LEGISLATIVE COUNCIL

Thursday 10 September 1992

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

PARKLANDS

A petition signed by 53 residents of South Australia requesting that the Council urge the Government immediately to return the area in the vacant State Transport Authority area, Hackney, now occupied by a building known as tram barn A and, further, that the Council direct the Government to order the demolition of this building to make way for parklands, was presented by the Hon. I. Gilfillan.

Petition received.

LEGISLATIVE REVIEW COMMITTEE

The Hon. M.S. FELEPPA brought up the evidence in relation to regulations concerning the increase in court transcript fees (Papers Nos 155, 156 and 158), under the District, Magistrates and Supreme Court Acts.

QUESTION TIME

TOURISM SOUTH AUSTRALIA

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about Tourism SA.

Leave granted.

The Hon. R.I. LUCAS: The Opposition has been contacted by several people regarding turmoil and declining morale within the administration of Tourism SA. I am advised from several sources that Tourism SA's General Manager, Planning and Development, Mr Jim Montgomery, has resigned after little more than 12 months in the position. Will the Minister confirm that Mr Montgomery has resigned and, if so, what was the reason for his resignation?

The Hon. BARBARA WIESE: I understand that Mr Montgomery has resigned from his position. I have not received a full report at this stage as to the reasons for that, but I understand that it was his decision to take that step and that he had discussions with appropriate officers within the Public Service about it. That is as much as I can inform the honourable member at this time.

As to the general question of Tourism SA and the question of morale within the organisation, there is some truth in the comments of the honourable member that, because of the uncertainty of the past few months, there have been problems within the organisation, which is to be expected in the circumstances under which they have been working. For the past few months they have had an acting Minister rather than a permanent Minister—

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: As the Hon. Ms Laidlaw has just pointed out, for about 12 months now they have had an acting Managing Director. I consider those circumstances unsatisfactory and should like to see those issues clarified as quickly as possible.

I would like to see the position of the Managing Director resolved as soon as possible. I have already had some discussions on that matter in the hope that something can be achieved very quickly. Once that has been achieved, and now that there is a permanent arrangement as far as the Minister is concerned, I believe that some of the uncertainty that has existed within the organisation can be overcome and people in the organisation can get on with the job of promoting the State.

Having made those remarks, I point out that I do not think, by any stretch of the imagination, that the organisation is in turmoil, as the honourable member described it. There are within Tourism South Ausralia some extremely dedicated officers who have been doing an excellent job under quite difficult circumstances during the past months; they have been doing that job extremely well. I think that the service being provided to the public has been of a very high standard, and I hope that, with action taken along the lines that I have just indicated, the organisation can improve even further the standard of service that it is providing to the public and to the industry.

The Hon. R.I. LUCAS: As a supplementary question, can the Minister confirm that Mr Montgomery has had concerns for some time about the administration of Tourism SA, and has he made those concerns known to the Minister at any time?

The Hon. BARBARA WIESE: If Mr Montgomery had concerns about the administration of Tourism South Australia, he did not communicate them to me. I have been out of action in Tourism South Australia obviously for the past five months, so whether he communicated any such concerns to anyone else I am not able to advise. Certainly, however, he has not communicated any such concerns to me.

CONFLICT OF INTEREST

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about conflicts of interest.

Leave granted.

The Hon. K.T. GRIFFIN: The Auditor-General in his 1992 report devotes several pages to observations on the management of statutory authorities and, in particular, to conflicts of interest. The Auditor-General refers to the fiduciary duties which members of boards of statutory authorities have. He refers to extracts from a book *Understanding Company Law* and equates the duties of directors of companies to the duties of members of boards. The Auditor-General says:

> As it is generally understood, a conflict of interest arises where a person, in circumstances where he/she is obliged to discharge a duty or exercise a power in order to serve the interests of one person, finds that he/she cannot do so without, at the same time, acting, or running an appreciable risk of acting, contrary to the interests of a second person whose interests he/she is likewise obliged to serve.

He then goes on to quote extracts from the book *Understanding Company Law*, and I want to refer to several extracts from what he has quoted, as follows:

> The obligation to avoid conflict of interests aims to prevent directors improperly making a profit from their office. However, it goes further than this, to prevent directors from putting themselves in a position where it appears that they may act in their own interests. In such a case, directors cannot avoid liability by claiming they did not make a profit, their company did not suffer any loss or that the contract was a fair one.
>
> The duty of directors to avoid a conflict of interests is strictly applied. The duty is imposed because of the recognition of the frailty of human nature. The duty is breached whether or not they had fraudulent motives.

The Auditor-General himself says:

> It is the Parliament that creates a statutory authority and provides for its financing arrangements and its accountability obligations. In relation to accountability, it is crucial that the matter of public interest be accorded a high level of recognition with respect to the conduct of members of a board or executive management of a statutory authority. This obligation is particularly relevant where there may be circumstances that potentially give rise to a conflict of interest.

These references indicate that at least in the Auditor-General's view the duty is very wide and that conflict of interest issues arise whether or not, as I have indicated, the person or persons involved had fraudulent motives. The Auditor-General indicates that he has communicated to some extent with statutory authorities, but I would suggest that that is not really sufficient. Statutory authorities generally speaking are instrumentalities of the Crown, and Government has the ultimate responsibility for them. With the wide range of conflict of interest questions which have arisen in relation to the activities of a number of statutory authorities, such as State Bank, SGIC, Grand Prix Board and the TAB, it suggests that the rules highlighted by the Auditor-General are either not understood or not applied in the operation of statutory authorities.

Members may recall that when we were considering the SGIC and the MFP Bills in the last session specific statutory provisions were included to endeavour to highlight the duties of directors. At that time, I recollect it was suggested that a more general piece of legislation may be proposed by the Government to apply standards across all statutory authorities and to do that expressly rather than relying upon the common law. My questions to the Attorney-General are as follows:

1. What steps is the Government taking to ensure that the issue of conflicts of interest is widely understood by the boards of statutory authorities and practised by them?

2. Is the Government proposing any omnibus legislation to apply standards to statutory authorities and, if so, what will be the form of that legislation and the timetable for introduction?

The Hon. C.J. SUMNER: Had the honourable member studied the report that I prepared for Cabinet on the question of conflict of interest, he would have found that what I said about the topic accords with that which the Auditor-General apparently made in his report, to which the honourable member has referred in his question. It is quite clear that a conflict of interest situation can exist whether or not fraudulent motives or intent are involved. In other words, some conflicts of interest may involve breaches of the criminal law. On the other hand, there are conflicts which do not constitute breaches of the criminal law but which are nevertheless conflicts and should be avoided. I am pleased to see that the Auditor-General agrees with me on that topic. If what the honourable member says from the Auditor-General's Report is accurate—

The Hon. K.T. Griffin: Have you read it?

The Hon. C.J. SUMNER: No, I have not read that part of it. I have not read it yet. It is here and no doubt will be studied in due course. If what the honourable member says accurately reflects the Auditor-General's view, then I am pleased to see that it accords with my own, which was made public when I tabled the report on conflict of interest and which all members received.

There is a proposal for a public corporations Bill which will deal with the issue of conflict of interest generally and other duties of directors. I would have to check to see what stage that Bill has reached. I believe that is the Government's intention, unless it has changed in recent times as a result of certain changes in the composition of the Government which are obvious to everyone. Nevertheless, that proposal is under consideration and it has been announced already that there should be legislation dealing with this issue.

In addition, I have already announced that I am preparing a statement of duties or guidelines for members of Parliament and for members of Cabinet in this area—those relating to the area of conflict of interest and other responsibilities which members and Ministers have. I will bring that to the Parliament for consideration in due course. Furthermore, a code of conduct is being prepared for public servants which also deals with the question of conflict.

Those matters are in place. I am aware of the issues being raised in relation to conflict in the public arena in recent times. Directors of private companies and statutory authorities should be alert to problems of conflict and should take action to avoid that conflict or the appearance of conflict.

The Hon. K.T. Griffin: Is the Government taking any steps in relation to statutory corporations?

The Hon. C.J. SUMNER: The omnibus legislation deals with—

The Hon. K.T. Griffin: In terms of informed—

The Hon. C.J. SUMNER: I have also referred to the code of conduct for public servants. Whether or not it will cover statutory authorities at this stage I cannot say, but it is the Government's intention to ensure that, whether it be in the Public Service or in statutory authorities, clear guidelines relating to those matters and to directors duties will be laid down. That is happening. Conflict is a difficult issue. It has been given more prominence in recent years than previously and you must have a practicable set of rules to deal with conflict of interest. If we had a situation where, because there was a conflict, the individual automatically was precluded from participating in the deliberations of the board or the body in which they were involved, we might have a completely unsatisfactory situation where we could never get anyone with expertise to serve on those boards as there may always be a risk of conflict. The matter must be handled flexibly.

Obviously if there is a direct conflict in the sense of an individual getting financial benefit from something, that conflict should not only be declared but also that person should not participate in the decision and it may well be

unwise in any event for them to enter into contracts of that kind. On the other hand, there may be conflicts, and often are, which should be declared and which would not preclude the individual from participating in a decision. We have canvassed those issues recently in this Council. The Government is alert to the difficulties and steps that I have outlined are in the process of being taken. I expect a more detailed statement to be made on the topic in due course.

JAM FACTORY

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about the Jam Factory retail outlets.

Leave granted.

The Hon. DIANA LAIDLAW: Once again this year the Auditor-General's Report expresses concern about the accumulated losses of the Jam Factory's Citistyle retail operation in Gawler Place. Specifically, the Auditor-General states:

> The shop commenced trading in July 1989 with the aim of reducing reliance on Government subsidies. To 30 June 1992, accumulated losses were $206 000.

This disappointing result represents a further trading loss of $31 000 last year. I note that in April 1990 (when accumulated losses amounted to $126 000) the Jam Factory Board decided to cease trading, subject to sub-leasing the premises. The board was unable to achieve this objective, however, and in July 1991 decided to continue trading at the city shop until the end of the three year lease, which was due to expire in July 1992—last month.

Before asking the Minister a number of questions about the future of this outlet, I suspect I should declare that I am a frequent shopper at Citistyle and that I particularly enjoy receiving gifts purchased from the outlet. My questions are:

1. What are the intentions of the Jam Factory Board in respect of maintaining a retail outlet in Gawler Place (now that the three year lease expired in July), in addition to an outlet at the Lion's Art Centre?

2. In respect to the Jam Factory's retail outlets, has the board changed its financial reporting standards from a cash basis, which meets the requirements of the Department of Arts and Cultural Heritage, to an accrual accounting standard which the Auditor-General recommends is more appropriate for enterprises that are supposed to operate on a commerical basis?

The Hon. ANNE LEVY: With regard to the second question I will seek a report from the Jam Factory. I am not aware of the particular practices that it might be following at the moment in that regard. With regard to Citistyle, again, I will have to seek further information from the board of the Jam Factory. Although Citistyle has lost money, I do know that in recent times it has in fact been operating at a profit—

The Hon. Diana Laidlaw: It must be all the money spent on my birthday!

The Hon. ANNE LEVY: May I suggest that the honourable member have many birthdays! The original intention was to close the Citistyle retail outlet as soon as the lease had been terminated, but, as I was saying, I understand that in recent months Citistyle has been operating at a profit, and there were certainly discussions occurring that it would be worth while to renew the lease, at least for a short time, so that profitable operations could continue. There is no doubt that there has been an increase in patronage at the shop—I presume as well as for the honourable member's birthday—so that the decision is no longer the clear-cut one that it was some time ago. I will return with a report as soon as I am able to.

OIL SPILL

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Marine a question about Port Bonython berthing services.

The Hon. M.J. ELLIOTT: When it was first completed, ships berthing at Port Bonython wharf were assisted by two tug boats and two line boats. Line boats are used to run the ships' mooring lines to the wharf. Once the berthing operation at Port Bonython was over, one of the line boats stayed on standby in case of emergencies. As costs increased, the number of line boats was reduced to one, and eventually the decision was made to replace the emergency boat with a 24-hour watch, equipped with a fibreglass runabout. I have been told that it is now often the practice not to use line boats at all when berthing ships at Port Bonython. This means that, instead of being able to combine pushing and pulling to manoeuvre a boat against the wharf, the tugs are only able to push, in rough weather. I have been told that the lack of line boats could be a significant contributing factor to the 30 August accident involving the ship *Era*, which led to about 296 tonnes of engine fuel oil being spilled in Spencer Gulf.

It is the opinion of people involved in the maritime industry that the runabout that is used there is too dangerous to use in rough weather and it becomes extremely unstable when loaded with two or three drums of dispersant. I have been told that the facilities at Santos's marina are only sufficient for small boats, limiting its use in the event of an emergency. It is clear that any inquiry into the oil spill must take into account not only the events and decisions of that day but also the factors which may have led to the accident being inevitable. The view that this was inevitable has been put to me by persons in a position to know. I ask the Minister the following questions:

1. Was a line boat used when the *Era* was trying to berth on 30 August? If not, who was responsible for the decision not to use a line boat?

2. Does the Minister agree that any inquiry into the spill must look at factors beyond the events of the day, to determine the cause of the accident?

The Hon. C.J. SUMNER: I will refer that question to my colleague and bring back a reply.

FISHING, NET

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing

the Minister of Fisheries a question about the relaxing of netting bans in the northern Spencer Gulf region.

Leave granted.

The Hon. PETER DUNN: I have been in contact with Port Augusta residents and some Whyalla residents, and they have informed me they have been told by the local government in Port Augusta that an application has been made to allow net fishing to take place again in the northern Spencer Gulf region. There has been a ban on that for some time, asked for by the local government about 10 years ago. My information is that there is very good fishing at the moment in the northern Spencer Gulf, particularly young snapper.

The Hon. T.G. Roberts: It's been well managed.

The Hon. PETER DUNN: Yes, it has been well managed; I think it has been done quite well. However, there has been some information put forward by the Director of Fisheries suggesting that perhaps some power netting, or some netting (of what type I am not sure) ought to be allowed in northern Spencer Gulf again to catch small fish.

Port Augusta people say that, because they can only hold about 20 per cent of the people that travel through the town as tourists, it would be nice if they could take advantage of the present situation where you can go and catch a fish off the pier, hire a boat, or whatever. There have been net fishing bans in the Murat Bay/Ceduna area, and in the Coffin Bay area and, in both instances, since those bans have been operating, line fishing has improved dramatically. Prior to the bans being imposed net fishing had drawn down the number of line fishermen by about half in the Murat Bay area, but that has now gone back up to the original number since bans have been imposed. Port Augusta local government does not want the bans lifted and neither do the local line fishermen. So, my questions are:

1. Has the Director of Fisheries or the Minister relaxed net fishing bans in northern Spencer Gulf?

2. If so, will he immediately restore the bans?

3. If not, who will be allowed to net fish in the referred waters?

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

TERRACE HOTEL

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General a question about SGIC and the Terrace Hotel.

Leave granted.

The Hon. L.H. DAVIS: Mr President, Bouvet Pty Ltd, a fully owned subsidiary of SGIC, operates the Terrace Hotel which it purchased from Ansett in 1988. The hotel was extensively refurbished during late 1988 and 1989 and reopened in October 1989. The directors of Bouvet Pty Ltd during late 1988 and 1989 included Mr Vin Kean, Chairman of SGIC, and Mr Denis Gerschwitz, General Manager of SGIC.

In August 1985 Mr Ted Fisher and his wife Mrs Merle Fisher bought the lease for the lobby shop at the Gateway Hotel and also the Hilton Hotel. When the lease at the Gateway expired in June 1988, the Fishers continued to operate on a monthly tenancy because they knew the hotel was to be refurbished. They had discussions with Mr Jensen, the General Manager of the hotel, who told them they could have the shop when the hotel reopened and this was confirmed in writing by Mr Jensen, when he stated:

> This letter is to serve as notice that a shop will be available as a gift shop in the new hotel complex.

In the 11 months the hotel was being refurbished, Mr and Mrs Fisher took over the gift shop at the Hyatt Hotel with the intention of moving back to the Terrace when it reopened. In May 1989 the Fishers made contact with the new General Manager of the Terrace Hotel, Mr Arnold, and explained the arrangement they had to resume operating the shop when the hotel reopened.

The Fishers were interviewed by Mr Arnold and, when they rang in July to find out what was happening they were told that the board of Bouvet Pty Ltd had decided that the shop should be run by the Terrace Hotel. After some delay, this was confirmed in a letter from Mr Gerschwitz, who said that the Bouvet board would 'quote for the shops at the Terrace, Adelaide, on their own account'. The Fishers protested to the Ombudsman, who examined the facts, and also received a legal opinion from SGIC's solicitors. The Fishers did not get to see that legal opinion but, on balance, the Ombudsman found that there was no enforceable contract. It is worth noting that the previous Manager, Mr Jensen, who had made the verbal promise to the Fishers, confirmed the arrangement by providing them with a letter in October 1989, following the dispute, which stated:

> This letter is to acknowledge that, as a former Manager of the Gateway Hotel, I had verbally promised your continuation as the proprietors of the lobby shop in the new Terrace Hotel after the refurbishment of the hotel. My letter to you of October 1988 was written as confirmation of this fact.

The Fishers did seek legal advice which suggested that they had a very good case at law, but they decided against an extensive and possibly lengthy legal action. But what upset the Fishers even more were the whispers from hotel staff that Mr Kean's daughter was to become an employee of the Terrace Hotel and run the shop that had previously been promised to them. That, in fact, is exactly what happened. When the shop opened, Mr Kean's daughter was running it. Many hotel staff have told me that they were appalled at the treatment of the Fishers who, I have learned, were well regarded not only at the Gateway but at other hotels where they operated. Yesterday, I visited Mr and Mrs Fisher, who told me their story. They told me that they were angry and devastated at being taken down by SGIC.

Honesty is important to the Fishers. They believed what they were told and had ordered stock in anticipation of the opening of the Terrace in October, and had also given up other business opportunities so that they could go back to the Terrace. They had paid for the dismantling of the shop before the refurbishment program had commenced. Their lives have been badly affected by the extraordinary action of the SGIC. The Fishers believe that, arguably, SGIC had a legal obligation and, certainly, a moral obligation to give them back the shop they had so successfully run. Instead, SGIC preferred to give the shop to the daughter of SGIC's Chairman.

The Fishers estimate that they have lost at least $60 000; they have been badly stressed, and both have

suffered quite serious illness. But that is not the end of the story. Not only did Mr Kean's daughter become an employee of the Terrace Hotel; so did her sister's husband, who was made a casual chauffeur for the Rolls Royce which the Terrace Hotel had purchased for $275 000 from a company in which Mr Kean had a significant interest, without going to tender.

Again, Terrace Hotel staff were shocked and angry because Mr Kean's son-in-law appeared to have no previous experience as a chauffeur, and his appointment apparently meant that the well qualified chauffeur already employed by the Terrace Hotel would work fewer hours. Finally, I have been contacted by a concerned person from the building industry, who advised me that Mr Vin Kean's son was paid many thousands of dollars for fitting out bathrooms when the Terrace Hotel was being refurbished. My questions to the Attorney, as Leader of the Government in the Council, are:

1. Does the Government condone the blatant nepotism that occurred at the Terrace Hotel?

2. Will the Government report back on the matters that I have raised?

3. Will the Government apologise to the Fishers for the shameful treatment they have received at the hands of the Bouvet board, and will it immediately examine an appropriate level of compensation for the Fishers?

The Hon. C.J. SUMNER: The honourable member has made certain accusations in the explanation of his question, and I do not know whether or not they are correct. Obviously, they would need to be examined, and I am happy to have them referred to the appropriate Minister for examination and to bring back a reply. However, in a dispute of this kind, people can take legal advice. Several proceedings are available, as the honourable member would know, but legal action, apparently, was not taken.

Had there been a breach of contract, the honourable member would know, as someone who has had a passing interest in the law at one stage in his career, that people who are caught in a situation in which they have lost money or suffered damage as a result of a breach of contract could take legal proceedings to ensure that their rights were vindicated. I also understand from the honourable member's question that the Ombudsman was asked to examine the matter but found that there was no enforceable contract under these circumstances.

Two courses of action, apparently, were open, and neither was able to achieve the results desired by the honourable member's constituents. However, I make those comments only to indicate that courses of action are open to people when there may be a breach of contract. In this case, civil proceedings were not taken; the avenue of the Ombudsman was taken, the Ombudsman was approached and also apparently found that there was no basis for his taking any action in relation to these matters.

Those procedures are available to people and, in this case, apparently there had been no result from them, and the honourable member has now raised the issue here. As I said, because I am not familiar with the matter, I cannot say whether or not his assertions are correct or whether they are coloured in some way by his capacity for some exaggeration of a situation—which, of course, we have become used to in this Council. As I say, I do not know whether the allegations are true but, having said that, I am happy to refer the matter to the appropriate Minister for response.

TARIFFS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about tariffs.

Leave granted.

The Hon. I. GILFILLAN: It is agreed by all commentators that South Australia stands to be the most profoundly affected State in the nation under tariff reduction policies proposed by both the current Federal Labor Government and Liberal-National Opposition. The policies of both Parties will have a major impact on the future viability of South Australia's automotive industry and other manufacturing based industries, including white goods and textile, clothing and footwear.

Recently, an independent Federal Parliamentary Inquiry into Tariffs and Industry Development was established. Its primary purpose is to examine the effect of varying levels of protection and, in particular, the current tariff cuts regime on Australian industry, and to provide a public parliamentary forum for employers, industry associations, unions and any other interested parties, including State Governments, to collect and to present evidence on the impact of tariff reduction policy.

The inquiry was established following an initiative in the Senate by Democrat Senator Sid Spindler, who chairs the inquiry with Mr Ernest Rodeck, National President of the Australian Institute of Management as its Executive Secretary, and has been funded by the Australian Chamber of Manufacturers and the Textile, Clothing and Footwear Union, along with several other industry associations and firms. To date, it has held public hearings in Melbourne and Canberra, taken evidence from a range of peak industry bodies, including the Chemical Industries Council, the Heavy Engineering Manufacturers Association, the Queensland Sugar Corporation and the Federation of Automotive Products Manufacturers, and received 28 submissions on the matter.

It is keen to come to South Australia and take evidence from industry, union and Government organisations and to provide the first open public forum for detailed examination of the impact of Federal tariff policies on those manufacturing industries which provide much of the economic foundation of this State.

The Hon. Peter Dunn interjecting:

The Hon. I. GILFILLAN: There is a persistent interjection by a farmer on my right, the Hon. Peter Dunn, asking whether farmers are represented. I should like to assure him that there is a very close and caring interest by members of the committee on the effect of tariffs on the farming industry. The inquiry's terms of reference are quite specific in providing for research and reporting into the effect of varying levels of protection on employment, public revenue, social security expenditure, tax incentives for industry, anti-dumping measures, subsidies and the matter of which industries are geographically important enough to continue certain levels of protection. The importance of this inquiry to

South Australia cannot be overstated and, therefore, my questions to the Premier are:

1. Will he welcome a sitting of the inquiry into tariffs in Adelaide to hear first hand evidence from South Australian industry and Government?

2. Will he give evidence to the inquiry on behalf of South Australia?

3. Will he direct appropriate Government departments to prepare submissions for the inquiry?

The Hon. C.J. SUMNER: I will refer that to the Premier and bring back a reply.

DOCTORS, OVERSEAS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about overseas trained doctors.

Leave granted.

The Hon. BERNICE PFITZNER: The Australian Health Minister's Advisory Council has recommended changes to registration legislation of overseas trained doctors. It is alleged that these changes have been accepted at the Australian Health Ministers Conference this year. The implication of those changes is that there will be a quota placed upon the number of overseas trained doctors that will be registered and therefore allowed to work. The requirement will be, first, to pass an English test, having been able to pass a multiple choice question examination before being allowed to present for the clinical examination, and then to pass the clinical examination.

A quota is placed so that only the top 200 (and for South Australia it will be 10) will be selected from the results of the multiple choice question to go on to complete the third part, namely, the clinical examination. A group known as the Overseas Professional Association of South Australia finds it difficult to accept that if one passes an examination (in this case the multiple choice question) why only some are allowed to proceed and not others. The principle, they feel, is flawed and it tends to discriminate against equal opportunity and race.

We are also fully aware that our own locally trained medical graduates, for the first time, will not be guaranteed intern positions. We are also aware that the State Medical Postgraduate Association is concerned that this quota system will have an impact on the bridging course for overseas trained doctors and that emphasis may now focus mainly on passing the multiple choice question. With only minimal consultation with the affected groups on these issues and concerns, and recognising that it is a State as well as a Federal issue, since registration is at State level, my questions are:

1. Will the Minister consult with the relevant groups before agreeing with the quota system?

2. If the Minister has already agreed to the quota system, what strategies has the Minister in place to address the pool of approximately 2 000 overseas trained doctors so that these highly qualified people, resident in Australia, will not be wasted to the community?

3. Will the Minister urge his Federal counterpart to look into the problem of medical personpower comprehensively, taking into account immigration of doctors, local training of doctors, temporary residency of visiting medical specialists and the statistics supporting the concept of over-supply of doctors?

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

PUBLIC TRUSTEE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about Public Trustee services.

Leave granted.

The Hon. J.C. BURDETT: Page 142 of the Auditor-General's Report contains a heading 'Public Trustee Services', and shortly afterwards is the heading 'Significant Features'. I find that I do not know all that this section means, and I will shortly ask the Minister whether she will elucidate this matter. The report states:

> During the year the Public Trustee changed the method of distribution of income arising from investments of the common funds.

The next part is significant:

> This transition resulted in $1 million interest received on investments not distributed to estates being retained.

Clearly under the previous method $1 million would have gone somewhere, and it has now been retained and has gone somewhere else. I presume that the $1 million would otherwise have been distributed to estates, and I would like this matter clarified and commented on.

I would like to know where the $1 million would have gone under the previous method, which has now been changed so that now it is retained. The report continues:

> The Public Trustee has indicated that these retained earnings may be either used in future distributions to estates or transferred to reserves set aside in the corporate accounts for future deficits or other losses. These reserves amounted to $3.5 million at 30 June 1992.

Will the Minister further expand on this? In particular, I want to know where the $1 million would have gone under the previous method, but has now gone somewhere else—which latter part has been explained in the report.

The Hon. BARBARA WIESE: Let me preface my remarks by saying that during the past 12 months, and particularly since the new Public Trustee was appointed, considerable attention has been paid to reviewing the financial operations of Public Trustee and the systems that have been in place, some of which have been in place for many years, with a view to ensuring that Public Trustee is operating in the most efficient and competitive way possible, that the revenue being generated by it is as high as it can be and that the whole operation is being run as efficiently as it can be in the interests of the clients that Public Trustee serves.

As I say, there has been a very detailed review of the financial arrangements and systems of Public Trustee, and this has been conducted in association with Treasury officers. More recently, the review (the name of which I cannot remember) which was established by the Government in cooperation with the Office of Government Management to review all business centres within government, has been reviewing the business of the Public Trustee. Although that review has not yet been completed and a report has not been received, further

suggestions are likely to come out of that review that will impact on the way in which the Public Trustee does business.

In summary, a lot of attention has been paid to the way in which the organisation runs its affairs. Some adjustments have been made in the area of investment practices, systems and various other matters. In the area of moneys that are set aside for future needs, I know that some changes have been made with respect to the reserve situation; so, for some matters that previously were handled by way of the creation of reserves there will now be a move towards indemnity insurance in some instances rather than having money sitting in reserves and various other places.

I believe that the point which the honourable member has highlighted is part of the process that I have been describing—part of the review that has taken place with the reorganisation of financial affairs—to ensure that the very best can be gained through the work of Public Trustee and that the return that the Government receives as part of the new arrangements that have been put in place in the past couple of years can be maximised.

As to the areas to which that $1 million might be allocated for the future, it would be appropriate for me to receive a report from the Public Trustee on that matter as to whether those decisions have yet been taken and the areas to which the amounts of money are likely to be put so that there can be no doubt as to what is happening with it. I will undertake to seek that report from the Public Trustee so that the honourable member is fully informed about it.

The Hon. J.C. BURDETT: As a supplementary question, will the Minister also ensure that in that report it is stated where the $1 million now retained would have gone under the previous arrangements?

The Hon. BARBARA WIESE: I will be happy to do that. That would be a natural consequence of the report that I will seek.

WOOLSTORE SITE

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about the Woolstore site in Sydney.

Leave granted.

The Hon. J.F. STEFANI: In June 1989 Beneficial Finance Corporation advanced a loan to Himbalton Pty Ltd, a company whose registered office is situated in New South Wales. The company is now in liquidation. The loan was secured by a first mortgage over the buildings on the site, which included the Woolstore and all associated land, and was registered on 21 June 1989. Beneficial Finance Corporation also obtained a third party collateral guarantee. As at 1 July 1988, the base date when the land valuations were set for the financial year 1988-89, the New South Wales Valuer-General had valued the land at $5.85 million. I have been advised that the current land valuation has been set at around $6 million.

A report on the company's affairs, dated 20 March 1992, shows Beneficial Finance Corporation as being owed $35 179 551.66. Earlier in July this year, the building known as the Woolstore was destroyed by fire. On 24 July 1992, the State Bank subsidiary, Beneficial Finance Corporation, through its solicitors, advised me that the value of the property lies in the site itself rather than in what was on it. This statement appears to be at odds with the value set on the land by the New South Wales Valuer-General and as a consequence must raise serious questions about the security of the original loan. My questions are:

1. As the first mortgagee, what steps has Beneficial Finance taken to recover the loan through the sale of the site?

2. Has Beneficial Finance given any instructions to the liquidator?

3. Have legal proceedings been taken against the third party which gave the collateral guarantee?

The Hon. C.J. SUMNER: I will refer that to the appropriate Minister.

PARKING

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Local Government Relations a question about parking.

Leave granted.

The Hon. J.C. IRWIN: Since the Minister indicated some time ago that she would not act directly on parking regulations, I have been contacting the LGA and sending it some of the parking problems that have been drawn to my attention. I think every now and again it does not hurt to indicate to the Minister there are still problems in the parking area. On Wakefield Street, between Pulteney and Hutt Streets, a problem exists with a parking sign. The council scrubbed out the road markings last December but has now just got around to erecting the signs. The new signs have been erected indicating one hour unmetered parking is available but the problem is that the meters have been left in place.

Of eight meters checked this morning, three had their coin box doors open so that people would not put parking money in them. The other five had their doors closed but not locked. People unaware that money was not required for parking had put coins in these meters. On checking the meters, it was discovered that, when the door was opened on the first meter, 50c fell out; meter two, 50c fell out; meter three, 50c fell out; meter four, 90c fell out; and meter five, 45c fell out.

These meters should have been removed when the new signs were erected. The motorist is once again being misled by conflicting indicators. A sign says the area is unmetered and meters are sitting there so, if motorists do not read the sign, they see the meter and use it. Almost every example I bring to the Minister and to the LGA shows this conflicting sign.

My question to the Minister is: when will the Minister demand from the LGA or whoever is responsible for parking that the interests of motorists are as important as revenue raising and that the parking regulations were not formulated by others and helped by this Parliament as a joke.

The Hon. ANNE LEVY: I will certainly be happy to refer the specific instance which the honourable member mentioned to the Adelaide City Council. I have written to

the LGA pointing out the responsibilities of councils in relation to parking under the Local Government Act. I have suggested to the LGA that it reinforce this message to all its member councils and ensure that all member councils are aware of the specific provisions of the Act and the procedures that they should undertake. I understand that the LGA has again contacted all its constituent councils in this matter and, indeed, as a result of this councils have contacted the LGA asking for assistance in clarification of some of the regulations or provisions of the Act so that they could be reassured that the procedures they were following were the correct legal ones.

This is the responsibility of the LGA. The Parliament sets the laws, obviously, but in terms of relationship with local councils, under the memorandum of understanding the State Government deals with the LGA unless it is a matter which concerns one council only. In a matter such as this, which obviously does relate to a number of councils, I consult with the LGA and it has undertaken to do the liaison work with its member councils.

I repeat: I have taken up the matter, and I know that the LGA itself has followed up the matter. In relation to the specific instance, I am not quite sure whether the Hon. Mr Irwin suggested that he was now $4.35 richer, but I will be happy to draw the attention of the City Council to that specific instance.

ESTIMATES COMMITTEES

A message was received from the House of Assembly requesting that the Legislative Council give permission to the Attorney-General (Hon. C.J. Sumner), the Minister of Tourism (Hon. Barbara Wiese) and the Minister for the Arts and Cultural Heritage (Hon. Anne Levy), members of the Legislative Council, to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill.

The Hon. C.J. SUMNER (Attorney-General): I move:

That the Attorney-General, the Minister of Tourism and the Minister for the Arts and Cultural Heritage have leave to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriation Bill, if they think fit.

Motion carried.

SUMMARY PROCEDURE (SUMMARY PROTECTION ORDERS) AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 1, line 21—Leave out 'section 99' and insert 'Division 7 of Part 4'.

I understand that this is simply a drafting matter.

The Hon. K.T. GRIFFIN: This amendment picks up a later proposal to insert a new section 99a. I will not raise any questions about that on this more general amendment, but leave substantive issues until we get to that clause. If one looks at the new Division 7 of Part 4, presuming all the amendments go through, there will be a section 99 and a section 99a, as well as a section 100 dealing with registration of interstate summary protection orders and a section 100a. I can see the need to refer to sections 99 and 99a in the context of a definition of an interstate summary protection order. I cannot see the need for it in relation to proposed sections 100 and 100a. It may not create any problem because the interstate summary protection order is only to be recognised as such when a law of another State or Territory is declared by regulation to be a law corresponding to the whole of the division.

It may be a bit more substantive than simple drafting because the declaration by regulation is of a law corresponding to Division 7 of Part 4. Does that mean that it has to correspond to the whole of the division or only to certain parts of it? I would have thought that the Government would be looking only to declare as a corresponding law interstate or Commonwealth law similar to sections 99 and what might be 99a. It is a question of whether that amendment will compromise the power of the Executive to declare by regulation the corresponding law.

The Hon. C.J. SUMNER: I am advised that it is not a problem. Perhaps we can leave it and have another look at it in light of amendments passed or not passed as we go through. It is a drafting matter and I am advised that it is all right in the form in which I have moved it. I suggest that we pass it and revisit it if need be when we have the benefit of Parliamentary Counsel and know what amendments have been passed.

The Hon. K.T. GRIFFIN: I am happy to go along with that. I wanted to raise the issue because it may be more than drafting and, if it can be looked at later before the Bill passes all stages, I am relaxed about it.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Summary protection orders.'

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

Page 2, lines 5 to 25—Leave out paragraph *(b)*.

This is a consequential amendment, relating to substantive amendments which will be moved subsequently concerning firearms. What I had better do is debate the substance and use this as a test case, if that is satisfactory to the Committee. The Government received submissions on this Bill after it was introduced, and honourable members will recall it was originally introduced back in May this year, and then reintroduced. As a result of those submissions the Government has determined to tighten up the provisions relating to the confiscation of firearms, and we have concluded that there is no justification for firearms being available to those people who are subject to restraint orders. The amendment clarifies the Government's resolve to ensure that all conceivable steps are taken to remove instruments of violence from situations where the court is satisfied that the defendant is likely to behave in a provocative, offensive or threatening fashion towards a victim. These are exactly the types of cases where persons resort to violence.

The amendment provides that the court must make an order confiscating firearms in the defendant's possession and disqualifying the defendant from holding a firearms licence. If the defendant can show the court that he or

she needs a firearm for earning a livelihood and that he or she has no violent tendencies, the court may revoke or vary an order that the defendant not be allowed to possess a firearm or a firearms licence. However, the primary obligation which is imposed by this proposal is that the firearms be confiscated and the licence be cancelled. Then, as I said, there is a provision for the person against whom these orders are made to come back to the court and have the order varied, if they can establish certain things that I have outlined.

The Government takes the policy view that, when we are dealing with this area, the fact that firearms might be in the vicinity of a person who is the subject of a restraint order could lead to difficulties subsequently, and the amount of damage and injury that can be done with a firearm is very substantial. Accordingly, we believe that there should be greater restrictions on the confiscation of firearms than what was originally proposed.

The Hon. K.T. GRIFFIN: I think we should not lose sight of the fact that restraining orders apply not just to situations of domestic violence but to neighbourhood-type disputes—involving things like disputes over fencing. A lot of angry words might be spoken, and I suppose one could categorise that as violence, but I tend to think of violence more in terms of threats of physical violence and actual physical violence rather than just angry words and shouting matches.

But I have had through my office at Parliament House a number of instances where there have been neighbourhood disputes over tree roots passing from one property to another, and no-one prepared to take any action to resolve the matter and problems being created when, for example, someone does chop the roots of a tree and a lot of anger is expressed. I have had a case where, I think quite innocently, a neighbour has been the subject of a restraining order at the instigation of the police, when the neighbour has not created any problems at all, and it has been a terribly difficult task to get the order varied.

In the most recent *Crime and Justice in South Australia*, Office of Crime Statistics' statistical report of 1990 on restraining orders, we are not told how many restraining orders were made—and I have not been able to find that—but it does deal with breaches of restraint orders. In the breach of an order of restraint and assaulting a female there were 40 of those in the year 1 January 1990 to 31 December 1990, and others, 160, and other offences, nil. So there was a total of 200 of which breaching of the order of restraint in relation to a female comprised 40, or 20 per cent. I suppose it can be challenged as to whether or not they relate to domestic violence cases, and it may be challengeable as to whether the other 160 do not relate to domestic violence situations.

I recognise that there is a major concern in the community about domestic violence. In fact, the original section 99 was enacted when I was Attorney-General and we have always been supportive of proper laws to try to bring that problem under control. But when enacting section 99 we recognised that it was an upgrading of the old peace complaint procedure, which was directed not just to domestic violence issues but to other neighbourhood and other sorts of disputes where a restraining order might be appropriate. So it is in that context that I now make the following observations.

The proposal in clause 5 to insert a new section 1a was generally supported by the Liberal Party, although we felt that there ought to be some more discretion in the court so that, rather than it being required that the court must make an order, it may make an order, and that is one of the difficulties we have got with section 99a, that it must make certain orders. So there is no opportunity for discretion, although later in the proposed section 99a there is an opportunity for the court to vary or revoke an order. That does not say that the court may not make an order. It suggests, rather, that the order must be made and then if the defendant comes back and proves that he has never been guilty of violent or intimidatory conduct, and the defendant needs to have a firearm for the purposes of a remunerated occupation, then the order may be varied or revoked. So, it presumes an initial order and I would have thought that there needed to be some discretion in the court as to whether or not that initial order should be made in the first place.

I have some difficulties with the reference to remunerated occupation. Let us take the farming community: a lot of farmers are not remunerated in the sense of being on a salary. They are self employed persons and, I would suggest, are not within the area of remunerated occupation. But then there is this obligation on the court to make the order and, when we get to the consideration of proposed section 99a, I would want to see if we could accommodate a greater level of discretion.

Turning now to the amendment, I suggest that it really leaves proposed subsection (1a), to some extent, in conflict with proposed section 99a. I will not oppose the Attorney's amendment, although I have some concerns about proposed new section 99a, which gives no discretion at all. I think there ought to be some discretion, and it introduces criteria which do not give the sort of flexibility that I think needs to be included.

If the whole of paragraph *(b)* comes out, I agree that it is consequential on the subsequent passing of section 99a, but there are some important issues to be addressed on proposed new section 99a, particularly because of the mandatory nature of that provision.

In a sense, one must recognise that, in some cases of disputes between individuals, the possession of a firearm enables them to have recourse to the use of it. However, I would suggest that it will be very difficult for courts to make those orders because there may be available some unlicensed firearms which are not able to be detected. So, we have some other problems there. I will address those issues when we get to proposed section 99a. I think it can be taken, in the light of the Attorney-General's scheme, that we do not care where the provision comes in the Bill, and we are relaxed about it staying in here but, if the majority view is to take it to a new section 99a, so be it.

The Hon. I. GILFILLAN: After hearing the conclusion of the Hon. Trevor Griffin, I am not sure that I am involved in the substantive debate at this stage. I think the amendment will be carried. I think it is important to signal that our position is basically to restrict firearms, and that is the position upon which I first assessed the amendments. It certainly appears to me that

the amendments proposed by the Attorney are likely to have our support substantially, if not right through in all detail. Certainly, we feel that they are an improvement on the drafting in the Bill.

Amendment carried.

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

Line 26—Leave out 'and'.

This amendment is consequential.

Amendment carried.

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

Line 27—Leave out 'subsection (2)' and insert 'subsection (4a)'.

When I spoke during the second reading stage I was concerned that telephone orders could be construed as becoming final orders, and what I really wanted to do was to ensure that they were, in a sense, interim orders that had to be confirmed. Some discussions suggest that I am not correct, but it is at least arguable that the position I put during the second reading stage might be held to be the position if the matter were ever challenged in court. It is for that reason that I seek to clarify the position.

I want to make proposed subsection (2a) into subsection (4b) so that it follows in a more logical sequence the procedure set down in section 99. Subsection (4) provides for orders to be made in the absence of the defendant, and for those subsequently to be confirmed. I have indicated support for telephone orders but subject to some protections for a defendant. The amendments I propose will ensure that the telephone order is later subject to confirmation.

The Hon. C.J. SUMNER: That is not opposed.

Amendment carried.

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

Line 28—Leave out '(2a)' and insert '(4b)'.

This amendment is consequential.

Amendment carried.

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

Line 41—Leave out 'by questioning' and insert 'by the oral questioning of'.

This amendment may be a bit pedantic, but I wanted to ensure that where there was a telephone hearing the complainant and other witnesses should be heard by the magistrate orally. The definition of 'telephone' which has now been passed includes 'any telecommunication device'. That would necessarily include facsimile. What I did not want to see was the police officer faxing material to the magistrate and the magistrate faxing material back and, in effect, orders being made by facsimile communication rather than by the magistrate talking to the complainant and any other available witnesses.

I recognise that the complainant may be a police officer and not only a person who might be the subject of a threat or actual violence, but it is important to ensure that the questioning actually take place by oral communication.

The Hon. C.J. SUMNER: That is not opposed.

Amendment carried.

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

Page 3, lines 1 to 11—Leave out paragraph *(c)* and insert the following:

(c) if the court is then satisfied that it is appropriate to make an order, the member of the Police Force who made the complaint or introduced the complainant—

(i) must make out, in accordance with directions communicated by the court by telephone, a document in the form prescribed by the rules comprising—

- the terms of the court's order;

and

- a summons requiring the defendant to appear before the court at a specified time and place to show cause why the order should not be confirmed,

(and the order will not be effective after the conclusion of the hearing to which the defendant is summoned unless the defendant does not appear at that hearing in obedience to the summons or the court, having considered any evidence given by or on behalf of the defendant, confirms the order);

and

(ii) must return a copy of the completed document or send it by facsimile, to the court;.

This is really the substantive issue related to the earlier amendments on page 2, changing the order of the subsections and putting beyond doubt the nature of the telephone order.

The Hon. C.J. SUMNER: Not opposed.

Amendment carried.

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

After line 16 insert subsection as follows:

(2ab) A tape recording must be made of any oral proceedings conducted by telephone under subsection (2a).

During the second reading I flagged a proposition that, when there are these telephone applications to a magistrate, there ought to be some record of what is said during the conversation. It would not be too difficult to equip the magistrate with a tape recording device that will record not only what the magistrate says but also the submissions made by the complainant and any other witnesses. It is important to have some record of the nature of the application and what is said for the purposes of reviewing that in the context of the subsequent confirmatory hearing, remembering that there is a power for the magistrate to make very wide orders over the telephone and that the basis upon which the magistrate makes the order may be challenged.

As I said earlier in this debate, people have come to me with complaints about the injustice of an order being made without the attendance of a defendant and, subsequently, the fact that the order has been made has always been *prima facie* difficult for them to avoid, because there tends to be a presumption in the courts that, if the order can be made once, the onus is on the defendant to overturn it, whatever the legalities of that might be.

It has always been more difficult to have an order removed or varied once it has been made, even if it has been made in the absence of a defendant. There is some value in tape recording. If there is a roster system for magistrates, I suggest that it would not be too difficult to equip the appropriate magistrates with the necessary equipment, which is relatively inexpensive, to enable that sort of record to be kept for the purposes of subsequent hearings.

The Hon. C.J. SUMNER: Not opposed.

Amendment carried.

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

Page 3—

Line 17—Leave out '(2b)' and insert '(4c)'.

Line 20—Leave out '(2c)' and insert '(4d)'.

These amendments are consequential on earlier amendments.

Amendments carried.

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

Page 3, line 35—Leave out 'four hours' and insert 'one hour'.

It is a matter of judgment whether a person should be detained for one hour, four hours or at all in the context of trying to find a magistrate and getting a telephone order. I propose that one hour would generally be sufficient to enable the magistrate on roster to be contacted by police, and for the order to be made and served on the defendant. I think that many of us, and I hope the Attorney-General also, are sensitive to detention without warrant and only for the purpose of holding whilst an order is being sought from a magistrate. We have not raised an objection to it in principle, but we believe that four hours is an inordinately long period of time for someone to be detained whilst telephone applications are made.

The Hon. C.J. SUMNER: The amendment is opposed. From the police point of view, in a number of cases one hour would not be sufficient time to assess the circumstances of the scene after they arrive, take initial statements, ascertain the list of magistrates who are on duty, get through to the relevant magistrate, give the magistrate time to speak to the complainant and any relevant witnesses, and fill out the relevant forms for service on the defendant. It is basically a practical matter. I am sensitive to the civil liberty implications that are involved. Ironically I suppose it is the cases where complainants are perhaps the most distressed where the longer time is needed, and where the complainants are the most distressed may well be the more serious cases of threats of violence. If we shorten it too much it might be the worst cases that in fact we are removing from the power of detention. I would think we could probably bring it back to three hours.

The Hon. J.C. Burdett: Two hours.

The Hon. C.J. SUMNER: We are having an auction, are we? The Hon. Mr Burdett bids for two hours.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The advice we have from the police is that two hours would be an insufficient time to do a few of them, although undoubtedly most could be done within two hours. It is in the circumstances where the complainant is most distraught and where the time taken might exceed two hours, as I said before, that might be the more serious of the threats.

The Hon. K.T. Griffin: Do you know what it is in Queensland and the Northern Territory?

The Hon. C.J. SUMNER: We understand that it is four hours in Queensland and the Northern Territory. I would be happy to amend it to three hours and get a report on it from the police which I can forward to the honourable member, and if he wants to argue the toss about it through his agents in another place we can do it, or he can talk to me about it. I would only want to impose the time that is necessary; I certainly do not think that we should be making it any longer than is absolutely necessary to achieve the objects of the Act.

The Hon. J.C. BURDETT: I support the amendment that has been moved by the Hon. Mr Griffin, and I understand the interest about changing it to three hours or whatever is thought to be appropriate. However, if we are talking about the most serious of cases (and we have talked about this) very often there would be other grounds of arrest. But, if the only reason is to enable the magistrate to be contacted and an order to be made, some shorter period would be appropriate. As the Hon. Mr Griffin said, four hours does seem to be a very long time to arrest and detain a person against whom no charge has been made, no warrant has been issued and in respect of whom there are no other grounds of arrest.

The Hon. K.T. GRIFFIN: The Hon. Mr Gilfillan will have his say in a moment, and he will decide the appropriate length of time. It is for the purposes of serving the order and the summons, so that the person can be required to attend at some subsequent formal hearing. As the Hon. John Burdett says, if there is violence, if there is a threat under the Criminal Law Consolidation Act, there is a provision for unlawful threats where a person without lawful excuse threatens to kill or endanger the life of another, and that is obviously an indictable offence and there is imprisonment for a term not exceeding 10 years, and five years where that person threatens to cause harm. There is provision for common assault with imprisonment for three years.

All those offences suggest that if there have actually been offences committed there is the power of arrest anyhow, and if they are arrested the person arrested will not be released even within four hours because it is then a matter to bring the person before the court. I will stay with the one hour although I will not divide on it if I am in a minority on the voices. In that circumstance, I would support the Attorney-General's offer of three hours and a proposition that we should have a look at it, get some advice from the police in the context of this particular provision and then review the matter before it is finalised in the other place.

The Hon. I. GILFILLAN: It seems to me that the time is really calculated to enable the first roman dot point in paragraph *(c)* to be processed, for the complaint to be made and dealt with and any order or summons made or issued to be served on the person. So it really boils down to what is a fair estimation of time which will adequately cover the circumstances that can arise. I am not familiar enough with the process to have a personal judgment of how long it should take on a weekend or at two o'clock in the morning, or whenever a disturbance occurs, to enable that to take place. I would err on the safe side, particulary if we have police advice, which the Attorney has relayed to the Council, that two hours is inadequate. If he will chance his arm on three hours, I will back it. I will support three hours if that is what he wants.

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

Page 3, line 35—Strike out 'four' and insert 'three'.

The Hon. C.J. Sumner's amendment carried; the Hon. K.T. Griffin's amendment negatived.

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

Page 3, after line 36—Insert the following paragraph:

and

(d) by striking out subsections (6), (7), (8) and (9) and substituting the following section:

(6) An order under this section must be served personally on the defendant.

This is a consequential amendment on the amendment that I have proposed to insert a new section 100a, so perhaps I had better deal with the substance of the matter now. The substantive amendment deals with the penalties for breach of summary protection orders and of registered

interstate summary protection orders and with the procedures to be followed upon a breach of an order being alleged.

The penalties actually being imposed by courts with respect to breaches of restraint orders have been assessed in the light of the outcome in the Traeger case, which is the one I mentioned in my second reading speech but which was not available to us at the time that I introduced the Bill. A decision of the Full Court has now been handed down and in that case a penalty of three months imprisonment was imposed in respect of a prolonged and serious history of offending against the restraint order provisions.

The Government recognises the seriousness of the consequences of repeated offending on the part of certain offenders, and the limitation is established by the current maximum penalty of six months imprisonment. The amendment increases to two years the maximum penalty for breaches of restraint orders, thereby signalling the gravity of the offence and giving the courts increased scope to deal with breaches of restraint orders adequately.

That is the debate: whether the maximum should be six months or two years, two years being the limit of the courts of summary jurisdiction. I have not recited to the Committee the full details of the Traeger case, and perhaps it is not necessary to do so. However, my view was that the three months imprisonment which was imposed in that case occurred after seven breaches of restraint orders and was a quite serious matter. If three months imprisonment was all that was going to be imposed then it was inadequate, and the best way of getting the courts to take the matters more seriously was to increase the maximum, which is what my amendment does.

The Hon. K.T. GRIFFIN: That amendment really comes a bit late. I agree that they are related. I must say that when I saw the proposal to increase the maximum from six months to two years I raised my eyebrows, because that equates with the same penalty as assaulting a police officer, and it is only one year less than the maximum for common assault. I just wondered why it was necessary to increase it so dramatically.

I recognise, though, that there are persons in the community, particulary the womens shelter groups, who have expressed concern about the sort of consequence that follows from the Traeger case where repeated and serious breaches of a restraining order are not adequately punished. That must be the criterion in this case: both punishment and deterrence.

The only difficulty I see is that, having dramatically lifted the penalty from six months to two years for any offence, whether it is a first or subsequent offence, the court will get a signal that even a minor breach of a restraining order must now be punished by imprisonment. I suggest that that should not be the case. With neighbourhood type disputes, I think it would be very harsh and unreasonable for imprisonment to be imposed for what might be a minor breach of a restraining order. On the other hand, if there is a serious breach, where threats are involved, then maybe the two years is an appropriate maximum.

I repeat what I said earlier: there are other offences in relation to assaults and unlawful threats under the Criminal Law Consolidation Act. I would like to think that if there are repeated and serious breaches of restraining orders which involve threats or even physical violence other provisions of the criminal law will be used.

I do not raise any objection to the increase in the penalty, but I wanted to have it on record that it will apply across the board and not just to domestic violence cases. It may signal a penalty regime which might operate quite harshly and unreasonably in some circumstances, although I acknowledge that in other circumstances it might be quite fair and reasonable. It is difficult to get that balance and I suppose we just have to leave it to the courts.

Amendment carried.

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

Page 3, after line 36—Insert:

(d) by inserting after 'to appear before the court' in subsection (4) 'not later than seven days after the date of the order'.

Paragraph *(e)* will be overtaken by the Attorney-General's amendment. They are certainly not in competition. My amendment is to subsection (4) of the principal section. In the second reading debate I said that I would like to see something in subsection (4) that seeks to ensure that orders that need confirming are dealt with expeditiously. I am suggesting that the date included in a summons be a date not later than seven days after the date of the order. That is in the interests of both parties, so I have therefore moved it.

The Hon. K.T. Griffin's amendment carried; the Hon. C.J. Sumner's amendment carried; clause as amended passed.

Clause 6—'Insertion of s. 100.'

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

Page 3, line 38—Leave out 'section is' and insert 'sections are'.

This amendment is consequential.

Amendment carried.

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

Page 3, after line 38—Insert new section as follows:

Orders as to firearms

99a. (1) Subject to subsection (2), when the court makes a summary protection order, it must make the following additional orders:

(a) if the defendant has possession of a firearm—an order that the firearm be confiscated, and disposed of or dealt with as directed by the court, and, if the circumstances of the case so require, an order authorising a member of the Police Force to enter any premises in which such a firearm is suspected to be, and search for and take possession of any such firearm;

(b) if the defendant has a licence or permit to be in possession of a firearm—an order that the licence or permit be cancelled and delivered up to the Registrar of Firearms;

and

(c) an order that the defendant be disqualified from holding or obtaining a licence or permit to be in possession of a firearm.

(2) If the summary protection order is subject to confirmation—

(a) an order for confiscation of a firearm must provide for the return of any confiscated firearm to the defendant if the summary protection order is not confirmed;

(b) if the defendant has a licence or permit to be in possession of a firearm—an order will be made in the first instance for the suspension of the licence or permit until the court determines whether to

confirm the summary protection order, but if the summary protection order is confirmed, an order must then be made for the cancellation of the licence or permit and its delivery up to the Registrar of Firearms;

and

(c) an order disqualifying the defendant from holding or obtaining a licence or permit to be in possession of a firearm will lapse if the summary protection order is not confirmed.

(3) The court may on the application of the defendant vary or revoke an order under this section if satisfied—

(a) that the defendant has never been guilty of violent or intimidatory conduct;

and

(b) that the defendant needs to have a firearm for the purposes of a remunerated occupation.

(4) An order under this section lapses on the revocation of the summary protection order in relation to which the order was made.

(5) A person who has possession of a firearm while on order under this section remains in force against that person is guilty of an offence.

Penalty: Imprisonment for two years.

This amendment inserts new section 99a, which deals with the confiscation of firearms. I spoke on this topic earlier.

The Hon. K.T. GRIFFIN: I flagged this amendment earlier. I move to amend the Attorney's amendment as follows:

Page 3, line 43—Delete 'must' and insert 'may'.

There needs to be some discretion, particularly where this provision has application not simply to domestic violence situations but to all situations such as the old peace complaint procedure between neighbours and a whole range of other situations. The court ought to have that discretion. Later, I will propose that proposed subsection (3) *(b)*, which contains a reference to 'remunerated occupation', should have the word 'remunerated' deleted. I signal that and will raise that issue then.

I am as sensitive to the issue of firearms as anyone else. I recognise that firearms are used in a number of cases, but not in others. There are some disputes where the old peace complaint orders (now restraint orders) are obtained in circumstances where there is not so much the threat of physical violence but a need to keep a person away from premises without there being the potential for the firearm to be used. It is in those circumstances that one must be more cautious about giving mandatory direction to the court without allowing it to exercise discretion. That is the reason for moving the amendment: to give the court more discretion.

The Hon. C.J. SUMNER: The discretionary provision was in the Bill as originally drafted and introduced by the Government in proposed new subsection (1a), which we have now deleted from the Bill. The reason for deleting the discretionary confiscation provision was so that we could insert proposed section 99a, which made the confiscation of firearms mandatory.

The Hon. K.T. Griffin: I was not necessarily accepting that rationale but going along with your change in location.

The Hon. C.J. SUMNER: I am not being critical of what you said; rather, I am emphasising that the honourable member's amendment to make it discretionary runs counter to the Government's position on this as reflected in the amendment which I am moving and which changes the discretionary nature of the confiscation orders as contained in the Government's original Bill. What the honourable member is proposing with his amendment cuts across the Government's intention and I therefore oppose it.

The Hon. I. GILFILLAN: I support the Government's amendment.

The Hon. K.T. GRIFFIN: I indicate that, if I lose it on the voices, I will not call for a division.

The Hon. K.T. Griffin's amendment negatived.

The Hon. K.T. GRIFFIN: I flagged that in proposed subsection (3) *(b)* I would seek to delete the words 'a remunerated occupation' and insert 'an occupation'. I therefore so move.

The Hon. I. Gilfillan: What's the difference?

The Hon. K.T. GRIFFIN: You have the situation of a farmer, for example.

The Hon. I. Gilfillan: That is a remunerated occupation.

The Hon. K.T. GRIFFIN: It is not. The fact of life is that, for example, some farmers are running their properties at a loss and are not remunerated. Even if they are carrying on business, one has to question whether, in the context of this clause, it is a remunerated occupation.

The Hon. C.J. SUMNER: I have another compromise, which is to delete the words 'a remunerated occupation' and insert the words 'earning a livelihood'. Parliamentary Counsel advises that he thinks that 'occupation' could be too broad, that it could include recreational occupations, and it was therefore suggested that the words I have now proposed would achieve the objective that the honourable member wants.

The Hon. K.T. GRIFFIN: I wish to proceed with my amendment. I appreciate the offer of the Attorney-General, but I think 'earning a livelihood' is very narrow. Does that mean that if you are a professional shooter that is the only circumstance in which you can retain your firearm? Let us take the example of an Outback station where there are feral goats and the pastoralist drives around in a vehicle with a rifle in the back to deal with feral goats, rabbits and a whole range of other things. I think there would be some debate about whether the use of a firearm in that context was for the purpose of earning a livelihood, although it would certainly be for the purposes of an occupation. I do not think 'purposes of an occupation' is unnecessarily wide, so I therefore adhere to the amendment that I have moved.

The Hon. I. GILFILLAN: It might be of interest to note the *Concise Oxford Dictionary* definition of 'occupation', namely:

Occupying or being occupied; taking or holding possession, esp. of country or district by military force . . . hold occupied region till regular government is set up . . . tenure, occupancy; what occupies one, means of filling one's time, temporary or regular employment, business, calling, pursuit . . .

I think the argument that it is too wide, unless it is qualified, stands on this occasion, and I support the Attorney's wording.

The Hon. C.J. SUMNER: I seek leave to amend new section 99a as follows:

By deleting 'the' before 'purposes' and deleting the words 'of a remunerated occupation' after 'purposes' and inserting in their place 'related to earning a livelihood'.

Leave granted; new section amended.

The Hon. K.T. GRIFFIN: I second that and seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. K.T. GRIFFIN: At this stage I want to raise an issue that pertains to the whole of subsection (3). I made the point generally that, if under section 99a it is obligatory upon the court to make orders and then the court may, on the application of a defendant, vary or revoke an order, if satisfied of certain things, that rather suggests that the court must first of all make the order and then go through the procedure of revoking or varying it, when in fact it is something that the court ought to be able to do right from the outset, and say, 'Look, in the circumstances I am satisfied that you are not guilty of violent or intimidatory conduct, you need it for your livelihood, therefore I will not make the order.' It seems to me to be a bit circuitous, and I am wondering whether the Attorney might address that problem.

The Hon. C.J. SUMNER: The Government wanted to make clear that it was mandatory confiscation and that if the defendant wanted the firearm back or the licence reinstated they had to make a conscious decision to make an application, and that is why it has been drafted in this form.

The Hon. K.T. Griffin: Even on the same day—the court makes the order to confiscate and then it makes another order to vary?

The Hon. C.J. SUMNER: Yes, it confiscates and then says to the defendant, 'You have the right, under the legislation, to make an application to have the order varied or revoked.'

New section 99a, as amended, agreed to.

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

Page 4, after line 14—Insert new section as follows:

100a. (1) A person who contravenes or fails to comply with a summary protection order or a registered interstate summary protection order is guilty of an offence.

Penalty: Imprisonment for two years.

(2) If a member of the Police Force has reason to suspect that a person has committed an offence against subsection (1), the member may, without warrant, arrest and detain that person.

(3) A person arrested and detained under subsection (2) must be brought before the court as soon as practicable and, in any event, not more than 24 hours after arrest to be dealt with for the offence.

(4) In calculating the time that has elapsed since arrest for the purposes of subsection (3), no period falling on a Saturday, Sunday or public holiday will be counted.

This has already been discussed.

New section 100a agreed to; clause as amended passed.

Title passed.

Bill read a third time and passed.

EXPIATION OF OFFENCES (DIVISIONAL FEES) AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: Mr Chairman, with the indulgence of the Committee I use clause 1 to respond to some matters raised by the Hon. Mr Griffin. He raises an issue of concern about the provision in the Bill which permits service of an expiation notice on an employee or agent of the alleged offender. The provision for service on an employee or agent is another means of getting the notice to the alleged offender. The Act provides the following methods of service already:

Section 4 (3) *(e)*

(i) personally

(ii) by post addressed to the alleged offender's last known place of business or residence

(iii) or when a vehicle is involved and is found unattended, by affixing or placing the notice on the vehicle.

The Bill proposes an additional method of service. The whole point of serving the notice is so that the alleged offender is given the opportunity to expiate the offence. If the notice is not received and the opportunity to expiate is not taken up the alleged offender will be prosecuted. It is in the alleged offender's interests that there are as many ways possible for the notice to come to his attention.

I point out to members that section 41 (1) of the Occupational Health, Safety and Welfare Act provides that where an improvement notice is issued to an employee the notice must be given to the employer. A penalty applies for failure to hand on the notice.

Clause passed.

Remaining clauses (2 to 10), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (EXPIATION OF OFFENCES) BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: I will use this clause to respond to a question raised by the Hon. Mr Griffin, who requested a list of offences new to the expiation scheme. The list is as follows: Business Franchise (Petroleum Products) Act, section 26 (1); Commercial Motor Vehicles (Hours of Driving) Act, sections 5 (2), 5 (3), 5 (4), and 5 (5); Food Act—offences included for first time by this Bill; Industrial Relations Act, sections 159 (4) and 159 (5); Liquor Licensing—offence included for first time by this Bill; National Parks and Wildlife—offences included for first time by this Bill; Noise Control Act—offences included for first time by this Bill; Payroll Tax Act, sections 28 (4) and 29 (2); Public and Environmental Health Act, sections 15 (3), 30 (1), 33 (5), 36 (3) and 41 (2); Stamp Duties Act, section 90c (8); Tobacco Products Control Act, sections 11 (1), 11 (2) and 11 (4); and Unclaimed Moneys Act, section 5.

It should also be pointed out that the proposals for change made by this Bill have led to a rationalisation and review of offences covered under the Expiation of Offences Act. As a result of this review, it has been decided that a number of offences are not appropriate for expiation, due mainly to the nature or the seriousness of the offence or, in some cases, legislative change. Offences against regulations are excluded because it is not possible to amend regulations by an Act of Parliament. The relevant regulations will be amended in due course.

The offences omitted from this Bill are as follows: Dangerous Substances, regulation 57; Education Act, regulation 13 (8); Enfield General Cemetery Act, regulation 36; Explosives Act, regulation 6.1 to 6.12; Financial Institutions Duty Act, section 46 (1); Industrial Relations Act, section 161 (1); Land Tax Act, section 73 (2); Payroll Tax Act, sections 28 (1), 28 (3) and

29 (1); Public and Environmental Health Act, section 41 (1); South Australian Metropolitan Fire Services Act, section 70; Stamp Duties Act, sections 31f (1) *(a)*, 41, 42aa (1), 76 *(a)* 6, 90c (1), 90c (6) and 90a (1); Tobacco Products Control Act, sections 8 (1) and 8 (2); Unclaimed Moneys Act, sections 3 and 4; and West Terrace Cemetery, regulations 30, 31 *(b)* and 31 *(c)*.

These regulations that I have just outlined, which are omitted from the Bill, will be reinserted in due course in appropriate regulations as expiable offences.

Clause passed.

Remaining clauses (2 and 3), schedule and title passed.

Bill read a third time and passed.

LIQUOR LICENSING (FEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 247.)

The Hon. J.C. BURDETT: I rise to speak to this Bill without any enthusiasm, because it imposes a further impost on an industry which, through no fault of its own, has been in trouble and is known to be in trouble. It has been in trouble because of the recession, largely brought about through the actions of the Federal Labor Government and the actions of the State Labor Government, which the Opposition opposed, with the .05 legislation. That was enacted in order to attract Federal funding.

The whole reason for this move is financial. It is a question of attracting funding, and the need to raise further revenue both in this area and many others is a desperate move of a Government that is bankrupt through its own fault. This was mainly because of the mishandling of the State's economy, particularly with the State Bank, the SGIC, Scrimber and the whole sorry tale. So, I cannot have a great deal of enthusiasm for this Bill and do not support it.

It is a most inappropriate time to attack the liquor industry, which means also the hospitality industry. If the Bill passes, I propose to move an amendment (which has been placed on file) which was also moved in the House of Assembly. That relates to the method of collection of the licence fee. I appreciate that there are artificial reasons that make it necessary to collect the licence fee in a particular way and also legal and constitutional requirements to prevent it from being an excise.

The Hon. Diana Laidlaw interjecting:

The Hon. J.C. BURDETT: The amendment is on file; it is the same amendment that was moved in the House of Assembly, but it relates to the method of collection. I cannot criticise the fact that the method of collection is artificial because it has to be in order to make it legal and constitutional. However, in a failing economy, in an economy which is going down, it does impose a particular impost on the licensing industry, on hotels and clubs and other people, who have to pay the fee.

It is in effect retrospective in this situation. As I said, the tax is collected in an artificial way because it cannot relate to on-the-spot actual sales. If it did relate to actual sales it would be an excise and therefore would be unconstitutional. Therefore, as with tobacco, petrol and all the other things, it has to be related to sales otherwise than at the actual point of sale. We cannot change that but we can amend this Bill.

If we were in a stable or expanding economy where sales were increasing, there would not be any problem. But sales are not increasing; sales are falling off for the two particular reasons that I mentioned where the Government has responsibility, namely, in regard to the recession and in relation to .05, and in this situation there is a problem about the method of collection.

The amendment which I have on file and which I propose to move in the Committee stage is staggered, because of the artificial system, but in effect it means that the full impact of the increase would take effect on 1 July 1993.

I propose to float that during the Committee stage, but at present I can only say that I cannot support the Bill. I think it is most disappointing that it has been necessary for this Government, because of its own action, to introduce this impost on an industry which is at this stage in trouble.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 3—'Transitional provision.'

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

After clause 2 insert new clause as follows:

Transitional provision

3. Notwithstanding section 87 of the principal Act, the licence fee payable in respect of a wholesale or retail licence for the 1993 licence period—

(a) is to be calculated as if '12 per cent' were substituted for '13 per cent' wherever it occurs in section 87;

and

(b) if it is to be paid in quarterly instalments pursuant to section 90 of the principal Act, will be divided as follows:

(i) as to each of the first two instalments—11/48 of the total fee;

(ii) as to each of the last two instalments—13/48 of the total fee.

I gave the reason for moving this new clause in my second reading speech. The effect of the amendment is to make the full impact of the increases apply from 1 July 1993. The reason for the rather difficult wording of this new clause is because of the method of collection. As I have explained, I am not complaining about the method of collection: it is necessary in order to make the fee collectable at all.

As I have explained, the industry, in the parlous state in which it finds itself at present, has found that if this legislation is not amended in this way it will be very adversely affected. I expect that the Government could tell us what the effect on revenue would be if this new clause were passed, but I do not think that is any excuse. The industry has been hit very seriously in any event by this Bill, and it would seem to me that it would be reasonable to soften the blow by making it not apply until July 1993.

The Hon. C.J. SUMNER: The Government opposes the amendment. The Government announced this measure and the revenue that it anticipated to receive from it as part of the budget. The honourable member's amendment will reduce the amount of revenue by putting off the starting date effectively until 1 July 1993. That constitutes a reduction in the amount of fees that will be collected and accordingly constitutes an interference with

the revenue aspects of the budget of which this is part. The increase in the licence fee proposed by this Bill will take effect from the 1993 licensing year. On 1 January 1993 licensees will be required to pay the first quarterly instalment at the higher fee of 13 per cent instead of 11 per cent.

Provided, therefore, that licensees have at least one quarter prior to 1 January 1993 in which to charge prices which reflect the higher licence fee, they should not be disadvantaged. The fees for 1993 are based on liquor purchases during the 1991-92 financial year. Preliminary figures indicate that consumption of dutiable alcohol for all but low alcohol products fell during that year. If this trend continues it may be that licensees will need slightly more than one quarter in which to recoup sufficient revenue to pay the quarterly instalment which falls due on 1 January 1993.

If the Bill passes this Committee today it will be possible for the Prices Commissioner to consider properly any application from licensees for a price increase in order to ensure that they are not disadvantaged. Indeed, if the Bill is passed today the licensees will be able to apply to the Prices Commissioner for an increase, and that increase may well come into effect on 1 October. If that is the case, the licensees would have slightly longer than a quarter to recoup the revenue. The honourable member's amendment is not acceptable to the Government because of the impact it will have on revenue.

The Hon. M.J. ELLIOTT: Rarely would I contemplate interfering with a budget measure, and the legislation concerning tobacco products was one case where I was willing to do so. In that case the Government itself acknowledged, at the end of the day, that there was a minor problem, so that was never put to the test. In this case I think that one fairly good litmus test as to whether or not there is a problem is who has been complaining to me, and I have not had a single person come and complain to me. When I consider the competency of the HHIA as a lobbying body, the fact that it has not—

The Hon. R.I. Lucas: They might not want to talk to you.

The Hon. M.J. ELLIOTT: That is a real possibility, but if that is its problem then indeed it is its problem.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: In fact, in its last publication, the HHIA said some very nice things about what the Democrats did on superannuation so we seem to still be on talking terms. Nevertheless, as I said, not a single person has come to me and said, 'We've got a problem.' You know that, even when people do, half the time there is not a problem. I have listened to what the Hon. Mr Burdett has said. I understand what he is saying, but I am not convinced that there is a significant problem here. As I said I am loath to interfere with budget measures. I will on occasion but I am not convinced that I should in this case.

The Hon. J.C. BURDETT: I acknowledge what the Hon. Mr Elliott has said. It is clear that he will not support the amendment, so I do not propose to call for a division. In regard to what the Attorney has said I am not reassured by the suggestion about applying for an increase to allow more time to attract more revenue, because there is not much revenue to recoup; there is not much ability on the part of the industry to recoup that revenue, so I am not at all reassured by that.

The Attorney said that this was announced as part of a budget which has not yet been passed. That is no reassurance to people in the industry; that does not help them at all. They have a real problem out there. There have been a number of bankruptcies already; there have been a number of failures and they doubtless will increase. That is no reassurance to the industry. I am very disappointed that the Government is not prepared to help an industry which employs a lot of people, people who are and have been represented by some members of this Chamber on the other side.

I am very upset about all sides of the industry, both the employers and the employees, who have not been at all helped by the Government. It is obvious that the Government is not prepared to assist even in this fairly modest measure of deferring the increase until July 1993. I do not propose to call for a division for the reasons that I have given, because it will not get us anywhere, but I do believe it is an important issue.

New clause negatived.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.2 p.m. the Council adjourned until Wednesday 7 October at 2.15 p.m.