subject to the same rules as other matters. Crown land and national parks present different challenges, but the basic principle is the same. The debate in the other place presented numerous examples of problems encountered in parks. I know of many instances where graders and other earthmoving equipment could not be used to help control fires in Ngarkat and Billiatt National Parks in the South-East and numerous other areas which have been drawn to my attention.

These pieces of earthmoving equipment were not allowed to be used in the very early stages of the fire but were called in when the fire was well and truly out of control. Many more hectares of scrub and bushland were damaged and much wildlife was destroyed. I ask the Minister and members of the Government: where is the logic in not allowing earthmoving equipment in the early stages but, when the fire is out of control, bringing it in and, as a result, causing far more ecological damage by the graders and the equipment.

As I said only a few weeks ago in relation to the Pastoral Land Management and Conservation Bill, I cannot understand so called conservationists frequently acting as they do against nature, which they profess to love so much. They act against it almost to the extent of vandalism, and that would be an apt description with some sting in it. Where is the logic in allowing the last Billiatt fire to rage through and destroy everything in that park, including the few Mallee fowl which managed to escape the heat but were polished off by the foxes that were roaming the neighbouring open farmland properties? There is no sense in that sort of outcome. If anyone ever set out to get rid of the Mallee fowl, they could not find a better way to do it, yet this matter was being managed by those who profess to be conservationists.

I have already alluded to the enormous cost involved in the Ngarkat fire a couple of years ago. What a waste of time and of other people's hard earned money that was. When will the Government and its departmental advisers come to their senses? When will fire breaks including boundary and/or controlled cold burning be part of the management of a fire and put into practice to give better

control? Nature burns scrubland to get rid of undergrowth and the potential of damaging hot burns. Why can the department not learn a little from nature and do exactly the same thing?

In the other place mention was made frequently about the Adelaide Hills. Because of its present mix of users, proper prevention and grazing activities must be implemented including properly sited access tracks and, dare I say it, properly sited breaks of any description.

The CFS board is the body which must have responsbility to ensure that the Crown does all it can to reduce the risk of another Ash Wednesday. From bitter experience, volunteers have had enough of fighting the fires in the parks.

Clause 47 applies to the registration restrictions on the use of certain appliances. The Opposition and many others will be interested to see the regulations prescribing the engines, vehicles or appliances which could be used in the open area during a fire danger season. For some time there has been considerable discussion in rural areas about using machinery on fire ban days, particularly for reaping coarse grain crops. I must remind members that finer grains such as clover, lucerne and others are also reaped in summer. In some cases, that occurs on irrigated land, so they cannot be totally left out of the argument. There have been many voluntary and informal agreements between landholders in certain areas to do a number of things: first, not to reap at all on fire ban days; and secondly, only to reap until lunch time, bearing in mind that in summer daylight saving time dew and moisture do not dry out until later in the day by the clock. In many cases, grain receival areas are instructed to shut on fire ban days. This fact leads to problems because some people have reaped the day before and have grain in their bins or in stock piles which they need to bring to the receival area.

What is the situation in relation to charcoal production, which occurs in a number of areas around the State? At one stage I was involved with the then new Director, in sorting out indirectly some problems in maintaining an underground covered fire on fire ban days. I do not know whether this is covered by the new legislation. What will happen in relation to charcoal burning?

Clause 48 deals with burning objects and material. At this stage the Opposition does not oppose this clause. However, subclause (1) provides:

> A person must not smoke in the open air within two metres of flammable bush or grass (but this prohibition does not operate within a municipality or township).

First, one is prompted to say that this is discriminatory. It may in fact be dangerous, in the sense that the provision does not apply to areas within a municipality or township, especially having regard to natural bushland areas that are set aside in towns or cities or, indeed, to non-irrigated parks carrying areas of flammable bush or grass. I see this every day in a park that I walk around not far from here, most of which is non-irrigated and in which park there is quite an amount of bush and open grassland. So, subclause (1) virtually bans smoking in the open, and infringement carries a division 6 fine. I understand that most of the provisions of clause 48 are the same as were in the old Country Fires Act. I suppose that any CFS volunteer can police this proposal. However, I am not aware of any action having been taken against anyone smoking in the open, in the normal course of events.

No-one can argue against the principle of absolute safety, as embodied in this provision, but to me it is another example of Big Brother government leaving no responsibility at all with the individual. It opens another area for the zealots to impose their will. Does this preclude charcoal burning—because that certainly produces plenty of smoke? When will pedestrians be banned because there may be a possibility they may be run over by a vehicle, or when will vehicles be banned because they might hurt a pedestrian?

The provisions in clause 48 will not in any way prevent fires from being started in the manner outlined there. For this to be done properly smoking in vehicles would have to be banned, as would the throwing away of any material, including paper. It would simply be a nonsense to undertake such action, and the Government knows that it certainly would not be politically expedient. This is why it has confined its draconian Big Brother provisions to clause 48 (1).

As to subclause (4), that will not be an effective ban against the drinking of liquid from bottles in cars and then throwing away the bottles. Laws designed to prevent that practice are in force now. One sees it happening now as we are driving along the highways but often one cannot do anything about it. One sees bottles being thrown from windows, etc., and bottles or broken glass, especially clear glass can start a fire. One remembers the elementary school teaching about the concentration of the sun's rays through a prism.

Who has the power to bring these offenders to heel so that they can be dealt with? Will it be CFS volunteers only, or will there be citizens' arrests? Who will deal with offenders, under the provisions in this Bill. Most fires from cigarettes being thrown out of the window of a vehicle are caused by city people, who do not know any better or who cannot be persuaded to do any better—and one must remember that, under clause 48 (1) municipal areas or townships are precluded.

Clause 49 deals with the duty to report unattended fires. The Minister in the other place said that he would look at amending this clause in a minor and effective way as a result of a point raised by one of my colleagues in relation to a person who might find himself or herself caught between two responsibilities: first, to put out the fire at the side of the road or, secondly, to leave the fire and find a CFS officer or other responsible person, as outlined in clause 49. The trouble with a clause such as this written as it is in some fine document filed in a council library or wherever is that not everyone—in fact, a select few—would know what the law stated. The person would do what would be natural to him or her. It may turn out to be right or it may turn out to be wrong.

Changes in the law, especially in the United States, are forcing people to drive past a small fire and do absolutely nothing—it may be the cheapest thing to do. That is sad, but that is the way we are going. That would be wrong, but it would be better than facing prosecution for trying to put out a small fire, failing and, in the process, being the secondary cause of a major disaster.

Clause 51 relates to the failure by a council to exercise statutory power. This is a significant clause and the Opposition is proposing a replacement clause which will greatly improve the Bill. The Opposition's amendment gives a council which has had its authority removed by a decision of the board the opportunity to appeal to any independent umpire. Nothing could be fairer than that. As it stands now an appeal to the Minister would be like Caesar appealing to Caesar. Like other clauses with which we have dealt, this clause, as it stands, is contrary to fairness and justice. I thought that that was one of this Government's basic principles. It is dangerous because of its consequences and does nothing to appeal to local government, especially as the funding issue is so messy. The council wears much of the funding and most of the responsibility and may find itself without any say whatsoever.

It has already been pointed out that the Local Government Act contains substantial provision for the Minister of Local Government to intervene in the affairs of a council that fails to undertake a statutory duty under that Act or any other Act. There may well be a conflict between the two ministerial areas. Is the Minister telling the Council that the conflict could be sorted out in under three or four weeks? Just as delays could be a way of getting a required outcome so can too swift an action have an undesirable outcome.

Clause 55 refers to the power of CFS officers. In relation to subclause (1) *(e)*, I have already alluded to fire breaks and the clearing of land. This matter will arise again in clause 76 (2) *(g)*. I realise that this provision refers to the actual fighting of a fire in progress. I am sure that trained officers would have proper regard to any long-term damage, such as erosion as a result of a ploughed break in the wrong position, especially in hilly country. I refer to the conflict that will always arise from putting out a fire at all costs and knowing what damage will result, especially with decisions having to be made in the heat of the moment.

Subclause (6) relates to a fire on a Government reserve, park, or so on, where the CFS person in charge must consult with the Government officer and can exercise power only after approval has been given by that officer. We have already argued that parks and the Government should be bound by the same rules as everyone else. No matter whether more fires go into parks than out of them, the principle of management of the fire should be exactly the same.

Clause 56 relates to the power of entry or search. What does 'with or without assistance' mean? Subclause (56) *(l)* provides that a CFS officer, an authorised officer or a member of the Police Force may (with or without assistance) do certain things.

Can these officers be accompanied by anyone they prefer, or must they be additional officers or a combination of named officers? In our amendments we argue that the authority to enter should be given by a justice and could be exercised quite quickly and not unduly hinder the proper search for clues after a fire.

Clause 57 relates to the power of inspection. We believe that before entry reasonable notice should be given to the occupier or owner of the land and/or house. In this day and age there is absolutely no reason for jackboot raids on people's houses and property. Only country people are being treated like this, and the Government does not have to worry about losing their vote. In a so-called democratic society, it can apparently treat people like this and keep getting away with it. Clause 59 relates to hindering officers, and subclause (2) provides:

> A person must not falsely pretend to be a CFS officer, a member of a CFS brigade, or any other person acting under the authority of this Act.

Again, reference is made to a CFS member. Although some years ago in my area I filled in a form in effect registering as a CFS member, I honestly have no idea whether or not I would qualify now or in the future under this legislation. There does seem to be a need for a registration card or some written form of identification and indication of some level of authority. I have raised this matter indirectly in relation to other clauses.

Clause 63 relates to fire control officers, and our amendment seeks to make the clause more sensible and more workable throughout the whole State. We believe that this is an important amendment which should be taken seriously. It seeks to direct the board to consult with a council—or, in the case of a non-council area, to consult with any brigade in existence in that area—before appointing a fire control officer. In fact, the amendment goes further than that and states that the fire control officer must be nominated by a council or brigade in a non-council area and, once nominated, that person is appointed by the board. The provision could be modelled on many other methods of appointment that we have debated in this Council. A panel of one, two, three or four people from local government could make the appointment. Why is the Government miffed about this course of action when so many other appointments are usually forced on us in this Chamber?

The Minister offered some lame excuse about impeding the new line of command as set up in this Bill and said that we must get away from the old system—a system about which he himself knows little. He has talked about his own experience in the Marion area some years ago. The Minister knows that the old system is not completely wrong. There are always some good things, and there are plenty of good things in this system.

The board comprises a small group of people who sit in Adelaide far removed from most of the South Australian fire districts inside and outside local government. The point we make strongly is that the council, which comprises experienced local people who are predominantly farmers and people from the towns, is aware of the ability of local people and the local conditions. We believe that it should consider nominations for the position of fire control officer and, if the board has any problem, then negotiations should take place. We do not believe that this amendment will inhibit the ability of the board or the CFS in general to do a good job.

Clause 64 relates to recognised interstate firefighting organisations, and I make the same comment I made earlier relating to the recognition of a CFS or interstate member. Members must not forget that we are talking about boundaries with most of the States—Western Australia, Northern Territory, Queensland, New South Wales and Victoria. Although this provision is well intentioned, I believe that it will cause some difficulty. The legislation should provide that the first person at the scene does what he or she can (that is natural) and has the power of a CFS officer. Clause 65 may cover that and that relates to the immunity of officers, etc. The Minister said in the other place that he is not sure if any scheme can adequately protect elected bodies such as local government or State Government.

Will the Minister comment on the new local government insurance scheme which I understand is to start from 1 July or thereabouts? Will this scheme give councils cover, especially with respect to an Ash Wednesday/Stirling-type experience? Clause 67 deals with unauthorised fire brigades. I believe the Opposition should move for the deletion of this clause. It smacks of a board running scared that its at times totalitarian management of volunteers will come unstuck. Of course, the term 'total control' does not sit easily in respect of volunteers. It almost totally overlooks the fact that individuals who are volunteers, under pressure conditions or in the cold light of day, can make very good decisions and can really look after themselves. Of course, this would not do for a bureaucratic structure in a socialist climate.

The Minister has given an assurance regarding Apcel, SEAS-Sapfor and CSR Softwoods, because they may receive exemptions from the board for their specific functions. The same reason for giving that exemption may well be applied to other private collective units around the State. Those units to which I have just referred belong to Softwood Holdings in the South-East, and many other similar companies around the State would have their own expert firefighting units. Of course, they have lobbied us and made us aware of the fact that they do not want to be excluded

from working in the area of fire suppression, but they have a prime responsibility to their own forests and their own holdings and do not want to be put in a position of being forced to leave those areas by some bureaucratic demand to go and fight a fire some miles away. We shall have to wait and see what the board does, as the ball is well and truly in its court in regard to these unauthorised brigades.

I have looked for a clause which relates to private units on farms, and it may be appropriate under this clause to make some comments relating to these units. I am advised that nowhere in the many hundreds of pages emanating from CFS headquarters, from the end of last year to the early part of this year, has there been anything relating to those units or how they fit into the system. I was told by someone who had done the work on that that not a word was mentioned about individual, properly set up fire units on properties.

I am also advised by volunteers that this is now being discussed more seriously, but I have no information as to how the matter has been addressed. I am satisfied that those represented directly know the importance of these units and will give advice which will benefit the whole firefighting and prevention system. Many areas of concern are being expressed to me many times over from all over the State. There will be many more expressions of concern as CFS units are taken out of service in various areas of the State, which process is going ahead now.

As more become aware that their brigade will be taken away, for good or bad reasons, more and more concern is being expressed to me. This matter has now been on the go for some time and has many more months of debate to follow. The whole matter of private individuals and groups starts to impinge on clause 67. I will not support these units individually or collectively being muscled out of the scene. Nor will I support what will inevitably follow with private units being kept out, that is, the use of the law by a CFS officer to force private units to fight a fire off their farm when they would want to stay put to protect their own property and family.

Bear in mind also that, almost without exception, these private individuals are probably members of the CFS, with or without training. If this provision is pushed too far, there is no doubt in my mind that the much-touted figure of 20 000 volunteers will evaporate to 3 000 or 4 000 or less.

Clause 69 deals with the onus of proof. Even though this is in the legislation now, the Opposition is opposed to the reverse onus of proof principle which is contained in so many pieces of legislation that came before this place. Surely, one is innocent until proven guilty and not the other way round. If the Government has the resources to cart people off to court to face heavy penalties, it should prove that an individual or body is guilty and not force individuals with limited resources to prove their innocence. In principle, every time that comes up we oppose it. The same comments can be made in relation to clause 70.

Clause 72 is in the existing legislation. All through this measure there are prescribed penalties. We do not believe that the court should be given directions in this way. In fact, clause 72 provides:

> A court, in imposing a monetary penalty for an offence against this Act, must impose a penalty of not less than one-quarter of the maximum penalty prescribed for that offence unless, in the opinion of the court, there are special circumstances justifying a lesser penalty.

We just do not believe that a minimum penalty should be dictated to the court. Why not just say that the penalty will be, for instance, from $200 to $600 and not, as frequently occurs (or implied in the percentage of penalty), from zero to $600. It seems a nonsense to me.

Clause 75 deals with the control of dangerous substances, but why in this Bill is there no cross-reference to the South Australian Emergency Service Organisation? I do not have the time to look up the legislation covering that organisation and determine its situation, but I assume that it also has some responsibility for dangerous substances. So, there would be many areas where these organisations would overlap. I have never understood why those two services do not operate together more, especially when they are in the same council area. Who has seniority at the scene of a dangerous substances spill—the CFS officer or the SES officer?

It is a pity that draft regulations have not been prepared in order to give members in this Council and another place a better idea of how the legislation will work in final detail. I do accept the Minister's assurance in another place that the regulations will be widely circulated and discussed before they are proclaimed. I am sorry to take up so much time of the Council in trying to plod through the Bill but, as I said at the beginning, we are creating new legislation. The Bill's proclamation will see the end of the old Act but, because we are in the last week of the session and it is a hectic time, I wanted to get my comments on the record tonight so that other members can read them and perhaps the Minister can read parts of them and try to answer some of the questions that I have raised.

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

LIBRARIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 April. Page 2645.)

The Hon. J.C. IRWIN: The Opposition supports this Bill. However, I should like to make a few comments about it, because I have had some responsibility in carrying out some of the consultations. There are five areas that the Bill seeks to address. The first is to increase the size of the Libraries Board from eight to nine, the additional member coming from local government. Some 98 per cent of the population is served by local public libraries. Local government is now making greater contributions to the service. The additional member is to be a public librarian or community information officer. Local government is extremely happy with that move.

Secondly, the Bill seeks to remove references to institutes and their governing bodies now that all institutes have been dissolved or will be dissolved, we hope, by 30 June. I understand that one institute is still to be dissolved. My rural colleagues, the Hon. Mr Cameron and the Hon. Mr Dunn, probably have fond memories of their old institutes which were used not only for local dances, but also for library collections. It is a sad time historically, but we must move forward, and most country towns now have very good library facilities.

The third point is to note the change of name from South Australian Archives to the Public Record Office of South Australia. I understand that took place some years ago. It is just being acknowledged in this legislation.

The fourth point is to increase the legal deposit provisions for the Parliamentary Library and the State Library of South Australia to include non-book materials. I understand that this is in line with Queensland and Tasmania and is being considered by other States.

I make a point that has been made to me from other areas. It is all very well to increase the legal deposit provi-

sions to include non-book material—videos, films, casettes, and so on—but there will be a problem down the track in respect of resources and funding. Videos have a life of about seven years, so someone will have to re-record them and keep re-recording them so that they are kept for ever. Not only that, but there is the replay equipment relative to the era of the video. I use the video as an example. The replay equipment for videos must be kept in working order for many years. We have already seen all sorts of new technology coming in. As that increases to an avalanche, there will be a funding problem for the recovery and re-videoing of this material.

Point 5 relates to the request of the Astronomical Society of South Australia to remove its affiliation with the Libraries Board of South Australia. The society no longer meets and has its collection outside the library. With those few words, I indicate the Opposition's support for the Bill.

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

MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 April. Page 2774.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill has two main objectives: first, the regulation of commercial floating establishment and, secondly, the adoption by regulation of various national and international codes, standards and rules that are widely used throughout the maritime industry. The proposal to moor an underwater viewing platform adjacent to Dangerous Reef in Spencer Gulf is the principal reason for the introduction of this Bill, as construction and operation standards are not provided for in the existing legislation.

The adoption of various national and international codes will provide uniformity by all Australian States with respect to the construction, equipment and manning qualification requirements within the maritime industry. The Opposition supports this Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 April. Page 2741.)

The Hon. M.B. CAMERON (Leader of the Opposition): The mass limits applicable in South Australia have been in force for many years and have become outdated due to developments in vehicle design and configuration. For overall efficiency, the mass limits and configuration of road vehicles should be matched to the structural capacity of a road system. The effect of a given vehicle mass is dependent on the distribution of the load and the axle spacing, over which there is no control under current South Australian legislation. Modern vehicles therefore may produce effects on pavements and road structures that were never anticipated when the existing limits were established.

The existing limits do not necessarily allow for the operation of vehicles which are the most efficient configuration or are built to suit the Australian market generally. The National Association of Australian State Road Authorities (NAASRA), which is an association comprising the South Australian Highways department and similar interstate authorities, undertook a study to determine the most appropriate mass and dimension limits for commercial motor vehicles which should apply nationally or in particular regions of Australia. The study brought down its report in November 1975. Act No. 63 of 1982 which was assented to on 1 July 1982 made provisions for the mass limits recommended in that report but was not proclaimed, as a review of the study was then under way.

This review, again undertaken by NAASRA, was called the Review of Road Vehicle Limits (RORVL) and was completed in 1985. The other Australian States and territories have moved towards the higher mass option and the Commonwealth Government's Interstate Road Transport Act also provides for vehicles engaged in interstate trade to operate at the highest option mass limits.

The major purpose of this Bill is to provide the legislative framework under which regulations detailing the new mass limits can be implemented. The opportunity has been taken to amend certain definitions and evidentiary provisions of the Act. The Opposition supports the Bill.

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

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: The Hon. Mr Lucas raised some questions in relation to this matter and, in particular, referred to a minute to the Chairman of the Metropolitan Taxi Cab Board dated 13 February 1989. The minute to the board was not confidential but put forward a proposal to the board for its reaction. I draw the Committee's attention to a sentence in the minute of 13 February 1989 which states:

> I would be grateful for your advice that these arrangements are acceptable to the board prior to my submitting details to Cabinet.

The board was encouraged to seek the industry's views. The proposal reflected the results of preliminary discussions between officers of the Department of Transport and the board. It is because process surrounding the details of licence issue was still proceeding that it was decided not to cement any particular proposal by raising it in the second reading speech. It would have been premature. But we will issue more taxi licences, and we do need to be given greater flexibility in the way we do this.

The progress of the Bill should not be hindered because of these mechanical details which are being handled by officers of the Department of Transport and the board in consultation with the industry. However, as the matter of leasing of taxicabs was raised, I will address some of these concerns: why were the suggested lease payments below market value; and would the board then be in competition with the industry it is regulating? On the level of lease payments, key issues are that the Government is concerned for the long-term stability of the industry. It also needs to be careful not to underpin unsustainable licence plate values.

The Government's concern in this area is the long-term stability of the industry. The Travers Morgan study showed that taxi plate values have risen 223 per cent in the last five years. If this rate of increase were to continue, licence plate values would be unaffordable. The Government needs

to be careful not to endorse or underpin unsustainably high plate values in the short term, at the expense of the long term stability of the whole industry.

I refer members of the Council to the Shlachter report prepared in 1986 in which it is stated:

> The market value of a licence should be equal to the present value of expected future income of providing a taxi service.

This is the real value of a taxi licence; it should not be the product of speculation. At the same time I have noted the concerns expressed to the Minister by the Chairman of the board, the Cab Owners Association, Suburban Taxis and other groups in the industry in relation to the proposed figure. I assure the Council that these concerns are being taken most seriously and that there will be no ill considered decisions. The Government is not committed to lease at any fixed price.

The matter will be sorted out between the board, the industry and the Minister in due course. On the matter of the board being in competition with the industry through leasing, the key issue is that the board would not be operating taxis or being remunerated by them. 'In competition' means that an entrepreneur is trading and operating in a particular business, with remuneration being dependent upon the success of that business. In no way could the Metropolitan Taxi Cab Board be seen to be doing this with respect to the leasing of taxi cabs.

The Metropolitan Taxi Cab Board would be charging lesses a fixed yearly fee paid into the taxi industry development fund. Fixed fee lease would be similar to the hotel business or the fishing industry. Can the Government be said to be competing in the hotel or fishing industries? Obviously that is not the case.

Clause passed.

Clauses 2 to 4 passed.

Clause 5—'Metropolitan Taxi Cab Industry Research and Development Fund.'

The Hon. R.I. LUCAS: I thank the Minister for answering a series of questions that I asked during the second reading debate in an effort to expedite proceedings during the Committee stage of the Bill. I must confess that I missed the first part of the Minister's contribution tonight because of another commitment. I am not sure whether he has covered questions in relation to clause 5 (which provides for the insertion of new section 24a), and in particular I refer to the question that I asked about the fund being applied by the Minister and whether that will simply be a continuation of the current circumstance. Also, new section 24a provides that the Minister will be responsible for the administration of the fund. What will be the relationship between the Minister and the fund? Will that just be a continuation of current thinking within the department, or is it intended that the Minister will play a bigger role in relation to what could be a quite significant amount of money accumulating in this fund?

The Hon. C.J. SUMNER: The provision in clause 5 says what it means: the Minister will be responsible for the administration of the fund, and will do that in consultation with the board. The fund is being established from money raised as a result of leasing the taxicabs. It is money additional to that which the board receives at present. As the provision indicates, the Minister will be responsible for the administration of that money.

The Hon. R.I. LUCAS: The Liberal Party has had representations from the people operating Access Cabs in South Australia. I ask the Attorney-General and his adviser whether the purposes of the fund outlined in new section 24a (5)—which are very wide—will cover the submissions made by Access Cabs, in relation to what it sees as its requirement for further research into the delivery of services by Access Cabs throughout the metropolitan area.

The Hon. C.J. SUMNER: No decision has been made as to how the fund will be applied. However, it could include promoting the availability of taxi services to disadvantaged and disabled people in the community.

The Hon. R.I. LUCAS: I refer to the Attorney's response to the question I asked about undercutting the market in relation to the lease payment. As members will be aware, I read into the record a copy of the confidential memo which outline a possible lease payment of $5 000. That was about one-third of the current market value of lease payments. As I understood from the statement made by the Attorney on behalf of the Government, the Government is not committed to any particular sum and is prepared to have further consultation with the board and the industry. I have accepted that commitment by the Government, and believe that the industry and the board would want to make strong representations to the Government in relation to this matter. They are most concerned about the level of lease payment flagged by the Government in that memo and they are concerned that, having invested considerable sums of money in the industry, they do not see the value of that investment being undercut by the Metropolitan Taxi Cab Board with the issue of up to 20 licences this year. Of course, the board and this fund can continue to grow at a great rate. There will be decisions in the future by the board whether it wants to issue further licences, and I accept the commitment given by the Government.

Clause passed.

Remaining clauses (6 and 7) passed.

Title passed.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. J.F. STEFANI: This clause seeks to amend section 6 of the principal Act and allows for the prescription of regulation of additional processes and additional forms of premises to which the 'outworker' definition would apply, thus enabling any Government at a future time to extend the definition of employee or outworker provisions well beyond the current understanding and areas of operation presently regarded as problem areas. This clause is closely linked with clause 4 to which, as I have already indicated during my second reading speech, the Opposition will move an amendment.

Clause passed.

Clause 4—'Outworkers.'

The Hon. J.F. STEFANI: I move:

Page 2, lines 10 to 41—

Page 3, lines 1 to 19—

Leave out section 7 and insert new section as follows:

7. (1) Subject to this section, a person is an outworker for the purposes of this Act if—

(a) the person is, for the purposes of a trade or business of another, engaged or employed to work on, process or pack articles or materials;

(b) the work is in a prescribed industry; and

(c) the work is performed in or about a private residence.

(2) A regulation made for the purposes of subsection (1) *(b)* cannot take effect unless it has been laid before both Houses of Parliament and—

(a) no notice for a motion of disallowance is given within the time for such a notice, or at some time before the expiration of that time both Houses resolve that no such motion is to be proposed;
or

(b) every motion for disallowance of the regulation has been defeated or withdrawn, or has lapsed.

(3) Where a regulation is made prescribing an industry for the purposes of this section, Part VI of this Act, and any award or industrial agreement operating in respect of that industry at the time the the regulation takes effect, will only apply to outworkers who are engaged (but not employed under a contract of employment) to perform work in that industry to such extent as may be determined by award or industrial agreement made after the regulation takes effect (and notwithstanding any other provision of this Act no such award or industrial agreement may have retrospective effect).

The Opposition's amendments attempt to define more clearly the definition of 'outworker' and we are pleased that the Democrats are clearly in agreement with our amendments. We have further attempted to more clearly define 'work', which we consider should be in a prescribed industry so that the definition of 'outworker' can be more accurately identified and related to an activity. We have clearly defined that 'work' should be performed in or about a private residence. We are not in favour or stipulating other classes of premises which are not business or commercial premises, because the definition is too broad and would include church halls, social club premises and the like.

The Liberal Party believes strongly in the principle that future regulations made for the purpose of this provision should have the sanctions of Parliament. We believe that the Government should be charged with the responsibility of scrutinising the regulations which prescribe the conditions for these industries. Our amendments seek to incorporate this mechanism into the Bill and gives both Houses of Parliament the opportunity to deal with the proposed regulations. I seek the support of both sides of the Committee to ensure that the proposals are passed.

The Hon. I. GILFILLAN: I move:

Page 2, lines 19 to 28—Leave out subsection (1) and substitute:

(1) Subject to this section, a person is an outworker if—

(a) the person is, for the purposes of a trade or business of another, engaged or employed to work on, process or pack articles or materials;

and

(b) the person performs that work—

(i) in or about a private residence;
or

(ii) in or aobut premises of a prescribed kind that are not business or commercial premises.

The significance of my amendment is that, although it does coincide with part of the intention of the amendment moved by the Hon. Mr Stefani, it does not carry on through some of the other matters included in his series of amendments. The Democrats' intention is to ensure that those outworkers who are identified as being the most exploited are covered and that the wording of the Bill is wide enough to cover those people but that it will not extend into areas which the Government does not intend to cover and where it would not be to the advantage of people's freedom to contract for work, services and the provision of goods at this stage.

In fact, it may never appear to be worthwhile for this clause to intrude into certain areas in respect of freedom of people to contract their services. The amendment takes out new subsection 1*(b)* and rewords new subsection 1*(a)* so that it grammatically better fits into the Bill, and it also changes the wording in the Bill 'in, about or from a private residence' to simply 'in or about a private residence'. The Democrats are convinced that the Bill should apply only to work which does take place specifically at or close to a private residence or the premises of a prescribed kind which can embrace such places as a shed or church hall, which are two examples cited, because the same degree of exploitation can take place in those localities and we do not want there to be a loophole which would lead unscrupulous employers (exploiters) to continue to exploit outworkers in that way.

We believe that our amendment provides for the main purpose of the Bill as far as it covers outworkers, and I want to make it clear that our understanding of the wording of the Bill in its original form and in our amendment would exclude any building contractor or any building work. Will the Attorney, before we conclude debate on this clause, indicate what I believe is the Government's intention, that it is not intended that the building industry be covered in the definition of 'outworker'? A letter has been written by the Minister in another place to that effect, but I would like the situation recorded in *Hansard.*

The Hon. C.J. SUMNER: The Bill is not intended to cover building subcontractors working on building sites. I give that undertaking. The Government supports the Hon. Mr Gilfillan's amendment in preference to the amendment moved by the Liberal Party, which would require all industries which it was intended to cover by this outworker provision to be prescribed. The Government believes that the nature of the industries to be prescribed or to be covered should be included in the legislation. That is what the Hon. Mr Gilfillan's amendment does. Of course, his amendment prohibits the prescription of any other areas or industries which could be covered. The Government would prefer both prongs to the amendment; that is, those industries relating to processing and packing of articles or materials, plus the capacity to prescribe other industries. However, it is obvious that the Government's proposal in its present form will not pass and we prefer the Hon. Mr Gilfillan's amendment.

The Hon. J.F. Stefani's amendment negatived; the Hon. I. Gilfillan's amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, lines 33 and 34—Leave out subparagraph (ii).

This is a simple amendment to mirror the effect of the first amendment; that is, to delete the words 'to perform prescribed work'. Again, the Democrats are not prepared to accept the open-endedness of this clause in this form at this time.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, line 40—Leave out ', about or from' and substitute 'or about'.

This is another mirror wording from the first amendment. It deletes the words 'about or from', so the effect of the Bill will apply only to work that is conducted at the residence or prescribed premises.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 3, line 1—Leave out ', about or from' and substitute 'or about'.

This is identical to the previous amendment and I move it for the same reason.

Amendment carried; clause as amended passed.

Clause 5—'Jurisdiction of the court.'

The Hon. J.F. STEFANI: The Opposition opposes this clause because it considers it unnecessary. Indeed, it will be administratively difficult for employers, employees and the tribunal. No case has been made in relation to substantial prejudice as a result of the existing three year limitation which, in itself, creates difficulties for all parties when giving evidence after three years. The fact that the clause will bring

a single condition of a State award into line with a similar condition of a Federal award is not an appropriate reason to support it. The proposal for the Industrial Court to award penalties against an employer if, in the opinion of an inspector, the defence of a claim by an employer is not justified, places the onus of proof on the employer. The penalties proposed under this clause are draconian.

The Hon. I. GILFILLAN: The Democrats view is that, if a debt is owed to an employee by way of underpayment of wages, that debt is an obligation regardless of time. However, in the context of practicality, we realise that there must be a limitation. We do not accept that the period should be restricted to three years and are prepared to support the clause as it stands.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—'Awards of general application.'

The Hon. J.F. STEFANI: I move:

Page 4—

Line 6—After 'amended' insert:

— *(a)*

After line 7—Insert:

and *(b)* by striking out subsection (3).

The Opposition believes that the provisions of the Act which provide for the commission to intervene only to the extent to which a condition of an award is inferior to a condition prescribed by such award must be opposed. If the full commission establishes a standard by way of a general award, it should take precedence and override individual award provisions that are better than standard, as well as those that are below standard.

The Hon. I. GILFILLAN: The Democrats oppose the amendments.

Amendments negatived; clause passed.

Clause 9 passed.

Clause 10—'Unfair dismissal.'

The Hon. J.F. STEFANI: I move:

Page 47—

Line 16—After 'subsection (5)' insert 'and substituting the following subsection:

(5) Where an application under this section proceeds to hearing and the commission is satisfied that a party to the proceedings acted unreasonably in failing to discontinue or settle the matter before it reached the hearing, the commission may make an order for costs against that party (including any costs incurred by the other party to the application in respect of representation by a legal practitioner or agent up to and including the hearing)'.

Line 20—Leave out 'a stipendiary' and substitute 'an industrial magistrate or any stipendiary'.

There is general support for a no-cost principle in the industrial jurisdiction except where it is desired to inhibit frivolous and vexatious claims. As subsection (5) is not working, we suggest that its wording be changed to include both the applicant and the respondent. Also, the Opposition proposes to include an industrial magistrate as well as a stipendiary magistrate to preside over industrial conferences in remote areas. We are pleased to see that the Government has agreed to the Opposition's amendment on this matter, and we seek the support of our proposal from all members. Accordingly, I commend the amendment to the Committee.

The Hon. C.J. SUMNER: The Government objects to this amendment. We understand the problem with respect to possible vexatious parties and have the matter under examination. A number of discussions have been held, but the parties concerned in this jurisdiction have not been able to agree on an appropriate way to deal with the matter. However, we do not agree that the solution proposed by the Hon. Mr Stefani is satisfactory. At this stage the Government opposes the amendment but has the matter under review.

The Hon. I. GILFILLAN: I commend the Opposition for this amendment. The wording has been improved and it is more likely to be successful than the subsection which it replaces and which provides:

Where in the opinion of the commission an application under this section is frivolous or vexatious the commission may make an order for costs against the applicant, including any costs incurred by the other party to the application in respect of representation by a legal practitioner or agent.

This legislation was previously amended by an initiative of the Democrats, and I have been advised that it was not the most effective in its interpretation or application. However, I believe that the principle is valuable. The wording of the amendment is an improvement and it has the Democrats' support. I hope that it will be incorporated in the Bill and be effective in deterring what are described as unreasonable attitudes in settling a matter or being, as I described them originally, vexatious or frivolous. The Democrats support the amendment.

Amendment carried.

The Hon. J.F. STEFANI: I move:

Page 4, line 20—Leave out 'a stipendiary' and substitute 'an industrial magistrate or any stipendiary'.

The Opposition feels that it is not appropriate to exclude an industrial magistrate from hearing proceedings in remote areas. We have considered the availability of an industrial magistrate and feel that it is appropriate to include such a person in the Act. We realise that in remote areas it may not be possible at all times for an industrial magistrate to be available. In any event if an industrial magistrate is available, such assistance may be better placed in their hands, as they would have greater experience in dealing with industrial matters. We are not saying that a stipendiary magistrate will not do the job, but we feel that the inclusion of an industrial magistrate is also appropriate.

Amendment carried; clause as amended passed.

Clause 11—'Representation of parties.'

The Hon. I. GILFILLAN: I move:

Page 4—

Line 23—After 'amended' insert:

— *(a).*

The amendment which is linked to the restriction on legal representation is aimed at ensuring that, where a party is from one of the groups as listed at the top of page 5 in the Bill (namely, the United Trades and Labor Council; the Chamber of Commerce and Industry, South Australia Incorporated; the South Australian Employers' Federation Incorporated; or any other registered association that represents employers or employees), and anyone representing any of those organisations happens to be legally qualified, it would enable any of the parties appearing to be represented by a lawyer.

The Hon. J.F. STEFANI: I move:

Page 4, lines 23 to 42

Page 5, lines 1 to 10—Leave out all words in these lines after 'by striking out' in line 23 and substitute 'subsection (3)'.

The restriction placed on legal representation before the commission's proceedings is strongly opposed by my Party. The employer community is totally opposed to this restrictive approach, as are many individual employees. We are of the opinion that the efficient and expeditious conduct of proceedings in the Industrial Commission depends on parties having access to proper representation, whether by legal practitioners, industrial advocates or other persons including industrial relations officers engaged by employers, unions and employer organisations. Such persons are experienced in matters of procedure and substantive law and are able

to properly advise the parties whom they represent and conduct negotiations on their behalf with a view to resolving disputes.

The effect of the proposed amendment may be that smaller businesses and inexperienced or perhaps ignorant persons may be forced to conduct proceedings on their own behalf, possibly leading to most unnecessary conflicts and disputations. The proposed amendments provide that certain organisations may employ legal practitioners, who will not be subject to the proposed general prohibition, to act on their behalf. I am most concerned that this provision, together with the ability of certain parties to proceed to rely upon experienced lay persons to act on their behalf, creates a real risk of unequal representation, with the resulting injustice to parties who are unable to take advantage of the proposed Government amendment.

Along these lines, we in the Liberal Party believe that it is the fundamental right of every individual in our society to choose their own form of representation, and there should be no restriction. Accordingly, we oppose the Government's proposal.

The Hon. C.J. SUMNER: The Government is prepared to support the amendment moved by the Hon. Mr Gilfillan.

The Hon. K.T. Griffin: What does it mean?

The Hon. C.J. SUMNER: It means that if one party has a legally qualified—

The Hon. K.T. Griffin: What does 'legally qualified' mean?

The Hon. C.J. SUMNER: Someone who has legal qualifications—presumably, someone who has studied law, who has a law degree.

The Hon. K.T. Griffin: A struck-off legal practitioner.

The Hon. C.J. SUMNER: I suppose a person of that kind could be qualified, although, frankly, if honourable members want to move an amendment to exclude struck-off legal practitioners from appearing in the commission, I would be happy to accept such an amendment.

The Hon. I. Gilfillan: I will think about it, although I think this is perhaps barking up the wrong tree: it would actually be to their advantage if there was a wider opening.

The Hon. C.J. SUMNER: It may be. The Hon. Mr Gilfillan's amendment means that, if a legally qualified person is involved in the conference the other party is entitled to have a legal practitioner. The rationale for the Government's approach is to pick up what exists in Federal industrial relations at law and in most other State Acts, which contain restrictions on everyone. In fact, the restriction that is sought here by the Government is a lesser one than prevails elsewhere. This Bill restricts only lawyers in conferences. With the Hon. Mr Gilfillan's amendment, if by any chance an agent of a party is a legally qualified person, all bets are off, and the other party can also engage a legally qualified person, and indeed a legal practitioner. So, I think that the Hon. Mr Gilfillan's amendment is a sensible compromise. If members are concerned that legal practitioners who have been struck off the role can appear as agents and want to address that matter, I would have no objection.

The Hon. I. GILFILLAN: I do not think that the argument which the Hons Mr Griffin and Mr Sumner have engaged in is particularly germane to the debate. The fact is that if one reduces the opportunity for one of the prescribed bodies—the UTLC, the Chamber of Commerce and Industry, the South Australian Employers' Federation or a union—to be represented by a legally trained person who had been struck off the roll, that would reduce the automatic opportunities for other parties to be represented by a lawyer. In fact, it would be to the advantage of the very people that the Hon. Mr Stefani and the Hon. Mr Griffin are arguing for to leave the interpretation as wide as possible. I take their point of view to be that there should be no restriction on the parties to engage a lawyer.

I also want to enlighten the Hon. Mr Stefani on the point that it is not an automatic right of any particular value to the UTLC, the Chamber, the Employers' Federation or a union to employ a lawyer, because once that occurs all parties can use a lawyer; so, that would then go back to the situation that the honourable member wants, which is that anyone can engage a lawyer. As to the effect of my amendment, we must bear in mind the provision in proposed subsection (1b) *(d)*:

> (i) that the party or intervener would, if leave were not granted, be unfairly disadvantaged; or
> (ii) that there are special circumstances that make such a representation desirable.

I have some confidence that the person presiding will be sensitive to those two points and where a party to a conference is not able to be represented by a lawyer because no-one else is represented by a lawyer or a legally trained person, the presiding officer can still permit them to be represented by a lawyer if he or she is persuaded of either of those two qualifications, that is, that the person would be unfairly disadvantaged or other special circumstances pertain, such as someone who may not be readily fluent in the English language. That is a classic example where a presiding officer should be able to grant permission.

The Hon. K.T. GRIFFIN: What the Hon. Mr Gilfillan is saying is incorrect, that is, that it is less likely for a lay commissioner presiding over a conference to grant the right to legal representation than otherwise. From all the information that I have, these lay commissioners are, in some cases, likely to feel very threatened by someone with a bit of superior expertise and knowledge intervening in a voluntary conference. I can see grave injustices occurring if it is left to the lay commissioner. There will also be other problems with the Bill as drafted, even with the amendment that the Hon. Mr Gilfillan proposed, because leave is required for a party or intervener to be represented by a legal practitioner at such a conference but not to be represented by an agent. There are some high powered industrial advocates who are not legally qualified but who, nevertheless, make formidable advocates for a particular party.

The Hon. I. Gilfillan: Wouldn't that qualify as unfair disadvantage?

The Hon. K.T. GRIFFIN: That does not necessarily follow. We are leaving it to the discretion of a lay commissioner who may not necessarily be persuaded that it is fair and reasonable that in the circumstances the other party should also be represented. Therefore, this clause, as it is drafted, even with the amendments proposed by the Hon. Mr Gilfillan, has the potential for substantial injustice and or substantial bullying at the conference stage, and is more likely than not to create problems in respect of industrial disputation than to assist in its resolution.

I can see that, although this Government is saying that it is concerned about unequal representation, that is really what it will achieve under this clause. Of course, we may well have persons going to a voluntary conference having considered the matters at length with their legal adviser listening to what the other party says, seeking an adjournment and running outside to get advice from their lawyer, who might be outside the conference room and be available to give guidance. Therefore, it may well prolong the voluntary or other conference. It may well mean that there is less prospect of resolution because a sensible person who feels threatened by the other side only has to stay silent or refuse to agree unless he or she takes advice from a legal practitioner before agreeing or disagreeing with any propo-

sition which is put. It is a ludicrous proposition, it is grossly unfair and unreasonable and I am surprised that a Labor Government is seeking to pursue this course of action. It is designed to provide less threatening circumstances for lay persons, particularly lay advocates and lay commissioners.

The Hon. J.F. STEFANI: I strongly endorse the comments of the Hon. Trevor Griffin, particularly as they relate to the proposed amendments of the Hon. Mr Gilfillan. I am particularly concerned that the effect of the proposed amendment would result in persons of limited education or legal knowledge being required to submit argument and present submissions to the commission regarding matters of some complexity in circumstances where they face sophisticated advocates as opponents. I believe that, as a matter of principle, persons appearing before courts, commissions or tribunals which have the power to affect their legal rights should have the right to legal representation in the course of such proceedings.

I hold the view that the derogation of this basic right, particularly in circumstances where one party to such proceedings may be able to take an advantage through special rights or representation, should be avoided.

The ACTING CHAIRPERSON: Both members have moved amendments, but the Hon. Mr Gilfillan's will be put first and that will be a test for both propositions.

The Hon. Mr Gilfillan's amendment carried.

The Hon. I. GILFILLAN: I move:

Page 4, after line 37—Insert new word and subparagraph as follows:

or

(ii) another party is to be represented by a person who is legally qualified (not being a legal practitioner);.

We have probably argued this on what was a pretty minor part of the amendment, which was just to put in a dash. The amendment puts into effect what we have just argued about and voted on.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 4, after line 38—Insert new word and subparagraph as follows:

or

(ii) another party is legally qualified (not being a legal practitioner);.

I believe this is further attached to the principle of my earlier amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 5, after line 10—Insert new word and paragraph as follows:

and

(b) by striking out subsection (3).

This amendment is for the deletion from the principal Act of subsection (3) of section 34, which provides:

Where the interests of a registered association or members of a registered association affiliated with the United Trades and Labor Council are affected either directly or indirectly by proceedings before the commission, the United Trades and Labor Council is entitled to intervene in the proceedings.

The significance of this amendment relates to a more substantial amendment to be moved later to clause 13 to confine the rights of the UTLC to intervene and bring those rights into parallel with those of the South Australian Employers Federation and the South Australian Chamber of Commerce and Industry.

Amendment carried.

The Committee divided on the clause as amended:

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

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

Pair—Aye—The Hon. G. Weatherill. No—The Hon. L.H. Davis.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 12—'New Division.'

The Hon. I. GILFILLAN: I move:

Page 6, line 3—Leave out 'or'.

After line 5—Insert new word and paragraph as follows:

or

(d) with the leave of the commission, any other association, being a body corporate, that can show an interest in the dispute,.

The amendment is intended to include organisations such as the Housing Institute Association. I hope that it will have the support of the Opposition. The wording in the Bill is restricted to so-called registered associations, which would embrace all unions but exclude associations which are not registered with the commission. Some of the associations which I believe should have the right of intervention are not registered with the commission. The Housing Institute Association and the Independent Teachers Association are just two examples. The new paragraph is specifically included to enable wider right of representation and intervention in these conferences. I urge the Committee to support the amendment.

The Hon. C.J. SUMNER: The Government opposes the amendment.

The Hon. J.F. STEFANI: The Opposition supports the amendment and considers that it is an improvement on the clause as it stands.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 6, after line 11—Insert new subclause as follows:

(4a) Where the dispute relates to contracts of carriage, the commission may, if of the opinion that it is desirable to do so, proceed to hear and determine any matter or thing arising out of the conference as if it were acting under section 27 (9).

This is a contentious matter and I move the amendment only after considerable deliberation. It gives the commission specific power to decide disputes in relation to contracts of carriage. Two examples that come to mind are the ready-mixed concrete and milk carriers disputes, which are recent examples that affected the industry and the public. This amendment will enable the commission, having gone through a conference, to make a determination following that conference.

Section 27 (9) of the Act empowers the commission to resolve disputes. Representations have been made by carriers, particularly single operators, who are often locked into an industry because of the peculiar nature of the vehicle required to do the work. On balance, we believe that this capacity is worth giving to the commission so that intractable problems in these areas can be resolved by determination, and not just left to a conference.

The Hon. C.J. SUMNER: This amendment is acceptable to the Government.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 6, lines 17 to 23—Leave out all words in these lines and insert:

39. (1) If, on application under this section, the commission is satisfied—

(a) that a contract of carriage or a service contract operates harshly, unjustly or unconscionably;

(b) that the contract was entered into in circumstances where the parties to the contract were in unequal bargaining positions;

and

(c) in a case where the contractor would have been subject to an award of the commission if he or she had entered into a contract of employment to perform the work—that the contract appears to have been entered into to evade the overall provisions of that award,

This amendment more tightly and specifically outlines the contracts to which this clause can apply. It rewords section 39 (1) of the Act which we felt had some loose ends and needed to be more clearly defined. The Bill provides that the Commission may, by order, intervene in the terms of the contract.

The Hon. J.F. STEFANI: I would like to register a few comments about the Hon. Mr Gilfillan's proposed amendment. The Opposition does not concur with the Bill, but to some extent the amendment proposed by the Hon. Mr Gilfillan is an improvement. In any event, I would like to reserve my comments to speak against the Bill in total. The proposed amendment has some value; however, it refers to 'unequal bargaining positions'. In commercial life, this happens every day of the week. It is a commercial reality that a subcontractor is in an unequal bargaining position when he fronts up for a main contract agreement. If the Hon. Mr Gilfillan thinks that I am over-reacting to this proposition, I assure him that it happens in everyday life.

The Hon. I. Gilfillan: Remember it is 'and' and not 'or'—all three have to be complied with.

The Hon. J.F. STEFANI: I fully appreciate what the honourable member says but, in any event, the Opposition believes that the contractual relationship of parties should not be interfered with.

The Hon. I. GILFILLAN: I would like to put on record that the Housing Industry Association has indicated its approval of this wording of this amendment. It has made representations to me to the effect that it requires something similar to the intention of this clause. It has been clearly indicated by Mr Graham Pryke, who represents the association, that this wording is acceptable and is considered appropriate.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 6, after line 40—Insert new paragraph as follows:

(da) with the leave of the commission, any other association, being a body corporate, that can show an interest in the matter.

This amendment increases the scope of representation or the ability for application for an order under this clause to the same group which I mentioned earlier, as far as the Housing Industry Association, independent teachers and others are concerned. Although not registered associations they can indicate an interest and as they are bodies corporate it is the Democrat's view that they should be entitled to have the same opportunity as the parties listed, which are basically employer or employee organisations, or the Minister.

The Hon. J.F. STEFANI: Whilst the Opposition concurs with some of the honourable member's comments, as I mentioned earlier we oppose the general thrust of this clause. The Liberal Party and all employer groups are strongly opposed to the proposal which gives the commission the power to review non employment contracts of service. It is the widely held view of the legal and employer community, as well as the Opposition, that it is inappropriate to provide for regulations in any form of independent contractual relationship in an industrial setting specifically designed for employers and employees.

We are concerned with the inclusion of body corporate provisions which are open to abuse and which, in our view, are unnecessary, particularly as we consider that people who have formed a corporate structure are obviously business people in their own right. We believe that the commission should restrict its functions to industrial conciliation and arbitration matters. Contractual matters should be the exclusive jurisdiction of the civil courts. Proposed new sections 38 and 39 are opposed, particularly as the view of harsh, unjust and unconscionable contracts is a replica of the New South Wales Act which has been an absolute disaster and failure in addressing such issues. Accordingly, we oppose the clause.

Amendment carried.

The Hon. J.F. STEFANI: Notwithstanding the position, the Opposition strongly opposes this clause.

The Committee divided on the clause as amended:

Ayes (6)—The Hons G.L. Bruce, M.S. Feleppa, I. Gilfillan, R.R. Roberts, C.J. Sumner (teller), and Barbara Wiese.

Noes (6)—The Hons J.C. Burdett, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.J. Ritson, and J.F. Stefani (teller).

Pairs—Ayes—The Hons M.J. Elliott, Carolyn Pickles, T.G. Roberts, and G. Weatherill. Noes—The Hons M.B. Cameron, L.H. Davis, Peter Dunn, and R.I. Lucas.

The CHAIRPERSON: There are 6 Ayes and 6 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Clause as amended thus passed.

Clause 13—'Intervention.'

The Hon. I. GILFILLAN: I move:

Page 7, line 5—After 'may' insert ', with the leave of the court or commission,'.

I referred to this matter earlier in speaking to an associated amendment. It relates to similar conditions in relation to the rights of the UTLC and the employer organisations as far as their intervention before the court or commission is concerned. The amendment earlier was a necessary tidying up step to take out a provision so that this provision could be put in and have the full effect. The provision as amended would mean that, as with the South Australian Employers' Federation and the Chamber of Commerce and Industry, the United Trades and Labor Council would require the permission of the court or commission before it could intervene. This would mean that all three bodies would be in identical circumstances as to their right of intervention.

The Hon. C.J. SUMNER: Accepted.

The Hon. J.F. STEFANI: The Liberal Party is strongly opposed to the special status only ever given by this Government to the UTLC. Again, the amendment in the Bill gives special preference only to the UTLC extending its right to the court, where matters are taken on an individual basis. The UTLC has been given the right to assume the power to make such representations and tender such evidence as it thinks fit. This right goes well beyond that which has been afforded the registered organisations, which must seek leave to appeal and which are certainly not guaranteed the right to make such representations and tender such evidence as they think fit. The Liberal Party therefore supports the amendment moved by the Australian Democrats in balancing this proposal.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—'Powers relating to unpaid wages, etc.'

The Hon. J.F. STEFANI: I move:

Page 7, line 16—Leave out ', by notice in writing (setting out the reason for his or her belief),' and substitute ', by a notice in writing which is issued under an authorisation from an industrial magistrate obtained in accordance with the rules and which sets out the reason or reasons for the inspector's belief.'

Employer organisations are very upset that a Government which should be working to assist all employers with

employment and the creation of more jobs is deliberately shifting the onus of proof onto the employer, and giving 'big brother' powers to inspectors who will be able to direct the recalculation of wages, thereby denying natural justice to the employer who is automatically deemed guilty until he proves his innocence. This amendment therefore seeks to provide an appropriate procedure through which an inspector may obtain authorisations before forcing the employer to recalculate wages. I commend the amendment to the Committee and seek the support of the Australian Democrats.

The Hon. I. GILFILLAN: The Democrats oppose the amendment.

The Hon. C.J. SUMNER: The Government opposes the amendment.

Amendment negatived; clause passed.

Clauses 16 and 17 passed.

Clause 18—'Sick leave.'

The Hon. J.F. STEFANI: I move:

Page 8, lines 6 to 10—Leave out subsection (7).

The Opposition opposes this provision and also the notion of legislation being used to deal with matters which are the domain of awards and not that of the Parliament. South Australia already has the most beneficial long service leave provisions in Australia and, accordingly, is at a competitive disadvantage. When employees are on long service leave they are often away from their residence, and it would be most difficult for employers to check on the validity of their sick leave in any event. We consider that the cost to industry may well be affected in this regard, and the Opposition strongly opposes this provision.

The Hon. I. GILFILLAN: The Democrats have on file identical amendments to delete this clause from the Bill, so that long service leave cannot be extended due to ill health. We therefore join with the Opposition in seeking to have paragraphs *(a)*, *(b)* and *(c)* removed from clause 18.

Amendment carried.

The Hon. J.F. STEFANI: I move:

Page 9, lines 10 to 15—Leave out paragraph *(f)*.

This is a consequential amendment. As such, we hope to have the support of the Democrats.

The Hon. I. GILFILLAN: It is unlikely that it is consequential insofar as it is not listed in my amendments, and I ask the mover to put forward his argument.

The CHAIRPERSON: I am getting signals from Parliamentary Counsel that it is not consequential.

The Hon. J.F. STEFANI: It is not. I touched on this matter when I spoke to the amendment in the first instance. It deals with the granting of sick leave in terms of award conditions where more favourable conditions prevail elsewhere. We believe that this should not be dealt with by legislation but by award provisions.

The Hon. C.J. SUMNER: The Government opposes the amendment. The provision that the honourable member seeks to delete was included to allow employees and employers to negotiate sick leave conditions which are in excess of the statutory standard contained under the Act. The deletion of this provision would not allow for the negotiation or award of conditions better than standard to reflect particular conditions of employment, for example, in the case of flight attendants, who cannot work if they are at all sick and have a higher standard of sick leave to reflect this stringent employment condition.

The Hon. I. GILFILLAN: The Democrats oppose the amendment, for the same reasons as expressed by the Attorney-General.

Amendment negatived; clause as amended passed.

Clauses 19 to 21 passed.

Clause 22—'Approval of commission in relation to industrial agreements.'

The Hon. I. GILFILLAN: I move:

Page 10, line 3—Leave out 'that a' and substitute 'in the case of an industrial agreement to which a registered association of employees is a party—that another'.

The amendment qualifies paragraph *(b)*, which the Democrats believe needs to be worded more clearly. The intention of the provision, according to Government and UTLC sources, concerns the right of a registered association to be able to appear before a commission to make submissions on an industrial agreement. It seemed unfair, on one interpretation of the provision, that a union which is not party to an arrangement could intervene and argue willy-nilly the basis of that agreement. I was assured that that was not the Government's or the UTLC's intention and I asked the Parliamentary Counsel to draft more specific wording so that, where one union has become party to an agreement and another union has a tenable argument that it is entitled to represent some, if not all, of the employees who are involved in that agreement, this matter can be determined by the commission rather than being left to the law of the industrial jungle, as could occur if this capacity was not available to the commission. This will restrict union intervention or consideration to agreements in which a union is already involved.

The Democrats are content that this amendment eliminates the potential for a union to intrude into an agreement which does not involve union members, but allows only for the resolution of what could be an uncomfortable and difficult industrial problem where two unions, as has happened from time to time, are in dispute as to how the work force should be properly covered, and it can often result in an unfair penalty being paid by an employer who is not a party to the dispute.

The Hon. C.J. SUMNER: That is accepted.

The Hon. J.F. STEFANI: The Government's proposal is an attack on the ability of unregistered associations to participate in registering industrial agreements. In this regard we refer to the 1985 amendments when a similar proposal was rejected by Parliament. We believe that there is a principle involved. We are opposed to the interference of any provision to the effect that the commission may not approve an agreement merely because one trade union or another is not a party to the proposed registered industrial agreement. This proposal is an intrusion into the normal operation of industrial relations and will create demarcation disputes where none exist at present. We consider the proposal to be totally inappropriate and ill-conceived. Accordingly, we oppose the clause.

The Hon. I. GILFILLAN: I am disappointed to hear that. I can imagine that that would be the attitude of the Opposition to the Bill as unamended, because the original wording was open to the very accusation that the Hon. Mr Stefani has outlined. However, I am sorry that he and the Opposition do not see that the amendment, which I hope will gain support, will restrict the scope of the industrial agreements that the commission may decide not to approve to those in which there is already a union involved and another union believes itself aggrieved and has a proper interest in the matter. If the commission is unable to take part in that, the employer will suffer the penalty. There is scope for an industrial dispute—maybe a guerilla-type of industrial activity—which would be very hard for the employer to handle and which should not be the employer's burden. It is unfortunate that the Opposition has not picked up that the potential of the Bill, as amended, will protect the employer from circumstances which currently, if the commission is not

able to have a say in the industrial agreement where this occurs, could impact unfavourably on the employer.

The Hon. J.F. STEFANI: I commend the efforts made by the Democrats in relation to this amendment. Nonetheless, a question of principle is involved. Why should we give in to blackmail threats of people going on demarcation disputes, pulling people down, and giving them curry and stick because we are not strong enough in this place to stand up and say what we believe in.

Amendment carried; clause as amended passed.

Clauses 23 to 25 passed.

Clause 26—'Employee not to be discriminated against for taking part in industrial proceedings.'

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

Page 12—
Line 24—After 'proceedings before' insert 'the court,'.
Line 29—After 'before' insert 'the court,'.

These amendments seek to extend the protections contained under section 156 so as to prohibit employers from taking discriminatory action against those employees who have taken part in Industrial Court proceedings, who have given evidence, or who have said or done anything or have omitted to say or do anything before the Industrial Court. The Act as it currently stands protects employees against such discrimination in respect of involvement in commission proceedings, and it is logical to provide the same protection with respect to an employee's involvement in Industrial Court proceedings.

The Hon. J.F. STEFANI: The existing provisions relating to dismissal or discrimination against an employee have been widened to include threats or detrimental acts. The provision before us opens the way for militant and inefficient employees to abuse the system. We view it as a further extension to the privileged position of certain people in the workplace.

Because detrimental acts are so hard to prove the mechanism of such a proposal is so outrageous that we do not support such a view. We strongly believe that if this provision is put in place there will be wide abuse of the system and, as I said earlier, militant employees will take advantage of this position. We strongly oppose the clause.

The Hon. I. GILFILLAN: The Democrats support these amendments. It is logical that in the context of this Bill both the commission and the court apply.

Amendments carried.

The Committee divided on the clause as amended:

Ayes (6)—The Hons G.L. Bruce, M.S. Feleppa, I. Gilfillan, R.R. Roberts, C.J. Sumner (teller), and Barbara Wiese.

Noes (5)—The Hons J.C. Burdett, K.T. Griffin, Diana Laidlaw, R.J. Ritson, and J.F. Stefani (teller).

Pairs—Ayes—The Hons T. Crothers, M.J. Elliott, Carolyn Pickles, T.G. Roberts, and G. Weatherill. Noes—The Hons M.B. Cameron, L.H. Davis, Peter Dunn, J.C. Irwin, and R.I. Lucas.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 27—'Employee not to be discriminated against on certain other grounds.'

The Hon. J.F. STEFANI: Clause 27 is similar to clause 26. The Opposition has the same view that an equal balance of dealing with the employment of people should be retained and therefore opposes the measure.

Clause passed.

Clause 28—'Employee not to cease work for certain reasons.'

The Hon. J.F. STEFANI: This clause is consequential on clauses 26 and 27, and the Opposition will not proceed with its opposition to it.

Clause passed.

Clause 29—'Employers to keep certain records.'

The Hon. J.F. STEFANI: I move:

Page 14, line 12—Strike out paragraph *(b)*.

The Opposition is opposed to the extension of the provision requiring employers to keep records for six years. The existing provision requires employers to keep employees' pay records for a minimum of three years. We consider that provision to be adequate and oppose the insertion of this clause.

The Hon. I. GILFILLAN: This clause is consequential on the earlier amendment relating to the underpayment of wages extending from three years to six years. With that in place, this extension is necessary and the Democrats support it.

Amendment negatived; clause passed.

Clause 30—'Person convicted may be ordered to make payments.'

The Hon. J.F. STEFANI: The Opposition believes that this clause is connected with the keeping of records and that the present provisions are adequate. We therefore oppose the clause.

The Hon. I. GILFILLAN: For the reasons that I have just mentioned, I indicate the Democrats' support for the inclusion of this clause.

Clause passed.

Progress reported; Committee to sit again.

POLICE REGULATION ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It amends the provisions of the Children's Protection and Young Offenders Act 1979 ('the Act') dealing with the enforcement of orders made by the Children's Court. It also provides for the detention of young offenders in emergency situations.

The Criminal Law (Sentencing) Act 1988 and the Statutes Amendment and Repeal (Sentencing) Act 1988 came into operation on 1 January 1989. Prior to the enactment of these Acts, the powers of the Children's Court in relation to the enforcement of pecuniary sums and the power of the Children's Court to award costs against a young offender derived from the Justices Act 1921.

The Statutes Amendment and Repeal (Sentencing) Act 1988 repealed Division VI of Part IV of the Justices Act 1921 dealing with the enforcement of pecuniary sums. It also amended section 77 of the Justices Act dealing with costs. The Criminal Law (Sentencing) Act 1988 makes provision for the enforcement of pecuniary sums in Division III of Part IX. It also includes a provision enabling a court to award costs against a defendant. However, the definition

of 'court' for the purposes of that Act expressly excludes the Children's Court. Therefore, these provisions do not automatically apply to the Children's Court.

The effect of the repeal of the provisions of the Justices Act 1921 dealing with the enforcement of pecuniary sums is to create a hiatus with regards to the enforcement of orders for the payment of pecuniary sums imposed by the Children's Court.

This Bill seeks to restore the powers of the Children's Court to enforce the pecuniary orders made by it. It also provides for an award of costs against a young offender. The provisions are largely modelled on those set out in the Criminal Law (Sentencing) Act 1988. The main differences are:

(i) the new provisions do not empower the clerk of court to issue a mandate against the child for non-payment. This power is to be retained by the Children's Court;

(ii) the period of detention fixed for default in payment cannot exceed three months, whereas the Criminal Law (Sentencing) Act 1988 provides for a maximum period of six months imprisonment;

(iii) the Children's Court is not empowered to issue a warrant for the seizure of land; and

(iv) the scheme in section 99a of the Children's Protection and Young Offenders Act providing for periodic detention on default is retained. However, section 99a has been repealed and the schemes reinserted in proposed section 75j.

The Bill also inserts a new section into the Act to provide for the detention of young offenders in emergency situations. Currently the Act provides for the detention of young offenders in a training centre. However, it does not provide for alternative accommodation where an emergency situation arises which makes it impracticable or impossible to detain the child in a training centre.

The new provision clarifies the law and enables the Minister to arrange detention in a police prison or police station, watch house or lock-up approved by the Minister. The new provision requires that steps be taken to keep the child from coming into contact with adult prisoners. Similar provisions already exist in the Act with regard to the apprehension and detention of young offenders outside the prescribed area.

In summary, the Act does not presently provide an alternative when an emergency arises which makes detention in a training centre impracticable or impossible.

During the recent industrial dispute at the Youth Training Centre, residential care workers had refused to admit new detainees to the centre. As a result, the new detainees were held in police cells. The Act, as currently worded, does not authorise such detention.

The provisions of this Bill (other than Schedule 1 which deals only with statute law revision amendments) are retrospective to 1 January 1989. This is to coincide with the date of operation of the sentencing legislation. The retrospective operation will validate the issue of mandates and warrants and acts done in execution of them from that time, as well as acts done in relation to the detention of young offenders in police cells. I commend this Bill to honourable members.

Clause 1 is formal.

Clause 2 provides for the commencement of the Act to be back-dated to 1 January 1989 (except for Schedule 1 which contains statute law revision amendments).

Clause 3 provides definitions of 'pecuniary sum' and 'prescribed unit' that are substantially the same as those in the Criminal Law (Sentencing) Act.

Clause 4 is consequential on the insertion of new Part IVA—all matters relating to enforcement are covered by that Part.

Clause 5 inserts a provision empowering the Children's Court to award costs against a guilty defendant. The court formerly relied on the Justices Act for this power.

Clause 6 is also consequential on the insertion of new Part IVA.

Clause 7 repeals a section that dealt with the non-application of the Offenders Probation Act to children. This section is now redundant since the repeal of that Act.

Clause 8 inserts new Part IVA which deals with enforcement of orders made in the Children's Court criminal jurisdiction.

New section 75a provides that the whole of a pecuniary sum falls due on non-payment of an instalment.

New section 75b gives the court the power to order default detention for a child, or default imprisonment for a surety, in default of payment of a pecuniary sum. The default sentence can be imposed at the time of original sentence or subsequently.

New section 75c gives the court the power to order sale of goods in order to satisfy an unpaid fine or other pecuniary sum.

New section 75d provides for recovery of the costs of issuing and executing process.

New section 75e provides an opportunity for a person in default to pay the outstanding amount to the person who is executing the mandate for detention or warrant of commitment or sale.

New section 75f gives a clerk of the Children's Court the power to suspend or postpone mandates or warrants unconditionally or subject to conditions.

New section 75g gives the court the power to remit a pecuniary sum in cases of hardship.

New section 75h provides for the making of orders in the absence of the person in default. Such orders must, if for detention or sale of goods, be served personally on the person in default.

New section 75i provides for the proportionate reduction of periods of detention or imprisonment if the person in default pays the outstanding amount, or part of it.

New section 75j provides that a child in default may serve a period of default detention on a periodic, non-residential basis. The periodic detention will be spent in performing community service. This provision is a direct repeat of section 99b of the principal Act which is to be repealed.

New section 75k provides that a person cannot diminish a civil liability (for example, for compensation) by serving a period of detention or imprisonment under this Division.

New section 75*l* provides that the Children's Court may enforce a non-pecuniary order (for example, for restitution of stolen goods) by sentencing a child to detention for a period not exceeding three months.

Clause 9 inserts a new provision that enables a child to be detained in a prison or police lock-up in cases of emergency. If this occurs, the child must be kept apart from adult prisoners wherever possible.

Clause 10 repeals section 99a which is now dealt with in Part IVA.

Clause 11 is a consequential amendment.

Schedule 1 contains various statute law revision amendments. All fines are expressed in divisions. The fine for failing to comply with section 93 (restriction on reporting proceedings involving children) is taken up from $5 000 to division 5 ($8 000) which is the nearest division.

Schedule 2 contains necessary transitional provisions. Clause 1 provides that the new enforcement provisions extend to all defaults whether occurring before or after the commencement of the Part. Clauses 2 and 3 preserve the validity of enforcement orders made since 1 January 1989 but before the assent to this Act. Clause 4 relates to the change in terminology from 'recognizance' to 'bond'.

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

STATUTES AMENDMENT (CRIMINAL SITTINGS) BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to amend the Justices Act 1921 and the Local and District Criminal Courts Act 1926 in order to achieve three ends.

(i) The first is the abolition of the concept of criminal sittings.

The criminal jurisdiction of the Supreme Court and the District Court is exercised theoretically in monthly sittings of those courts. In practice the concept of sittings is obsolete and is largely ignored. Both courts are in continuous session in criminal jurisdiction throughout the year with several judges sitting on criminal cases concurrently. Dates are fixed for trial without regard to sittings.

The retention of the concept of criminal sittings causes administrative difficulties and compels observance of some obsolete procedures. The work of both courts would be facilitated if the concept were abolished. The Chief Justice had arranged for a committee to examine the means by which that might be achieved.

The committee consisted of Justice Millhouse, Judge Bishop, the Crown Prosecutor, the Sheriff, the Clerk of Arraigns, Supreme Court and the Clerk of Arraigns, District Court. The report was considered by the Senior Judge of the District Court and the Chief Magistrate. They supported its recommendations including that committals to a higher court should be for the first Monday (not being the first Monday in January or being a public holiday or falling after 23 December) after the expiration of 28 days from the date of the committal.

The committee referred to was established by the Chief Justice with the following terms of reference:

To consider and report . . . as to the following matters:

1. The practicality of the abolition of the concept of criminal sittings or sessions in both courts;
2. The alternative arrangements which would be necessary in substitution for criminal sittings or sessions;
3. Legislative amendments which would be necessary to abolish the concept of criminal sittings or sessions and to substitute appropriate alternative arrangements.

The committee was of the opinion that it is both practicable and desirable to abolish criminal sessions. The disadvantages of the present system are known. When there were fewer criminal cases, sessions provided a useful way in which to make the best use of the time and talents available, but old-fashioned court administration is not designed to cope with the present number of cases before the criminal courts. Peaks and troughs at present appear in the workload of court staff. Activity builds towards arraignment day, then falls off until preparations for the next arraignments begin once more. Magistrates' clerks, already under pressure, must deal with a lot of paperwork before committals can go on to a higher court. As the Magistrates Court falls behind, so too do officers of the Clerks of Arraigns and the Crown Prosecutor's Office. The Sheriff's Office must act on very short notice to produce the calendar and deliver up those accused people held on remand.

Once the Bill becomes law, consequential amendments will be made to the Rules under the Justices Act, the District Criminal Court Rules and the Rules of the Supreme Court (Criminal Jurisdiction) and the whole package will come into operation at the one time.

(ii) The Bill also seeks to simplify administrative procedures following committal for trial or sentence, by a Magistrate, to a District Court or the Supreme Court.

Current legislation provides for a number and variety of forms to be prepared by magistrates' clerks following an accused's committal for trial or sentence to the Supreme or District Court. The forms take an inordinate amount of time to prepare and many of them simply duplicate information.

It is difficult to estimate accurately how long it takes to prepare committal documents as each file has different requirements. However, a conservative estimate is that it takes a magistrates' clerk 45 minutes to prepare the required forms and to perform the associated clerical functions. Several of the forms no longer have any real purpose and are only prepared to meet the requirements of the legislation.

Presently matters cannot be listed in the higher courts until the expiration of 14 days from the date of committal. This period of time has been set aside to enable the prosecuting authority to review the documents and then prepare the appropriate information. However, because of the length of time required in preparation of files, delays inevitably occur and frequently files are not forwarded to the prosecuting authority forthwith, as required. This has been the subject of adverse comment by superior courts and the staff of those courts.

It is estimated that these amendments will provide savings for magistrates' clerks time in the order of 680 hours per annum. These savings would enable magistrates' clerks to more properly perform other functions that are required of them. Savings would also be made in the use of casual assistance, as magistrates' clerks would not be required to spend as much time out of court preparing these documents, and accordingly would not require as much relief.

(iii) Finally, the Bill seeks to amend the Local and District Criminal Courts Act 1926, to repeal the requirement to publish the criminal sittings lists in the *Government Gazette.* At present, the criminal sittings of both the Supreme and District Criminal Courts are published, monthly, in the *Gazette.*

The requirement for publication of the list of names of accused persons appearing in the Supreme Court arises by precept issued to the Sheriff requiring that officer to publicly proclaim the sittings and cause all those to be prosecuted to appear.

In the District Court the requirement of publication arises by virtue of section 320 *(b)* of the Local and District Criminal Courts Act 1926, which provides as follows:

> 320. The Senior Judge shall, from time to time, as occasion requires, either personally or by the giving of proper directions—
> *(b)* after receiving the criminal lists from time to time the Attorney-General, cause to be published in the *Gazette* and court houses, police stations and at such other places as he deems proper and necessary, such notices as will, as far as reasonably practicable, keep all persons concerned duly informed of the lists and the sessions of District Criminal Courts throughout the State;.

Before the list of names and charges can be deleted from the *Gazette* in respect of District Court matters the amendment will need to be made to section 320.

The origin of the Supreme Court precept issued to the Sheriff appears to be the issue of a writ of general summons to the Sheriff to prepare for the eyre, which was a court created by commission which empowered justices to hear all pleas in the fourteenth century. By this writ, which was issued some weeks before the beginning of the eyre, the Sheriff was directed to summon all those who were bound to attend before the justices in eyre. The writ had the effect of suspending the activities of rival courts to ensure that all persons were free to attend.

This duty on the Sheriff to notify parties in respect of criminal proceedings has continued to the present day. In the absence of legislation the means of notification is a matter for the Sheriff. Provided therefore that the Sheriff ensures that all parties are notified in sufficient time to prepare their cases, he or she will be taken to have fulfilled the duty. Where an accused is said to have a case to answer in a Magistrates Court, he or she is committed to the appropriate court. His or her counsel is then contacted by the Sheriff's Office before the sitting date and a listings conference is arranged. On the day of the trial a cause list is published in the court and in the local newspaper. In those circumstances there is no need to publish a list of names and charges in the *Gazette*. It will be the case, however, that the Sheriff will continue to print the next sitting dates of the criminal jurisdictions of the courts.

The Chief Justice has no objection to this proposal. Indeed with the concept of criminal sittings being abolished and the Supreme Court being in continuous session in its criminal jurisdiction, there will be no need for any publication. The Sheriff has indicated that, in future, publication in the *Gazette* would simply set out the order of business of the sittings and that Circuit Sessions of the Supreme Court would still require the Proclamation (and the issue of the Circuit Judge's commission) to appear in the *Gazette*.

Honourable members should note that these proposed amendments have the support of the Chief Justice, the Senior Judge and the Chief Magistrate and will be, it is anticipated, conducive to more efficient administration of the court system in this State. I commend the Bill to members.

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 is formal.

Clause 4 amends section 112 of the Justices Act 1921. It strikes out paragraph *(d)* of subsection (2), which sets out the record that currently has to be prepared by a justice when a defendant is committed for trial on an indictable offence. It makes a consequential amendment to subsection (5), striking out the existing subsection and substituting a new subsection that is to the same effect, but which does not contain a reference to the record prepared under subsection (2). Clause 4 also strikes out paragraphs *(d)* and *(e)* of subsection (3), which set out the existing method for determining the criminal session of the Supreme Court or District Court at which the defendant is to be tried.

Clause 5 repeals section 116 of the Justices Act 1921 which contains the existing requirements as to the documents that have to be prepared by a justice on committing a defendant for trial.

Clause 6 amends section 136 of the Justices Act 1921 by striking out subsection (1) and substituting a new subsection (1) which deletes the existing requirement that, where a defendant has pleaded guilty, the justice must prepare a record on committing the defendant for sentence. Clause 6 also strikes out paragraphs *(d)* and *(e)* of subsection (2), which set out the existing principles for determining the criminal session of the Supreme Court or District Court at which the defendant is to be sentenced.

Clause 7 repeals section 139 of the Justices Act 1921 which contains the existing requirements as to the documents to be prepared by a justice on committing a defendant for sentence.

Clause 8 amends section 141 of the Justices Act 1921, by striking out subsections (1) and (2) and substituting new subsections (1) and (2) which are to the same effect, but which do not contain the existing reference to criminal sessions. Clause 8 also makes an amendment to subsection (3) which is consequential upon the repeal of section 139 of the Act by clause 7.

Clause 9 inserts a new section 155 into the Justices Act 1921. This new section sets out the new principles for determining, where a defendant is to be committed for trial or sentence, the date and time for that trial or sentencing. It also sets out the documents that must be prepared by a justice on committal of the defendant for trial or sentence. Where a defendant is committed for trial or sentence, the committal order must fix the date and time at which the defendant is to appear for trial or sentence, and the court before which the defendant must appear. The date must be on the first business day of a week that is a specified period (prescribed by rules of court) after the date of committal, unless the justice is satisfied that there is good reason for fixing another date. If a preliminary examination is conducted in a circuit district of the Supreme Court, and the defendant is to be committed for trial or sentence in the Supreme Court, the defendant must be committed for trial or sentence at a circuit sitting of the Supreme Court in the same circuit district.

If a defendant is to be committed for trial or sentence in a District Court, the defendant must be committed to the District Court for the District Court district in which the preliminary examination is conducted. The documents that a justice must forward to the Attorney-General on committing a defendant for trial or sentence are a note of the committal order; a copy of the information (as amended); a transcript of evidence from the preliminary examinations; a list of exhibits; a copy of any existing bail agreement relating to the defendant; and any recognizances of witnesses. The Attorney-General must forward these documents to the court to which the defendant has been committed for trial or sentence.

Clause 10 amends section 320 of the Local and District Criminal Courts Act 1926 to remove the requirement to publish criminal sittings lists in the *Gazette*.

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

TRUSTEE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It amends the Trustee Act by inserting into section 5 provisions which will make the common funds of the ANZ Executors and Trustee Company, National Mutual Trustees, and Perpetual Trustees authorised trustee investments in this State. These companies are newly approved to operate as trustee companies in South Australia and investment in the common funds of these companies will be given authorised trustee status in the same way as the common funds of the trustee companies already operating. The amendment will come into operation at the same time as the Trustee Companies Act.

Clause 1 is formal.

Clause 2 provides that the Act will come into operation on the day on which the Trustee Companies Act 1988 comes into operation.

Clause 3 amends section 5 (1) *(g)* of the principal Act. Three additional companies, namely ANZ Executors and Trustee Company Limited, National Mutual Trustees Limited, and Perpetual Trustees Australia Limited, are now included in section 5 (1) *(g)* of the principal Act and hence now have authorised trustee status for their common funds.

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

STRATA TITLES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Strata Titles Act came into effect in 1988. Since that time the operation of the Act has been closely monitored. It is intended, once the Act has been in operation for a year, to canvass the need for amendment to the Act with those persons who utilise it in their professional work (for example, Registrar-General, Real Estate Institute and Law Society).

The need for amendment in one particular area, however, cannot await the review which will occur later.

It has been pointed out by a legal practitioner that there is a deficiency in the Act in that there is no provision for a company which is a unit holder to be represented in dealings as an office holder of a strata corporation. In particular, problems arise when all or some of the unit holders in a group are companies and section 23 requires the corporation to appoint certain officers—presiding officer, secretary and treasurer. A company cannot itself preside at a meeting—it must be represented by a person authorised to represent it. Where all unit holders are companies the corporation could not appoint any of the required offices. The Act is amended to allow for such representation.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 inserts a new section 44a in the principal Act which will allow a body corporate that is a unit holder to hold office as the presiding officer, secretary or treasurer of the strata corporation, or to act as a member of the management committee. Under this arrangement, the body corporate will be able to appoint a person to act on its behalf.

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

POLICE PENSIONS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to make an amendment to the Police Pensions Act 1971 to curb 'double dipping' in superannuation and workforce benefits. Without this amendment, a police officer retired due to ill-health and also entitled to a WorkCover disability pension would be able to receive an aggregate pension of up to 150 per cent of salary, plus a lump sum of 150 per cent of salary.

The amendment will provide for the suspension of superannuation benefits where a disabled police officer is entitled to a full WorkCover pension. An officer retired but only entitled to a partial WorkCover pension may receive some superannuation benefits, where the WorkCover pension is less than the superannuation pension.

The amendment also deals with the case of a spouse in receipt of a WorkCover pension and also entitled to a superannuation spouse benefit. The same general principle to be applied to former employees will also be applied to benefits paid to spouses. Spouse superannuation pensions will also be reduced by the amount of any WorkCover pension paid. Benefits paid to children are similarly dealt with under the amendment.

The amendment ensures that, once an entitlement to workers compensation ceases, any suspended superannuation benefits will then become payable. The principle being applied in the amendment has already been introduced into the main State scheme under the Superannuation Act 1988.

I commend the Bill to the House.

Clauses 1 and 2 are formal.

Clause 3 replaces the first four subsections of section 41 of the principal Act with provisions that correspond with section 45 of the Superannuation Act 1988. These provisions ensure that pensioners and eligible children cannot receive both pension (or child's allowance) and weekly workers compensation payments that when aggregated exceed the amount of the pension or allowance. A former contributor is however entitled to earn income from remunerative activities if the aggregate of the pension, workers compensation and the income he earns does not exceed the amount of the salary payable from time to time to persons holding the same position as he held before retirement.

Clause 4 inserts a new section that provides that lump sums cannot be paid while a pension is suspended because of the receipt of workers compensation.

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

RACING 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

This Bill proposes amendments to the Racing Act 1976, to enable the South Australian Totalizator Agency Board to implement an off-course computerized win and each way fixed odds betting system. The amendments proposed are as follows: First, that the Act be amended to change the functions and powers of the TAB to enable it to conduct fixed odds betting on races held within or outside Australia. The implementation strategy of the fixed odds betting system will be to first provide the service at cash selling outlets only. The next step would be to provide the service to telephone betting customers, some 8 to 12 weeks after the system is introduced. It is not considered sound to provide a service on all meetings/all races from the implementation date. To acquire experience in operating the system, it is proposed that the service be phased in over a 12 month period, based on a schedule commencing with metropolitan galloping meetings and including only selected races. This schedule will gradually be extended to cover all races of all codes, at the end of the 12 month period. One of the recommendations of the working party established to examine the TAB proposal to introduce a computerised fixed odds betting system, was that the system be thoroughly tested in the off-course environment, before any further consideration is given to its introduction on-course.

Secondly, the allocation of profits from fixed odds betting be shared equally between the Government and racing industry for a period of 12 months from the date of implementation. The codes will continue to receive the same fixed percentage from fixed odds betting as currently exists with *pari mutuel* betting. After that 12 month period and prior to 1 January 1991, a committee of three persons will be established to consider the profitability and financial arrangements between the Government and the codes in relation to fixed odds betting.

Thirdly, the Racecourses Development Board and Government each be allocated 0.2 per cent of fixed odds betting turnover to compensate for the loss of fractions income as a result of the anticipated transfer of money from the *pari mutuel* pools to the fixed odds betting pools. Fourthly, unclaimed dividends will be shared as is the current practice for *pari mutuel* betting. Fifthly, a new section has been inserted to replace sections 80 and 84*l* which deals with the acceptance of investments by employees or agents of the TAB and authorised racing clubs.

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal. Clause 3 inserts new definitions into section 3 of the principal Act in relation to fixed odds betting.

Clause 4 amends section 51 of the principal Act to give the Totalizator Agency Board the added function of conducting off-course fixed odds betting. Clauses 5, 6 and 7 make consequential changes.

Clauses 8 and 9 repeal sections 79, 80, 84k and 84*l* of the principal Act. Sections 79 and 84k make it an offence to conduct totalizator betting except as authorised by the principal Act. Section 64 of the Lottery and Gaming Act 1936, provides for a similar offence but with higher penalties. It is convenient to remove the provisions from the Racing Act to avoid confusion. The substance of sections 80 and 84*l* is contained in new section 148a inserted by clause 13.

Clause 10 inserts new Part IIIA dealing with off-course fixed odds betting. New sections 84*l* and 84m correspond to sections 67 and 69. Section 84n provides for the establishment of a committee to make recommendations for the sharing of profits from fixed odds betting. Section 84o corresponds to section 71 (1), and section 84p corresponds to section 78. Clauses 11 and 12 make consequential amendments.

Clause 13 inserts new section 148a into the principal Act. This section incorporates the substance of sections 80 and 84*l*.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to make two structural changes to the administration of the scheme. The Bill has no bearing on the existing benefits paid under the scheme. The Bill seeks to change the funding arrangements for the payment of benefits. The new arrangement will result in the Government meeting its liabilities for the payment of pensions and other benefits from the Consolidated Account. The Government share of benefits paid under the main State Superannuation Scheme and the police pensions scheme are already met in this way. Under the proposed arrangement, members of Parliament will pay their contributions to the Treasurer, and all benefits payable under the Act will be paid from the Consolidated Account. This is the same arrangement that applies under the scheme for members of the Commonwealth Parliament.

This new arrangement also has an advantage to South Australian taxpayers in that because all benefits will be paid from the Consolidated Account, there will be no State money paid in taxes to the Commonwealth under its proposed legislation for the taxation of superannuation funds. Members of Parliament will continue to be taxed under existing arrangements and will not be eligible for any concessional rate of tax on benefits when benefits are actually paid.

The other change is the establishment of a board to deal with administrative matters. The board will consist of the following members—the President of the Legislative Council, the Speaker of the House of Assembly, and a person appointed by the Governor on the nomination of the Treas-

urer. The Board replaces the previous trustees. The provisions of the Bill are as follows:

Clauses 1 and 2 are formal. Clause 3 makes consequential changes to section 5 of the principal Act. Clause 4 replaces Part II of the principal Act with a new part which establishes the South Australian Parliamentary Superannuation Board. The new board will take over administration of the Act from the existing trustees.

Clause 5 replaces Part III of the principal Act. Clauses 6 to 14 make consequential changes. Clause 15 provides that contributions will be paid into the Consolidated Account and that the costs of administering the Act and payments of benefits under the Act will come from the same account. Clause 16 inserts a transitional schedule.

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

LISTENING DEVICES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to make a number of amendments to the Listening Devices Act 1972. In its report of May, 1987 to the Attorney-General, the Privacy Committee of South Australia observed as follows:

It . . . notes criticisms made by the Criminal Law and Penal Methods Reform Committee, the Australian Law Reform Commission and the Royal Commission into the Non-Medical Use of Drugs of the provisions of the Act which exclude members of the Police Force acting in the performance of their duties from the prohibition against the use of a listening device, subject to the requirement that the Commissioner of Police report the use of such devices to the responsible Minister.

The (then) Commissioner of Police indicated to the 1978 working group that the force would wish the Act to remain unchanged. However, this committee notes that in a recent decision the European Court of Human Rights considered that monitoring of the use of listening devices in the United Kingdom by a judge was not sufficient to comply with a requirement that privacy shall not be interfered with arbitrarily.

Article 17 of the International Covenant on Civil and Political Rights (to which Australia is a party) provides that no-one shall be subjected to arbitrary interference with his privacy. In order to comply with this Article authorisation for members of the police force to use a listening device should be by a judge of the Supreme Court. This committee recommends accordingly. It notes this recommendation is consistent with the warrant requirements that obtain under the Telecommunications (Interception) legislation of the Commonwealth.' (paragraphs 55 and 56 of the Report).

This Bill seeks to give effect to this recommendation of the Privacy Committee.

In addition, this Bill seeks to confer on the National Crime Authority itself the power to apply for a warrant to use a listening device. In its 1986-87 Annual Report the National Crime Authority passed comment on the legal situation throughout Australia. Among other things, it said:

The use of listening devices is, like the utilisation of telephone interception facilities, vital in the investigation of organised crime. The National Crime Authority Act contains no provision relating to the use of listening devices and the Authority therefore relies on relevant provisions in the Commonwealth Customs Act and in State legislation. As noted in last year's report these arrangements have not proved entirely satisfactory.

The authority raised with the Inter-Governmental Committee at its meeting on 21 May 1987 the authority's position under the listening devices legislation of the Commonwealth and various States. The Committee agreed that the authority should pursue with the Commonwealth, Queensland, South Australia and Western Australia the possibility of extending the relevant legislation to enable the authority to use listening devices in its own right. Tasmania and the Northern Territory have no legislation concerning listening devices, although the authority understands that the Northern Territory government is considering its introduction. The Chief Minister of the Northern Territory has offered to consult with the authority on the development of such legislation. (See pp. 43—44)

The Chairman of the National Crime Authority has written, requesting this amendment, pursuant to its determination referred to in the annual report. It should be noted that the authority already has the power to obtain and use listening devices in its own right under the Listening Devices Act 1969 of Victoria and the Listening Devices Act 1984 of New South Wales.

This Bill also seeks to insert record-keeping and reporting requirements akin or analogous to those that appear in the Telecommunications (Interception) Bill 1988. This consistency of approach is considered desirable from an operational viewpoint as well as ensuring a proper balance is struck between the powers of the State to undertake electronic surveillance of citizens and the rights of those citizens to freedom from arbitrary or unlawful interference with their privacy.

Offences of unlawful communication of information obtained pursuant to a warrant are also to be created; and, finally, the penalties prescribed for a number of existing offences under the principal Act are substantially upgraded.

I commend this important measure to honourable members.

Clauses 1 and 2 are formal.

Clauses 3 and 4 substitute the penalties imposed for offences against sections 4 and 5 of the Act respectively. The maximum penalty for using a listening device contrary to the Act, or communicating information obtained by use of a listening device contrary to the Act, is increased from $2 000 or 6 months imprisonment or both to a division 5 fine or imprisonment ($8 000 or 2 years) or both.

Clause 5 substitutes section 6 of the Act which currently regulates the use of listening devices by the police. New sections 6 to 6c are inserted.

New section 6 provides for the issue by a judge of the Supreme Court to the police or the National Crime Authority of a warrant authorising the use of a listening device. A warrant may only be issued if the judge is satisfied that its issue is justified having regard to—

(a) the extent to which the privacy of any person would be likely to be interfered with by use of a listening device pursuant to the warrant;

(b) the gravity of the criminal conduct being investigated;

(c) the extent to which information that would be likely to be obtained by use of a listening device under the warrant would be likely to assist the investigation;

(d) the extent to which that information would be likely to be obtained by methods of investigation not involving the use of a listening device;

and

(e) the extent to which those methods would be likely to assist the investigation or to prejudice the investigation, through delay or any other reason.

If a warrant is to authorise entry onto premises, the judge must also be satisfied that it would be impracticable or inappropriate to use a listening device pursuant to the warrant without entry onto the premises.

A warrant must specify a period of up to 90 days for which it is in force, but may be renewed. A warrant may be issued subject to conditions relating to the use of listening devices and may regulate entry onto premises for the purposes of use of listening devices. Provision is made for an application for a warrant by phone where that can be justified due to urgent circumstances. The clause enables the Commissioner of Police or a member of the NCA to revoke warrants.

New section 6a makes it an offence for a person to whom a warrant has been issued to communicate information obtained by use of a listening device, except in the course of duty. It is also an offence for any person using a listening device at the direction of a person to whom a warrant has been issued to communicate information obtained by that use except as necessary to give full effect to the purposes for which the warrant was issued or for the purposes of giving evidence. In each case, the penalty is a division 5 fine or imprisonment ($8 000 or 2 years) or both.

New section 6b requires the Commissioner of Police to provide the Minister with information and statistics concerning the issue of warrants, the use of listening devices and the use of information obtained. The Minister is required to table an annual report setting out relevant statistics on police and NCA use of listening devices and containing a general description of the uses made of information obtained by use of listening devices pursuant to warrants and the communication of that information to persons outside the police or NCA.

New section 6c requires the Commissioner of Police and the NCA to keep information obtained by use of a listening device pursuant to a warrant secure and to destroy any such information not likely to be required in connection with the investigation in respect of which the warrant was issued, the making of a decision whether or not to prosecute for an offence or the prosecution of an offence.

Clause 6 amends section 7 of the Act. One amendment is consequential to the inclusion of the NCA as a body to which a warrant may be issued. The other increases the penalty for communicating information, obtained by a party to a conversation by use of a listening device, for purposes other than those authorised under the section. The penalty currently is $2 000 or 6 months imprisonment or both. The amended penalty is a division 5 fine or imprisonment ($8 000 or 2 years) or both.

Clause 7 amends section 8 of the Act. It increases the penalty for having possession of declared listening devices from $2 000 or 6 months imprisonment or both to a division 5 fine or imprisonment ($8 000 or 2 years) or both. The amendment ensures that the Minister may consent to persons of a specified class having possession of declared listening devices. It further limits the power of the Minister to delegate the power to give such consent to a delegation to a Chief Executive Officer.

Clause 8 repeals section 9 of the Act which requires an annual report relating to the use of listening devices by the police to be tabled. More extensive reporting requirements are contained in new section 6b.

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

ADJOURNMENT

At 11.58 p.m. the Council adjourned until Wednesday 12 April at 2.15 p.m.