## HOUSE OF ASSEMBLY

Tuesday 15 November 1983

The House met at 2 p.m.

**The CLERK:** I have to inform the House that the Speaker will be absent today because of illness.

**The DEPUTY SPEAKER (Mr Max Brown)** took the Chair and read prayers.

### ASSENT TO BILLS

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

Appropriation (No. 2),
Enfield General Cemetery Act Amendment,
Housing Improvement Act Amendment.

### PETITION: AURORA HOTEL

A petition signed by 1 602 residents of and visitors to South Australia praying that the House urge the Government to prevent the demolition of the Aurora Hotel, take full responsibility for all heritage legislation in this State, and for the maintenance and management of the historic character of the city of Adelaide, ensuring public participation in any decision that affects this character was presented by the Hon. J.D. Wright.

Petition received.

### PETITION: FUEL TAX INCREASES

A petition signed by 398 residents of South Australia praying that the House urge both the Federal and State Governments to withdraw the recent fuel tax increases and not reintroduce the charge for at least two years was presented by the Hon. D.C. Brown.

Petition received.

### PETITION: FUEL EQUALISATION SCHEME

A petition signed by 289 residents of Eyre Peninsula praying that the House urge the Government to implement a State fuel equalisation scheme was presented by Mr Blacker.

Petition received.

## QUESTIONS

**The DEPUTY SPEAKER:** I direct that answers to questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 33, 75, 139, 168, 188, 202, 204, 206, 208, 211, 212, 222, 223, 228, 234 and 242; and I direct that the following answers to questions without notice and a reply to a question asked in Estimates Committee A be distributed and printed in *Hansard:*

### MEDICAL REPORTS

In reply to **Mr FERGUSON** (16 August).

**The Hon. G.F. KENEALLY:** In addressing the important matter raised by the honourable member, my colleague the Minister of Health has referred me to the Code of Ethics of the Australian Medical Association, the principles applicable to medical records of public patients in public (recognised) hospitals and to the provisions of the Medical Practitioners Act.

Code of Ethics:

According to the Australian Medical Association's Code of Ethics:

> 'it is the practitioner's obligation to observe strictly the rule of professional secrecy by refraining from disclosing voluntarily without the consent of the patient (save with statutory sanction) to any third party any information which he has learnt in his professional relationship with a patient . . . The complications of modern life sometimes create difficulties for the doctor in the application of the principle and on certain occasions it may be necessary to acquiesce in some modification. Always, however, the overriding consideration must be the adoption of a line of conduct that will benefit the patient or protect his interests.'

Public Patients in Public Hospitals:

For patients being treated as public patients in recognised hospitals, access to their medical records is at the hospitals' discretion. In turn, recognised hospitals have regard to the following general principles:

> no information concerning a patient is to be released to another person without the consent of the patient. Where possible, this consent is to be in writing. Particular care is to be taken to ensure that the consent specifies the information required and that the medical report contains only this information. Where the patient is a child, a person under the age of 14 years, the consent of the child's parents or legal guardian is to be obtained before information is released. In the case of deceased persons, the consent of their executor is to be obtained;
>
> where a patient is unable to give consent due to an irreversible medical condition (e.g. senile dementia) the consent of the person with power of attorney for that patient is to be obtained; and
>
> due to the sensitive nature of these records, a health professional should always be involved in the handling of requests for health information to ensure that only information relevant to the request is released.

For patients being treated as private patients in recognised hospitals or in private hospitals, access to their medical records is at their doctor's discretion, in accordance with the extracts from the Australian Medical Association's Code of Ethics as quoted. The Minister of Health informs me that the South Australian Health Commission is in the process of finalising a policy statement on the confidentiality of patient records in recognised hospitals for the guidance of recognised hospital staff.

Medical Practitioners Act:

Unless required by statutory sanction, such as the direction of a judge, or to meet the requirements of the law of the State and/or the Commonwealth, a medical practitioner must not reveal information he or she has obtained during the course of treating a patient, unless that patient's consent in writing to the release of the information is first obtained. A practitioner breaching this ethical role would be guilty of unprofessional conduct and be subject to disciplinary action under the provision of the Medical Practitioners Act. A person who believes that his or her doctor has breached this rule should lay a detailed complaint in writing before the Registrar of the Medical Board of South Australia.

### AQUICULTURE INDUSTRY

In reply to **Mr LEWIS** (29 September).

**The Hon. D.J. HOPGOOD:** I have investigated thoroughly the allegations of the honourable member that appli-

cations for aquiculture are being held up by the Department of Environment and Planning. It appears that only one application for a project of this kind has been received by the Department. This was for a yabbie farm in the area of the District Council of Karoonda-East Murray.

Following earlier consultation between the proponents and the Department of Environment and Planning, an application for land division to enable severance of a parcel of land required for the farm operation was received by the South Australian Planning Commission, which the Department, in part serves, on 14 July 1983. The Commission forwarded comments, as it is required to do by the Planning Act, 1982, to the District Council of Karoonda-East Murray on 26 August 1983, well within the eight weeks consultation period allowed by the regulations under the Act. This was despite the need for the Commission to seek advice from other relevant Departments, inluding the Engineering and Water Supply Department, which was concerned that there might be problems associated with water supply to the land concerned. The council made its decision to approve the proposed land division on 14 September 1983, which was, in fact, one month earlier than required under the Act.

I am concerned that the Department of Environment and Planning has been accused of delaying applications such as that outlined above. The evidence on departmental records appears to indicate the opposite. Since the introduction of the Planning Act on 4 November 1982, time constraints imposed by that Act, and within which staff of the Department and other concerned departments must operate, appear, in general, to be being observed.

## SALE OF NORTH HAVEN
### (Estimates Committee A)

In reply to **Mr BAKER** (29 September).

**The Hon. D.J. HOPGOOD:** The total contractual agreements with Gulf Point Marina for the sale of North Haven are for $5.8 million. Of this amount a sum of $580 000 was received on execution of the sale documents on 31 August 1983. The contract provides for a further payment of $2.3 million by 30 November 1983 and $2.9 million within 160 days of the settlement date, which is expected to take place in the near future. A contract for the sale of an additional area to the Cruising Yacht Club is being prepared. The agreed purchase price is $700 000 and settlement is expected prior to Christmas. The $6.5 million to be received, less an estimated $200 000 of selling costs (that is, a total of $6.3 million), was included in Capital Receipts in the Consolidated Accounts for the year ending 30 June 1984.

## PAPERS TABLED

The following papers were laid on the table:

By the Minister of Education (Hon. Lynn Arnold)—

*Pursuant to Statute—*

I. Technical and Further Education, Director-General of—Report, 1982.
II. Veterinary Surgeons Act, 1935—Regulations—Registration Fees.
III. Report of review group on proposed amalgamation of Brighton and O'Halloran Hill colleges of further and technical education.
IV. Report of review group on proposed amalgamation of Clare, Northern and Yorke Peninsula colleges of further and technical education.

By the Chief Secretary (Hon. G.F. Keneally)—

*Pursuant to Statute—*

I. Radiation Protection and Control Act, 1982—Report on the Administration of, 1982-83.
II. South Australian Health Commission Act, 1975—Whyalla and District Hospital Inc.—General by-laws.

By the Minister of Recreation and Sport (Hon. J.W. Slater)—

*Pursuant to Statute—*

I. Racing Act, 1976-1983—Greyhound Racing Rules—Proceedings of and Inquiry.

By the Minister of Local Government (Hon. T.H. Hemmings)—

*Pursuant to Statute—*

I. Libraries Board of South Australia—Report, 1982-83.

## QUESTION TIME

### LIQUOR LICENCE FEES

**Mr OLSEN:** Can the Premier say whether the Government is reviewing its decision to increase liquor licence fees from 1 April next year and, if not, will the Government immediately do so? The Government's decision to increase liquor licence fees by 33⅓ per cent was part of a package of five tax measures announced by the Premier in this House on 4 August. This was two weeks before the Federal Budget was announced which contained increases in Federal excise on wine and beer and which also provided for adjustments of liquor excises every six months, in line with the consumer price index, meaning significant price increases and a continuing upward thrust of State Government licence fees payable by retailers.

It is now clear that these Federal Government decisions were either deliberately or carelessly ignored by the Premier when he told this House on 25 August (two days after the Federal Budget was introduced) that higher liquor licence fees would bring in an extra $7 million in revenue in a full year. It has been put to me that the boost to State revenue from higher liquor licence fees could now be as much as $11 million in a full year. This is causing grave concern in the hotel industry, and I have been told that retrenchments are inevitable, and some hotels may even have to close if the Government proceeds with this measure. It also means that from April next year South Australia will have the highest liquor licence fees in Australia. The Premier has already backed down today on one of his tax raising measures: it seems that this in another example.

**The Hon. J.C. BANNON:** As the Leader of the Opposition would be aware, the legislation setting the level of fee has been passed in Parliament, and to alter the fee would require bringing in a measure changing it in some way in Parliament. It was part of the tax package I announced back in August, of which the f.i.d. was a part, and its implications are in place in our Budget. Several considerations would make it difficult to alter that measure now that it is in place. I have received certain submissions from the Australian Hotels Association in relation to the possible impact of the liquor licence fee.

They were certainly not couched in the lurid and somewhat hysterical tones that the Leader used in referring to them. They were well reasoned submissions which raised for me some matters for consideration and which I undertook to investigate fully. That I would certainly do, but it is premature to say whether or not there is any case for adjustment of the amount. If there is, and the Leader of the Opposition chooses to characterise any action arising out of it as a backdown, that is fine. That is his choice of words and perhaps the choice favoured by the media.

However, I would like to put on record that if, as a result of any action taken by the Government, certain factors, of

which we were either unaware or which have been impressed upon us by community groups to be shown to have some effect not anticipated in the legislation, are drawn to our attention, I will not hesitate to alter that decision. Whether or not that could be called a back-down—

**Mr Olsen:** Do your homework first.

**The DEPUTY SPEAKER:** Order!

**The Hon. J.C. BANNON:** I suggest that that is good government. A Government that is not prepared to listen to the community is not governing in the interests of that community. I can assure honourable members that I am not so puffed up and opinionated that I am not prepared to say that, on occasions, decisions should not be changed. If they should be changed, they will be, and will be clearly explained to the people. The side reference on the financial institutions duty on charities is a classic instance. I still believe that, in terms of the overall administrative costs and other advantages, the rebate system we introduced was one which, if it had been implemented, would have been seen to be acceptable to those charity and church organisations.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.C. BANNON:** However, it was clear to them that, as a result of the scaremongering tactics of the Opposition, it was going to be difficult for such organisations to understand or appreciate that. In that instance I was quite happy to consult with those organisations and change the system to an exemption system—one that they are happier with and one which is better understood. There was no question of principle involved in it and no question of revenue. The revenue impact of the exemption system is the same as that of the rebate system: it is simply a different way of applying it. However, that was their wish and, in circumstances where matters were not fundamentally attacking the revenue from the Bill, I was happy to accommodate them, and will remain happy to do so in any instance in the future. It is not a sign of weakness to respond to particular situations: I regard it as being part of the responsibility of government.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

## SAFETY OF DAMS

**Ms LENEHAN:** Can the Minister of Water Resources say what action is being taken to ensure the safety of dams in South Australia? During the heavy rains in September, Noarlunga District Council workers were standing by to sandbag the banks of the Onkaparinga River in the event of flood. However, there were no floods or damage to property, although the situation was serious. Can the Minister say whether there was any danger at that time of the dam at Mount Bold reservoir being subjected to some damage? If so, what effect would this have had on people and properties downstream from the dam?

**The Hon. J.W. SLATER:** I will answer the question specifically and generally.

*Members interjecting:*

**The Hon. J.W. SLATER:** If honourable members are patient, they might learn something. The dam at Mount Bold reservoir overflowed, as the member so correctly said, following heavy rains in September. The volume of overflow fortunately was contained within the river banks. I point out for the honourable member's information that it was constructed not for a flood control measure, but as part of the major water storage on the Onkaparinga River. As a matter of general information, 40 dams are managed by the Engineering & Water Supply Department of South Australia, all of which are monitored regularly to ensure they are structurally sound and that the safety of residents and property downstream is maintained at a maximum level. The need to ensure the safety of these structures led to the Department's establishing in 1971 a dam inspection unit, which is responsible for collecting regular data, storing it, and reporting on the safety and on any remedial action which might be considered necessary for the dam to be of an acceptable standard.

The Government is presently considering dam safety legislation and establishing a controlling authority which would monitor other dams within the State. Compilation of the data referred to previously is important to ensure the safety of residents who live below the dams and certainly of the water supply system. South Australia has an excellent record in dam safety. The Department maintains that record with early detection of problems and quick action to remedy the situation. So, there is no problem associated with the particularly heavy rainfall and the Onkaparinga River. As I pointed out, the dam is not constructed primarily as a flood control measure; it is monitored regularly to ensure the safety of all people.

## LIQUOR LICENCE FEES

**The Hon. JENNIFER ADAMSON:** In the light of the Premier's acknowledgement of the impact of liquor licence fees on the hotel industry, an acknowledgment which has been confirmed by his agreement to hold an inquiry into those fees, will he inform the House why he misled Parliament by stating that the revenue for a full year from this tax would be $7 million when it is clear now and was clear then that the revenue would be $11 million? Yesterday, I received a copy of a letter which had been sent to the Premier from the Chairman of the South Australian Tourism Industry Council and which reads:

My dear Premier,

As the council represents the hospitality industry, the matter of the proposed increase in liquor licence fees from 9 per cent to 12 per cent is of great concern to us. However, we understand that our member organisation, the Australian Hotels Association, has made numerous submissions to yourself and the Government and, as a result, there is to be a full inquiry conducted into such licence fees. Before the council takes any further action, we respectfully request advice at your earliest convenience of the outcome of the inquiry and the intentions of the Government in this matter.

**The Hon. J.C. BANNON:** I would refer the member to the answer I gave the Leader of the Opposition on this topic a minute ago, and to the fact that this matter has been before the House in the form of legislation and has been fully debated. Members opposite had full opportunity to debate it at that time. I would be interested to see the workings of the honourable member's figures in respect of this proposed yield from the tax. If she would be prepared to supply them to me I will certainly have the matter looked at.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

## GOVERNMENT FORMS

**Mr TRAINER:** Will the Minister for Environment and Planning, as Minister responsible for State services and supply, inquire whether a review procedure can be established within the operation of the Government Printer to ensure that official forms from Government departments that have to be filled out by members of the public are as simple as possible, and unlikely to win gobbledegook awards such as

those described on the front page of the *Advertiser* of 9 November. The *Advertiser* of 21 October mentioned how a constituent of mine, David Sless, senior lecturer in visual and verbal communication at Flinders University, has been engaged to advise the Australian Government how to redesign all its official forms. The article went on to say:

The basic problem was that administrators knew what they wanted but the ordinary person confronted with an official form often found it hard to understand. Simplified layouts and language would help that understanding.

However, there is another problem though. Mr Sless said one person in five found it difficult to understand any sort of form, and this was regardless of educational standards. In the same vein, the Alec Mathieson column last week in the *Advertiser* of 9 November, while praising the Medicare application form as one of the simplest Government forms he had seen, observed that:

More than 10 per cent of applications returned so far in South Australia have been wrongly filled in. But don't feel too bad. In other States, slightly more than 25 per cent of people have filled in applications incorrectly.

The same *Advertiser* edition carried a front page article by Kym Tilbrook awarding the top gobbledegook prize to one form originating in the public sector and one in the private sector, and quoted the Commissioner for Consumer Affairs in his annual report as saying:

'Gobbledegook' is a delightfully expressive word which means 'pompous official or professional jargon'.

However, as well as gobbledegook and obfuscation, another problem with official forms design can be poor layout. One minor example of this is forms which place the dotted signature line right on the bottom edge of the form, rendering the signing space almost useless for anyone whose names contain bottom-looped letters such as 'f', 'g', 'j', 'p', 'q', and 'y'—an annoying difficulty I have often personally encountered with the initial of my Christian name.

**The Hon. D.J. HOPGOOD:** I would be only too happy to take up this matter with the Government Printer and with the Government as a whole to determine whether it is discharging its obligation to the public by ensuring that all Government forms are as simple and concise as possible. Whilst it is true that from time to time there are very involved concepts that have to be grappled with, it is also very true that there is a responsibility on administrators and on the professions to ensure that they are not surrounding their profession or professional area with some sort of mystique because of a particular jargon that is adopted. One example is in the area of science, where people talk about a cathodic reaction when they mean the reaction of the negative electrode. They introduce an unnecessary word, 'cathode', when they could talk about a negative electrode, and making an adjective of what should perhaps remain a noun. There are many other examples that could be given in various other forms of the professions, both in the physical, biological and social sciences, but quite apart from this responsibility, and the fact that increasingly schools are taking up their responsibility by ensuring that children are given the opportunity of practice in filling out forms, there is a responsibility on Government to do what it can to ensure that its forms are as simple as possible. I will certainly take up the matter.

## LIQUOR LICENCE FEES

**The Hon. E.R. GOLDSWORTHY:** Will the Premier say whether an inquiry is being conducted into the impact of the increased liquor licence fees; if so, who authorised it; who is on it; and when it will report?

**The Hon. J.C. BANNON:** As I explained earlier, in answer to the Leader of the Opposition in relation to the specific liquor licence fees, and the Bill which passed this House and which is now enacted in the law, the Australian Hotels Association approached me with a detailed submission in relation to the possible impact of that increase and its view on the matter. I have undertaken to have the matters it has raised investigated, and that is taking place in the normal way, using departmental officers. There is also currently a major inquiry being undertaken by Mr Peter Young, the Commissioner of Licensed Premises. I do not know what stage that has reached, nor whether this aspect of liquor fees is part of that inquiry. Perhaps that is the inquiry that the Deputy Leader is referring to.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.C. BANNON:** So, I can add nothing to what I have already said in answer to the earlier question.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

## ADOPTIONS ACT

**Mr GROOM:** Will the Minister of Community Welfare examine the operations of the Adoptions Act with a view to facilitating contact between natural parents and—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The honourable member for Hartley.

**Mr GROOM:**—adult adoptees in appropriate circumstances? I use the term 'adult adoptees' in the context of persons who were adopted at birth and who are now adults. The present situation is that the Department for Community Welfare maintains an adopted person's contact register, but for contact to take place it is essential that both parties have their names placed on the register; if one party's name is not on the register the possibility of contact taking place is thereby diminished.

As the Minister knows, I have recently taken up this matter with him and have written to him on several occasions dealing with persons who were adopted shortly after birth and who seek to make contact with their natural parents or seek medical information to ensure that there are proper medical records for their own children. The difficulty does arise when only one person has his or her name entered on the register, and several suggestions have been put to me by way of reform (some administrative and some legislative alterations).

One is to provide for the natural parent (the natural mother, in this instance) to give consent at the time of adoption, to contact and to the future release upon the child reaching 18 years of such information as the birth certificate or medical information. However, this would solve the problem in so far as future adoptions were concerned, but not the past situation. As far as past adoptions are concerned, the suggestion has been put to me that, in appropriate circumstances, information such as birth certificates and medical information should be made available to the adult adoptee. I appreciate that this is a very delicate area, but, as more and more such contacts take place (and successfully), the need for some revision in the law to facilitate contact in appropriate circumstances is apparent.

**The Hon. G.J. CRAFTER:** I thank the honourable member for his question. This is a matter on which I am sure all honourable members have received representations from either adopted children or relinquishing parents. The suggestions that the honourable member has made are under consideration by the Department and I will undertake to have his correspondence and question referred to the adoptions panel for its consideration as well. As he appreciates, this is a matter of great sensitivity and one must be very

careful before bringing about reforms in this area of the law. We also have responsibilities to other States, and uniformity, wherever that is possible, is most desirable in adoption law. A number of reviews are being undertaken or have recently reported in other States, and we are looking at that situation carefully as well. However, it is not an area that is absolutely concretised and I would hope that, as time goes by, we can accommodate in this area of law and welfare more and more of the rights and desires of the respective parties and, in particular, the adopted children.

## ADELAIDE RAILWAY STATION DEVELOPMENT

**The Hon. B.C. EASTICK:** Will the Premier confirm that at least one major international hotel chain has withdrawn during the past month from negotiations to run the proposed Adelaide railway station development hotel and, if so, indicate how many chains are still taking part in negotiations and when he expects a decision to be made? On 16 October the Premier was quoted in the *Sunday Mail* as saying that five major hotel operators were bidding to run Adelaide's international hotel to be built on the railway station site. The Premier was quoted as saying:

> Word of the complex and the hotel has already got around. Since the deal was concluded I have been approached by several major hotel groups. It would not be fair to name them at this stage.

Whilst I respect the need for confidentiality, it is clear from the Premier's statement that he is personally involved in negotiations with hotel chains. The operator of the hotel in the railway station complex is an important aspect of the total development. I have been informed that during the past month at least one major hotel chain has withdrawn from the negotiations but that negotiations are still continuing with at least one other group.

**The Hon. J.C. BANNON:** I can neither confirm nor deny the information proffered by the honourable member in his question. I am not personally directly involved in negotiations at this stage. That statement was made soon after my return from overseas (it might even have been the day of my return—16 October, I think) and certainly while overseas I had spoken to a number of groups, and we are aware of their interests. Negotiations, however, are being handled by the developers, and it is up to them as to what negotiations continue and what terms and conditions are finally agreed.

**The Hon. B.C. Eastick:** They're talking to you though?

**The Hon. J.C. BANNON:** I am kept advised on the progress being made in those negotiations. Of course, there is a Government commitment which interfaces with the development in respect of Government involvement in the project but I am not directly involved in negotiations. I have not been advised of the withdrawal of any particular chain, nor could I give the honourable member an up-to-date summary of just what is the progress of these negotiations. Even if I could, I do not think it would be proper to do so because, as the honourable member says, to publicly canvass these matters is not in the interests of the project and its success.

## O-BAHN BRIDGES

**Mr WHITTEN:** Can the Minister of Transport provide details surrounding the two O-Bahn bridges referred to by the member for Davenport in a question he asked last week? The honourable member made serious allegations concerning these bridges and said that a blunder had been made. The Minister was unable to answer—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr WHITTEN:** —due to lack of time. A letter on the same subject to the Editor of the *Advertiser* on 12 November also needs clarification. One paragraph of that letter states:

> I am far from satisfied that the Government has discharged its duty to ensure maximum value for the taxpayer's dollar.

**The Hon. R.K. ABBOTT:** A blunder has not been made in this matter. The decision taken by the Government was quite deliberate. The Government intends to give the Department of Marine and Harbors the job to construct two bridges on the O-Bahn busway at Stephens Terrace, St Peters. The decision was taken because of the need to sustain a flow of work for the civil construction work force in the Department of Marine and Harbors.

I understand that the value of the bridgeworks is just under $1 million and, although major construction management will be undertaken by the Department of Marine and Harbors work force, a substantial proportion of the work involved will be let out to private industry. The requirement for ready-mixed concrete, steel and other specialist construction activities will mean that about one-third or more will be done by private contractors.

The Government has a responsibility to maintain the work force and levels of employment in both the private and public sectors. We are most conscious of our responsibilities in these areas, and we are fully aware of the delicate state of the civil construction industry. We are trying to help everyone in the present difficult circumstances. We are also trying to be even-handed on the matter, and we will not sacrifice the private sector to support the public sector, or vice versa.

Substantial private sector work will still be available on the two bridges that will be constructed by the Department of Marine and Harbors, but we must protect the public purse and spend moneys as wisely as possible in the circumstances. The Department of Marine and Harbors has a civil construction facility that is at the moment under-utilised but we wish to maintain its existence to cover future port-related construction requirements.

**The DEPUTY SPEAKER:** Order! Will the member for Alexandra please resume his seat.

**The Hon. R.K. ABBOTT:** The Department of Marine and Harbors has in the past constructed bridges satisfactorily for the Highways Department. As we had decided to direct this work to the Department, it was considered unfair to call tenders from private industry, because of the costs involved in preparing such tenders. However, the Government and the north-east busway team will still have complete control of the costs of the construction. Tenders have been called and prices received for six similar bridges in recent years; the north-east busway team has a very accurate idea of the realistic costs involved, and D.M.H. will be completing the construction under those terms.

The private construction industry has done, and will continue to receive, substantial work on the north-east busway. A contract was let recently for two bridges worth $1.2 million, and there are further contracts to be let this financial year for extensive earthworks, guided track lane and a road bridge at Holton Court. As I have said already, and as the Government has done in other areas such as awarding a contract to the Kadina council for some major roadworks (I did not hear the Leader complain about that), we will be even-handed in awarding contracts for Government work to both the private and public sector, because our whole aim is to support levels of employment in the construction industry, both public and private, and to get best value for any expenditure of public moneys.

## LIQUOR LICENCE FEES

**The Hon. MICHAEL WILSON:** At the time of the announcement of the increase in liquor licence fees from 9 per cent to 12 per cent, was the Premier aware that the Federal Government intended to announce excise increases of 4.3 per cent on spirits and 5 per cent on beer and, if so, did he take these increases, as well as inflation, into account when estimating total revenue from licence fees to be $2 million this financial year and $7 million in a full year?

**The Hon. J.C. BANNON:** No, I was not aware of the Federal Government's intention.

**The Hon. Jennifer Adamson:** Are you sure about that?

**The DEPUTY SPEAKER:** Order!

*The Hon. E.R. Goldsworthy interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.C. BANNON:** As members will recall, I had been making representations to the Federal Government in respect of a wine tax, and my primary aim was to stop that tax. It may be recalled also that speculation abroad was that there would be no increase in beer excise fees at the Federal level (because a wine tax would be introduced) as part of the response to the argument that the beer industry was being unfairly discriminated against. All I can say about the Bill that was introduced in this House, the budgetary considerations in relation to it and the decision to increase the licence fee from 9 per cent to 12 per cent is that the details were based on revenue estimates which were given to me by my Treasury officers. I do not sit down with a calculator, work through and try to make adjustments. They were the estimates we have used. I am taking into account submissions made to me by the Australian Hotels Association in respect of this matter and a number of other matters. I will ask that inquiries be conducted into the figures they have produced.

*The Hon. Jennifer Adamson interjecting:*

**The DEPUTY SPEAKER:** Order!

## SPORTS INJURIES

**Mrs APPLEBY:** Will the Minister of Recreation and Sport advise whether any recent figures are available to indicate the major causes of sporting injuries and to what extent preventative sports medicine is being encouraged? It has been expressed to me on several occasions that there are now more injuries through participating in sport than at any other time in the past. With the availability of preventive sports medicine, it could be assumed that a significant decline in the number of injuries should be evident. It has also been expressed to me that this matter should be taken into consideration when allocating grants for sport.

**The Hon. J.W. SLATER:** No reliable figures are available to indicate the main causes of sports injuries, although private physiotherapists and sports clinics may be able to note details of patients and the cause of their injuries. There has never been reliable data available to indicate generally the causes of sports injuries. I understand that a senior lecturer at the Sturt College is about to undertake a study of this matter, and this may assist in collating reliable information in regard to sports injuries.

One of the reasons for the increase in sports injuries is the greater participation in sport and the greater interest by the public in sporting activity, such as jogging, skiing, and so on. Preventive sports medicine is being encouraged by the Department of Recreation and Sport in a number of ways. I believe there is a general awareness within the sporting fraternity and the community generally of the importance of undertaking conditioning programmes before entering into competitive sport.

*Mr Mathwin interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.W. SLATER:** For the edification of the member for Glenelg, the Corporate Cup competition concludes tomorrow. I believe that the Liberal Party initially had a team in the Corporate Cup but could not stay the distance and has withdrawn. Perhaps the members concerned have suffered some of these sports injuries to which I have been referring. The member for Morphett is nodding his head in agreement. This is an important question, and members opposite should take note. Possibly their performance in the Corporate Cup is as good as their performance in the House and, unfortunately, about as good as that of the Pakistani cricketers, who have been beaten by an innings and nine runs. There is a general awareness of the importance of conditioning programmes and education for sports people. The Department, in conjunction with the Sports Medicine Federation, provides a basic level 1 sports injury course for trainers and coaches. This year this Government introduced an advanced level 2 course. The allocation this financial year for sports injuries is double last year's allocation.

## LIQUOR LICENCE FEES

**Mr INGERSON:** If the Premier's investigations into the effect on the hotel industry of the 44 per cent increase in revenue from liquor licence fees indicated that some hotels may have to close and others may have to retrench workers, will he introduce amendments to the liquor industry legislation to reduce the extent of the damage to the industry? In his reply to the Leader of the Opposition, the Premier acknowledged that he was willing to recognise his Government's errors, and said that to alter the licence fees would require a change in the law.

**The Hon. J.C. BANNON:** That is a hypothetical question presupposing certain things that have not been established. I will address the question if it becomes appropriate to do so.

## MILK CARTONS

**Mr KLUNDER:** Will the Minister of Community Welfare ask the Attorney-General to investigate the way in which expiry dates are printed on milk cartons? In asking this question, I am responding to a complaint from a constituent who provided me with two milk carton tops, one of which had the expiry date stamped in brown print on a white background with the date clearly visible. On the other, even though the letters and numbers were larger, the expiry date was indicated by an indentation into the cardboard rather than by a contrasting print colour, so that only the shadow of the indentation provided the contrast by which the date could be read. Under fluorescent lights, which exist in most shops and shopping centres, such indentations are fairly difficult to distinguish, especially for elderly people whose sight may not be what it once was. Can the Minister check to see whether anything can be done to improve that situation?

**The Hon. G.J. CRAFTER:** I share the honourable member's concern, because I have had difficulty in reading the date stamp marked on milk cartons when it has been shown by indentation.

*Members interjecting:*

**The Hon. G.J. CRAFTER:** Even with glasses, yes. We had a recent experience at home when the milk was sour, and the first thing I looked at was the date stamp, which

was difficult to decipher. As I imagine that many consumers of milk in South Australia share this concern, I will refer the question to the Attorney-General.

## ANSTEY HILL CONSERVATION PARK

**Mr ASHENDEN:** Will the Minister for Environment and Planning issue instructions for the immediate clearance of flammable material from the area popularly known as the Anstey Hill Conservation Park and also to allow grazing in sections of that park? The area known as the Anstey Hill Conservation Park lies between the Adelaide metropolitan area and the residential and orchard areas of Houghton, Paracombe, and Inglewood. Much of the park was cleared of natural vegetation before it became a park, but is now covered with wild grasses, including wild oats and the noxious weed, salvation jane. On a recent visit to the area I found that much of the grass is taller than I am and is growing extremely densely.

*Members interjecting:*

**Mr ASHENDEN:** Although members opposite may think this is amusing, I do not. I assure them that the residents of Houghton, Paracombe, and Inglewood view this as being extremely serious.

**The DEPUTY SPEAKER:** The honourable member wants to give the explanation, not go into great detail.

**Mr ASHENDEN:** Many residents have advised me that the park now constitutes a serious fire hazard, and I wholeheartedly agree with that assessment. Should a fire occur at the western edge of the park, it would quickly flare up the hills and a huge fire front would envelop Houghton, Paracombe, and Inglewood, just as occurred on Ash Wednesday II. I have been advised by officers of the C.F.S. that it is virtually impossible to fight a fire in the park, because the Minister's officers have continually refused to allow proper fire breaks or fire fighting tracks to be built in the area. The only point at which a fire can be fought, according to the officers of the C.F.S., is once the fire gets to the eastern extremity of the park, by which time any such fire is out of control. A complete fire-fighting unit was lost on Ash Wednesday II because of this, and many homes were destroyed.

It has been put to me that, if any private landowner had allowed the present state of conditions in the park, the local council would have required the land to be cleared because of the fire danger it presents. Local residents have also told me that they are extremely fearful of the present situation, and I am requesting on their behalf that the entire area be cleared immediately by the mowing of all grass and the removal of litter. I am also asking that proper fire breaks and fire fighting tracks be immediately provided, and that limited grazing of stock be permitted in the deforested area to ensure that grass never again grows to the present extent.

Constituents have put to me that they think that the present Government has shown a singular lack of concern for their situation. They have provided me with three instances that caused them concern. First, they have said that the Premier did not visit their area after the fire on Ash Wednesday II, despite the fact that the area destroyed was even greater than that at Greenhill. They have said that they are extremely concerned that the Minister of Water Resources has so far refused to provide diesel auxiliary pumps, which would allow residents to use their reticulated water supplies to fight fires when the electric power is off due to fires. They have also put to me that officers within the Department of Environment and Planning have refused requests for the clearance of grass, etc., from the park, and also that requests from the C.F.S. for grazing of the area have been refused. Now the area is completely overgrown again with grass. Therefore, can the Minister ensure that immediate action will be taken on meeting the Government's obligations by acceding to the requests that I have placed on behalf of the residents of Houghton, Paracombe, and Inglewood?

**The Hon. D.J. HOPGOOD:** As to the overall question, before coming to this parcel of land to which the honourable member referred, I indicated publicly a week or so ago that the National Parks and Wildlife Service's programme for slow burning and clearance of access tracks, which began sometime ago, will proceed until Christmas. I indicated the problem experienced with very late winter and the difficulty one has in burning green grass, but I also indicated that this programme would accelerate between now and Christmas. If the honourable member missed the specific details of that announcement, I can certainly make the announcement available to him.

As to the specific piece of land referred to, I do not think I can do better than refer the honourable member to his Deputy Leader, who assures me that the piece of land that the people are concerned about is not a reserve under the National Parks and Wildlife Service but is under the control of the Engineering and Water Supply Departmentt.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. D.J. HOPGOOD:** I have already, through officers, submitted to the E. & W.S. Department officers the general concern in this area, and I believe that action is being taken. However, as to the areas under my care and control, the programme is already under way to ensure that proper safety precautions are being taken.

**The Hon. E.R. Goldsworthy:** Why not have a look?

**The DEPUTY SPEAKER:** Order!

## STUDENTS TRANSPORTATION

**Mr HAMILTON:** Will the Minister of Education explain to the House what the situation is with regard to the transporting of students in private motor vehicles?

**The Hon. LYNN ARNOLD:** I thank the honourable member for this important question, which has been raised by both parents and teachers and to which all members would be interested to hear the answer. It is true that in the 700 State schools and 150 non-Government schools private cars are frequently used to transport students to school; by parents taking not only their own children but also other parents' children, and students who have their own licences taking fellow students to school. On some occasions they are used for school excursion activities whereby they are part of the mode of transporting students from one place to another.

With regard to the protection that is available to students, if the carriage is voluntary, in other words, if there is no fare paying or fee paying, then the ordinary insurance provisions for the vehicle continue to apply. If it is a roadworthy and registered vehicle, it is covered by third party insurance provisions under those conditions. It is important that principals are satisfied in instances where this is happening that the driver is a responsible and capable driver and that they are not knowingly allowing students to be driven in cars where there is any reasonable cause for concern about the risk that could apply. Under no circumstances should students travel in a vehicle driven by a learner who still has L plates. That situation should not be condoned by the school principal and one would hope that parents would not encourage their children to travel to and from school with drivers who have L plates.

Seat belt provisions apply in that instance just as much as they apply in any other instance, and there are two

reasons why it is important: first, for the basic safety factor and, secondly, they naturally prevent overloading situations in the car which can present hazards not only in relation to personal injury but also in difficulties to the driver in not having adequate vision around him. Likewise, the same situation applies to teachers' vehicles. If they are transporting students, they should be driving vehicles that are roadworthy and registered, so that third party property insurance cover continues to apply in those circumstances.

In regard to the transportation of students on school sponsored activities, another situation must apply: that is, that the parents of the children concerned should be formally advised that the excursion is taking place and should be asked for their consent for their children not only to attend the excursion (which is a standard procedure in the education system) but also consent for those students to travel in a private vehicle: that consent must be obtained. It should be pointed out that parents should be aware that, in the event of any accident occurring to students transported privately, there is no provision for the school or the department to reimburse them for any out of pocket expenses that may be incurred.

Therefore, the general answer is that students can travel in private vehicles for various purposes, but those very important procedures must be adhered to. Indeed, I can say from my experience with schools that there is much concern about that situation, especially as a growing number of students now have their licences and an increasing number of students' cars are, therefore, parked and used by students each day.

## FREEHOLD TITLE OWNERS

**The Hon. TED CHAPMAN:** Will the Minister for Environment and Planning define the rights of a freehold title owner of agricultural land and, when doing so, indicate to the House whether the Government intends, during its term of office, to further erode those rights? Traditionally, freehold title holders of agricultural land have regarded that title and its absolute authority over the land occupied as being somewhat sacred as, indeed, have persons regarded their bank accounts, private homes, wills and the like.

In recent times, the Government has introduced a schedule of regulations, which dictate the management and development of freehold land and land that carries a tenure of the kind that I have outlined. As members of this House are well aware, those regulations cut across the path of the rights of the individual freehold title holder with respect to his management and development procedures. This having occurred, I have been requested by several freehold title owners to have the Government, given the background of its recent intrusions into this area, come clean, and indeed explain precisely its definition of the rights of such landholders. They also want to know whether the Government intends to further erode those rights during its term in office.

**The Hon. D.J. HOPGOOD:** We have eight minutes left in Question Time but this question opens out an enormous field for speculation and debate. If the honourable member would like me to obtain from the Crown Solicitor an exact statement of the position of the freeholder in relation to the total content of the Statutes of this State, I think that is an exercise we could certainly get into.

**The Hon. Ted Chapman:** As it applies to agricultural land.

**The Hon. D.J. HOPGOOD:** If the honourable member is trying to suggest that the first Government ever to have brought in controls to limit what a landholder can do to his own land is this Government, then he is seriously defective in his appreciation of history. Practically every time an alteration is made in this place to a Statute something is done to the rights of individuals to do what they want to do with their own property, be it in agricultural or urban areas.

**The Hon. Ted Chapman:** My question related to broad acre agricultural land.

**The Hon. D.J. HOPGOOD:** It may well be relating only to broad acre agricultural land but I point out that, since the beginning of responsible government in this Colony as it was in 1856, a series of measures have fettered the rights of the individual to do what they want to do with their own property. Obviously, the honourable member raises this matter in relation to the vegetation clearance control regulations. Statutes under the care and administration of the Department of Agriculture for many years have limited certain activities which the farmers and agriculturalists generally can undertake, and for a period of about three years the honourable member was responsible for the administration of those Statutes. I invite him to consider the controls that he exercised in relation to the capacity of the farmer to be able to do what he wants to do with his own property.

In any event, I do not see why we should isolate the farming community from any other part of the South Australian economy. The whole of the Planning Act provides for controls to be exercised in relation to whatever people want to do with their own property. If, in fact (I do not know this, but I could easily find out) the honourable member has a town house, then he has no unfettered right to be able to convert into a set of flats what I imagine is a modest suburban bungalow. He has to go through the approval procedure before that can happen, not only in relation to the Planning Act but in relation to the Building Act, and if indeed what he wants to do involves some subdivision or resubdivision of land upon which these structures lie, other Statutes would be involved. What the honourable member asks of me is an extremely complicated search, I would suggest, of the Statutes, first of all to find out the sum total of controls that Governments could apply in this particular area, and then he asks me to state what further controls the Government might be envisaging.

I can only direct the honourable member's attention to the recently released report on the review into the Planning Act. No decision has been made on this report at this stage but a series of recommendations would, if adopted, modify in certain ways the existing controls which Government currently exercises. I am sorry if the honourable member feels that I am unnecessarily complicating the matter, but it is far more complicated than was made out in the explanation of the question.

## SOUTH AUSTRALIAN TRAVEL CENTRE

**Mr MAYES:** Will the Minister of Tourism investigate the possibility of constructing seats in front of the South Australian Travel Centre in King William Street for the use of tourist bus patrons? Some of my constituents who are senior citizens have approached me with their concern—

**An honourable member:** Have you got another constituent?

**Mr MAYES:** Actually, he is a constituent of another seat at the moment. When these people are taking day trips and various other tours from the South Australian Travel Centre, which this Government encourages, they find that they usually have to wait many minutes (on one occasion almost an hour) before the departure of the bus. No seating is available, and, as many of these people are aged, they are concerned about this lack of seating.

**The Hon. G.F. KENEALLY:** I will certainly have this matter investigated. My recollection of tours sold at the South Australian Travel Centre is that there are two tours

a day; the problem therefore would occur at least twice a day. I am well aware that before the tours depart passengers stand on the footpath awaiting the bus or sit on the seats inside the Travel Centre. If the passengers were sold tickets for the tour by the Travel Centre I suppose one could not complain about them sitting on the seats inside the centre. On the other hand, the seats inside the centre are really for people waiting to buy travel packages. I am not sure whether this is a problem for the Department of Tourism or for the City Council. The building was designed with the display windows set back from the footpath to allow passing potential tourists to look at the window displays to see what South Australia has to offer.

If we were to construct seating in the recessed area we would keep the prospective bus patrons away from what is on display in the windows. I think that could be a disadvantage. On the other hand, I know that the City Council has constructed a number of seats in its redesign of Hindley Street, and if that could be done it could well be argued that it could do the same thing in the front of the Travel Centre. I do appreciate the problem raised by the honourable member. Many tour patrons are elderly people who have to wait some considerable time for the departure of the buses, and who would be well served if seating accommodation could be made available. However, if great numbers of people were to be seated, a significant number of seats would have to be provided.

**Mr Mathwin:** You'd have to build rows of seats.

**The Hon. G.F. KENEALLY:** Yes, rows of seats, as the member for Glenelg has said. The honourable member has raised this with me because of his concern for the elderly people who go on tours within South Australia. We should be concerned about these people and I thank the honourable member for his question. I will have the matter investigated.

## PERSONAL EXPLANATIONS: MEMBER'S REMARKS

**Mr KLUNDER (Newland):** I seek leave to make a personal explanation.

Leave granted.

**Mr KLUNDER:** My personal explanation relates to a matter raised by the member for Todd last Wednesday during his speech on the Financial Institutions Duty Bill. I must apologise to the House, because I am aware that personal explanations are usually made immediately after the need for them has arisen. However, at the time the member for Todd was making the statement which requires this personal explanation, I was ill in bed at home, and this is the first opportunity I have had to rise on this matter.

The member for Todd stated in his speech that a constituent of Newland had telephoned me to discuss the implications of the financial institutions duty, and that I was supposedly totally disinterested in discussing the matter with him on the grounds that it was a Government matter. I have had a number of telephone calls and discussions with constituents and other people about the Financial Institutions Duty Bill. I recall conversations about the possible effects that such a Bill might have on children's savings. I recall telling people who telephoned me before a rate had been announced that I was unable to tell them the rate that would apply because it was not known at that stage. I recall telling people that extra taxation measures unfortunately were necessary, given the state of the economy that we inherited, to enable the Government to continue paying nurses, teachers, police officers, and so on. But I have never told anyone that I was not interested in discussing the financial institutions duty, whether on the grounds that it was a Government measure or on any other grounds. Refusing to discuss matters is not my style.

I can recall having refused to discuss a matter with a person only once which was when someone rang me and maligned people over the telephone, but refused to give me his name and address—that was over four years ago. I totally reject the comments that the member for Todd has made in this regard and I am saddened that he or anyone else could think so badly of me that he would give credence to the comments that he has made. I represent my constituents a great deal better than that, Sir.

**Mr ASHENDEN (Todd):** I seek leave to make a personal explanation.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

Leave granted.

**Mr ASHENDEN:** In his personal explanation the member for Newland has, I believe, misrepresented both me and a constituent living in the north eastern suburbs. I wish to state categorically that I did receive a telephone call from a resident in the present District of Newland, who gave me his name and address, who informed me that he had telephoned the member for Newland to discuss the recently introduced Financial Institutions Duty Bill but that when he made that call he had been advised by the member for Newland that he as member did not wish to discuss the matter as the Bill represented Government policy which he would be supporting and that he was not interested in discussing the matter further. In view of the member for Newland's comments today, I will be forwarding a copy of both his and my personal explanations to the constituent involved so that he can see the unjust reflections that have been made against both him and me.

*At 3.15 p.m., the bells having been rung:*

**The DEPUTY SPEAKER:** Call on the business of the day.

## TERTIARY EDUCATION AUTHORITY ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 October. Page 1422.)

**Mr OLSEN (Leader of the Opposition):** In my second reading speech on the financial institutions duty legislation I reminded the House that I first called for exemptions from the duty in August. Until the introduction of that legislation only a month before it was to apply the Premier had consistently refused to give any public indication of the extent of exemption and trade-offs that the Government would grant to minimise the impact of the new duty, the fifth tax raising measure of the Premier and the fifth broken election promise. It was not surprising that the Premier was reluctant to divulge this information because the range of exemptions and stamp duty trade-offs proposed is clearly inadequate. The Premier's sorry handling of the financial institutions duty measure demonstrated that the Premier

had not realised or did not want the public to appreciate exactly how many people and organisations he would be catching in his tax net.

**The DEPUTY SPEAKER:** Order! The honourable member for Brighton will either resume her seat or be seated.

**Mr OLSEN:** It took the Premier more than four hours to make any public response to revelations about the impact of the financial institutions duty. On the one hand he said that my claims were absurd; on the other hand, he conceded the possible need for amendments. We have since learnt that the Premier recognises the need for major amendments to the f.i.d. legislation.

**The DEPUTY SPEAKER:** Order! The honourable Leader will not be allowed to bring into this debate reference to a previous debate about a matter now before the Upper House. He must debate the matter before the Chair.

**Mr OLSEN:** I seek clarification Sir. In introducing both the financial institutions duty measure and the stamp duties exemption measure the Premier consistently linked the two Bills: the Financial Institutions Duty Bill and the Stamp Duties Act Amendment Bill. It was maintained that stamp duties were dependent on f.i.d., and that that was the trade-off. With respect, Sir, I am attempting to follow exactly that line: that is, that f.i.d. and stamp duties are linked: one is a tax raising measure and the other is an exemption because of the tax raising measure.

**The DEPUTY SPEAKER:** I simply point out to the Leader that he can canvass but cannot refer specifically to a Bill now before the Upper House. I hope the Leader understands what the Chair is putting to him.

**Mr OLSEN:** I am attempting to point out to the House that the f.i.d. legislation currently before Parliament was faulty legislation, acknowledged as such by the Government, to which amendments were brought in. We now have before the House another financial measure that will require amendment. I hope that the Government has done more homework on this matter than it did on the financial institutions duty measure. I suggest that in one respect it has not done the homework which I would have expected it to undertake.

**The Hon. J.D. Wright:** Do you have amendments on file?

**Mr OLSEN:** This debate has come on a little earlier than I expected. Amendments have been drawn and someone should be getting—

**The DEPUTY SPEAKER:** Order! I hope that the train of debate will follow the Bill before the House, without comment about other things.

**Mr OLSEN:** This matter has been brought on a little quicker than the Opposition expected to be the case, not through any fault of ours.

**The Hon. J.D. Wright:** Five minutes.

**Mr OLSEN:** A little more than that.

**The DEPUTY SPEAKER:** Order!

**Mr OLSEN:** In relation to the financial institutions duty, the Premier said that he had undertaken significant discussions in the consultation process. He said:

> To the best of our knowledge this discussion process is unprecedented in South Australia in respect to a major revenue measure.

It is not the people with whom the Premier consulted but those whom he refused to take into his confidence that has caused the difficulty with the measure now before the Parliament. I trust that in relation to stamp duties, if the consultation process has taken place, in fact the net has been a little more widely spread than was the case with the financial institutions duty. There is no doubt that the amendments proposed by the Liberal Party in relation to that legislation indicated clearly that the consultation process described by the Premier as being significant was in fact a selective consultation process undertaken in the community. I just hope that, in regard to this measure he has been a little more thorough in the consultation process, although it would seem that that has not been the case. Only today (about half an hour ago) I received a telex—

**The Hon. J.D. Wright:** The television people have gone now.

**Mr OLSEN:** It does not matter about the television. Obviously the impact of the 72 charges, a matter that I raised previously, has touched a sensitive nerve with members opposite. I can understand why. The Premier has not even fronted up to handle this measure which is one that the Treasurer should steer through the Parliament. He is not even sitting in his seat.

**The DEPUTY SPEAKER:** Order! The Chair will not allow the Leader of the Opposition to refer to something in the gallery or to some other aspect of it. I ask the Leader to come back to the matter before the Chair.

**Mr OLSEN:** I agree that I should not respond to the inane interjections of the Deputy Premier in trying to cover up the inadequacies of the Government. The telex delivered to the Opposition came from the Australian Bankers Association Research Directorate. I will quote from the telex, which is directly relevant to this measure, and which was a timely telex for the Opposition to receive. It states:

> Banks are disappointed with two key features—

it refers to the f.i.d. legislation and the stamp duties legislation—

> introduced by the South Australian Government and currently before the Legislative Council for debate,

I am quoting Mr Ron Cameron, Director of the Australian Bankers Association Research Directorate. It continues:

> First, the South Australian Government has established an excessively high rate of duty. Second, the Government did not remove the stamp duty on cheques in the package of financial taxation reform associated with the introduction of the financial institutions duty.

I presume Mr Cameron is saying they were consulted, but one can only assume that their representations to the Government have gone unheeded in this instance. It is a matter the Liberal Party, with amendments on file, will attempt to redress. The telex further states:

> The 4 cents per $100 duty charged on the receipts of financial institutions is higher than the 3 cents per $100 established for a similar duty in both New South Wales and Victoria. This means that a Savings Bank customer in South Australia will be paying 33 per cent more duty than an individual in a similar financial position in Victoria.
>
> The banks have presented arguments to the Government of South Australia requesting the abolition of stamp duty on cheques because it is a discriminatory tax on bank customers. It acts to discourage the use of the most efficient, least-cost, means of payment. This, over time, will result in lower deposit balances in cheque accounts, reduce trading banks' capacity to make loans and, at the same time, contribute to increases in the interest rate charged on loans. It also encourages an increased use of cash which is less efficient and adds to security problems. As a result of the new legislation in South Australia, the average personal cheque account customer will pay a significant amount in new tax. When stamp duty on cheques is added—

this is the amendment that the Liberal Party is seeking to have accepted by the House—

> in the personal customer in South Australia will pay over four times the amount of State duty now paid by a person operating a similar bank account in Victoria.

**The Hon. B.C. Eastick:** This is a responsible body making the statement.

**Mr OLSEN:** Yes, the Australian Bankers Association is making the statement. An individual in South Australia will be paying four times the amount of State duty now applicable to the same bank account in Victoria. So much for wanting South Australia to win! So much for getting a trading advantage for South Australia! So much for looking after the

interests of the individuals who have a cheque account in South Australia! Mr Cameron further states:

> For a small company customer, the total State financial duty will be towards twice that levied on a company with similar financial transactions in Victoria—

So, the companies will be disadvantaged at twice the cost of that levy in Victoria. The telex continues:

> While the banks appreciate the Government's action in arranging consultation on the technical aspects of the new legislation, it is nevertheless the strongly held view of the banks that the legislation should be reformed to:
>
> Reduce the rate of duty to 3 cents per $100 of financial institutions receipts, and—

the Liberal Party—the Liberal Opposition—has consistently sought that amendment and, in addition—

> remove the stamp duty on cheques altogether.

Similarly, the Liberal Party has proposed that amendment. Mr Cameron gives further examples of the cost. It is important that these be related to the House because, with this legislation, we need to bring to the attention of the House the implications of the legislation and the effect it will have on individuals and companies within the South Australian community. Clearly, that was not understood by the Government as it relates to financial institutions duty. The first example is given that, in relation to a personal account, in regard to f.i.d. on deposits totalling $4 000, the cost in Victoria is $1.20 whilst here it is $1.60. In relation to customer cheque accounts per quarter—

*The Hon. B.C. Eastick interjecting:*

**Mr OLSEN:** Indeed, we have. I can understand the anguish displayed by the Premier and Treasurer. He has to determine what he wants to do with liquor licence fees—another matter on which he has misled the Parliament. The telex gives examples of customer cheque account costs per quarter, on an average small account with transactions of 11 credits totalling $1 500, 20 debits, comprising 16 at $35 and 4 at $221 it states that Government charges in Victoria are $3.05. Government charges in South Australia are $4.50 as a result of stamp duty costs and f.i.d., with the Government refusing to abolish stamp duty on cheque forms, which is the basis of the measure now before Parliament. The telex further indicates that on an average loan account with transactions of 10 credits totalling $3 500, and 40 debits, comprising 30 at $35, nine at $221, and one at $500, the cost to that individual for their personal cheque account is, in Victoria, $6.80 and in South Australia $10.15. The disparity widens even further.

**Mr Ingerson:** What happens to small businesses?

*The Hon. E.R. Goldsworthy interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr OLSEN:** If this Government keeps on the course it is going, there will be no small businesses in South Australia—they will all be taxed out of business. We will have to name South Australia, 'South Australia the tax State' and not 'South Australia the Festival State'.

**The Hon. Michael Wilson:** Another Bannon tax.

**Mr OLSEN:** That is it exactly—another Bannon tax. In the measure before the House the Government has refused representations of the A.B.A., and has refused to equalise tax collections with companies trading in Victoria and South Australia. When the Premier was Leader of the Opposition he consistently said that pay-roll tax exemptions in South Australia had to be at the same level as pay-roll tax exemptions in Victoria. We cannot put small companies in South Australia at a disadvantage *vis-a-vis* their counterparts in Victoria. What does the Premier do? He builds into the system a cost disadvantage for South Australian business enterprises. That is what he has done.

*The Hon. J.C. Bannon interjecting.*

**Mr OLSEN:** The Premier knows my position on pay-roll tax. Consistently since I have been in Parliament I have argued that pay-roll tax is the most iniquitous tax that can be levied on the business community. It is a total disincentive for job opportunities and employment in this State. I have been consistent on my position on pay-roll tax and the Premier knows it.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I hope the debate comes back to the measure before the Chair. We will not delve into pay-roll tax or any other aspect.

**Mr OLSEN:** If we are going to consider small businesses, I was interested to hear the comment of the Premier today when talking about the trade-offs for the financial institutions duty. He was attempting to deceive by saying that whilst we have the financial institutions duty there will be some trade-offs with stamp duty that will give a nil effect. There will be a $14 million effect, but the Premier did not explain that in his press conference this morning. He wanted to deceive the people of South Australia as to the impost of this legislation.

The net impost is $14 million, and he well knows it. Let us look at the position in relation to small companies. The telex gives a calculation, based on a very small average company account with transactions of 15 credits totalling $38 000 and 70 debits, comprising 40 at $35, 20 at $221, eight at $1 421, and two at $6 000, giving a total of 58 cheques. That would be a small average company. Let us compare the disadvantage South Australian business has compared with its interstate counterpart on that criteria: in Victoria the cost is $26.40; in South Australia it is $36.

**Mr Mathwin:** Not much difference!

**Mr OLSEN:** Not much difference, no! Let us take another example based on a small average company account with transactions of 80 credits totalling $600 000, 1 000 debits comprising 550 at $35, 250 at $221, 150 at $1 421 and 50 at $6 000. That is a total of 1 000 cheques through the company. The cost in Victoria is $422.50 and in South Australia, $582.50. 'We want South Australia to win', says this Bannon Labor Government, yet another Bannon tax measure is applied to South Australia.

**Mr Mathwin:** He's known as Bannon, the tax collector.

**Mr OLSEN:** Yes, I think that that is appropriate.

**The DEPUTY SPEAKER:** Order! If the member for Glenelg keeps interrupting he could be out collecting tax.

**Mr OLSEN:** That could well be right, because the way this Government is going we will be recruiting a lot more people to collect tax. One other point relating to the financial institutions duty with a direct relationship to this measure was that one of the trade-offs was that the 1.8 per cent surcharge on high rates—those above 17 per cent—was to be abolished, and we heard how that would bring, from the Finance Conference, for example, people who, instead of raising loans in Victoria and New South Wales, would all rush back into South Australia to raise loans. However, of course, South Australia has a rate of duty on financial institutions at .04 compared to .03 in Victoria. Clearly, the Treasurer is not in the world of reality if he believes that he can continue in the financial area of South Australia an impost of this measure.

There is a company in South Australia that supplied us with information and telexed the Premier today. I would ask the Premier to check his telex machine (he does not check his correspondence too often) because on his telex will be details of a South Australian company as it relates to the financial institutions duty and the lack of trade-offs in the stamp duties area, indicating that that company, which is currently based in South Australia, will shift its financial operations to another State, and it has nominated Queensland.

During the 1970s and early 1980s, when the Queensland Government did not abolish succession duties, death duties, and the like, there was a flood of money into that State, and I suggest that with the trading advantage, particularly in the financial area with no financial institutions duty, money will continue to go to that State, to the detriment of South Australia. The Premier must know that that is right because prior to the introduction of the financial institutions duty in South Australia, Victorian companies were flying mail bags into South Australia regularly on a daily basis to process business through financial institutions here in order to avoid that tax.

The Premier said today that people would not do that because shifting cash around is a pretty heavy business: I assure him that a $10 million cheque does not weigh very much and can be transported interstate at minimal cost. That is what the Premier is doing; pushing the financial centre, or any prospects of one, well away from South Australia. He has done a great disservice to this State and to its financial institutions and companies by the impost he has been prepared to inflict on them instead of taking the hard decisions he could have taken in Government. We will continue to examine the legislation, especially financial legislation, that comes into the Parliament.

**The Hon. E.R. Goldsworthy:** He's going to keep the pubs down, too.

**Mr OLSEN:** It will be interesting to see how we get on with liquor licence fees, because there is no doubt that the Premier misled the Parliament as to what revenue South Australia would gain from those fees. I have no doubt that that issue will surface in due course.

**The Hon. E.R. Goldsworthy:** They're closing down the mines, the pubs and financial institutions.

**The DEPUTY SPEAKER:** Order!

**Mr OLSEN:** Now they are applying a tax to the business community in this State—and individuals. Let us not forget that, whilst companies employ people and we have to keep the cost structure and overheads of companies down, individuals are paying stamp duty. The Victorian Government, recognising that it is difficult to wind back a tax measure, did it in two bites: it took half off and six months later it took another half off. At least it set itself upon a course to relieve the burden on individuals with cheque accounts.

As the Australian Bankers Association clearly indicates in its telex today, the effect will be to force people away from the cheque account system, the convenient way of paying accounts, and once again there will be security problems. We are encouraging people to go into an area that is not in their best interests or in the best interests of the community. Obviously, once again the Government has not thought that through.

The Liberal Party has amendments on file. It is now 15 November, and the Government wants this measure operative in about 14 to 15 days time. Without the legislation having passed through the Parliament and not knowing its final composition, the Government is expecting financial institutions, banks and all those groups to be its tax collecting agent in 14 to 15 days time. That is not good enough, particularly as there is confusion about who is and is not exempt, who is caught in this tax net and who is not. Those matters need to be clarified within the community before we go down the track any further.

**The Hon. E.R. Goldsworthy:** Do you think he has thought it through?

**Mr OLSEN:** Obviously, the measures were not thought through before being brought into Parliament. The financial institutions duty was not thought through, which is clear as a result of the amount of homework the Liberal Party did and its highlighting to the Government the implications of its own legislation. I am sure that Caucus was not aware of implications of that legislation today when it went in to the Party room. It would have been interesting to know how the Premier explained it to Caucus this morning. However, getting back to the measure before the House, the amendments—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr OLSEN:** Did not someone refer to it as the 'shag on a rock' syndrome? Even former Premier Dunstan, when he was having difficulty with legislation, used to have heavies like Geoff Virgo—

**The DEPUTY SPEAKER:** Order! I wish the honourable Leader would get back to the Bill.

**Mr OLSEN:** Yes, Sir. To return to the point that we want the operative date shifted (consistent with that which we proposed last week regarding the financial institutions duty), we believe that it is inappropriate to request the financial institutions to co-ordinate their structure and to be operating in 14 days time. That is putting an intolerable burden on those institutions at Christmas time. The Government could not have chosen a busier time to ask those people to become its tax collecting agents. The Government did not even introduce the measure at a quiet time so that any teething problems could be sorted out. It introduced it at the most difficult and pressured time of the year for the staff in those institutions.

*Members interjecting:*

**Mr OLSEN:** Some people suggest that just prior to Christmas people forget about Government taxing measures, but whether that is the case or not I do not know. The second substantive amendment that we propose relates to the abolition of stamp duty on cheque forms. I mentioned that the Victorian Government was prepared to abolish stamp duty on cheque forms. This Government is not prepared to go down that track and give that advantage to South Australians—every person here with a cheque account and every company. The Government would rather leave us at a significant trading and personal disadvantage compared to Victorians. I will not repeat aspects of the telex, because they are already on the record. That significant disadvantage to South Australians will result from the financial institutions duty and from the lack of adequate trade-offs provided by the Bannon tax machine to offset the impost of those measures.

The Liberal Party will support those amendments that reduce imposts on South Australians, and which pick up the call that we made months ago for exemptions to offset financial institutions duty. We will take it one step further, and attempt to have South Australia placed at the same position as its counterparts in Victoria. Failure to do so would be an intolerable position for South Australia.

**The Hon. B.C. EASTICK (Light):** The Leader has clearly outlined several deficiences in this measure, which has been brought before the House on the basis that it improves the lot of South Australians, and therefore it should be supported. It is a sop to another measure introduced at the same time: the f.i.d. tax. I will not deal at any length with the f.i.d. tax other than to say that one is conditional on the other, and it is ill-conceived that we should proceed with this measure at this time when the Premier is not even aware of whether he has boodle to give away. This measure seeks to offer a benefit to South Australians in anticipation of a result from a former measure, the f.i.d. tax.

The problem that the Premier has is related to what is competition and what is reasonable competition. He says that he wants South Australia to once again become a financial identity on the Australian scene, and he predicates the moves that he is making in this measure, to which I will refer shortly, as being essential if South Australia is to

regain that lost ground. In the second reading speech by the Premier he acknowledges that the excesses of his Government thus far have had the result of driving business away from South Australia: that point is clearly made in the Premier's speech. He also indicates that he will pick out the benefits of the Victorian legislation and introduce them to South Australia. However, he is selective as to what he brings in and as to what he offers South Australia. South Australians are not benefiting to the same degree as are Victorians in respect to some money issues directly associated with stamp duty. There is a play on words that does nothing at all to benefit South Australians, even though it might give the Premier some feeling of relief that he is offering an olive branch to the populace, a populace now in revolt because of its fear, not only of the tax that is already taken out against it but also of the one in the offing.

**The Hon. E.R. Goldsworthy:** It's good sleight of hand, isn't it?

**The Hon. B.C. EASTICK:** It is a typical sleight of hand trick, I agree with my colleague. The now Premier was an understudy of a former Premier of this State who was much to the fore in supposedly trimming tall poppies, on the basis that he would make life easier for those who were not tall poppies. One statement in the Premier's second reading speech picks this point up, and shows how futile is that attitude of trimming tall poppies. In relation to stamp duty, in his speech the Premier picks up the point that it is 1.8 per cent on credit provided at an interest rate in excess of 17 per cent per annum, and then the critical sentence in that speech is:

> The original intent of the legislation may have been to discourage the charging of excessive interest rates, but it has worked in practice to impose an additional burden on low-income earners and small businesses obliged to borrow at high rates.

That was the point made when these measures were previously introduced. The point was made in the Dunstan era that several taxation measures being imposed on South Australians in the public guise of benefiting small people were inhibiting the future of small people.

At least it is right and proper that the Premier has had the gumption to identify that fact in the statement that I have just read. He has identified clearly a warning given to a Government of his political persuasion in the past, and he has acknowledged what he was told, but what he denied or refused to accept on a much earlier occasion. The self same position applies to recent measures brought before this House: I will not delve into them in any depth other than to say that they have been well identified today. A claim of about $7 million from liquor licence fees when we are looking down the barrel at $11 million.

**The Hon. E.R. Goldsworthy:** That's a 44 per cent increase.

**The Hon. B.C. EASTICK:** Yes, a 44 per cent increase. There was a view that there would be a certain income in relation to f.i.d., and a questionable top point as to what would really be raised because of the double, triple, and quadruple dipping that was identified at an earlier stage. Who will benefit from that situation? The State may benefit in the amount of money flowing into its coffers, but it will be the Freds and Fredas, the Mr and Mrs Everybody, who are disadvantaged because it exists. It is Mr and Mrs Everybody who will have that amount of money impacted upon their trading. It will always be that person who undertakes the greatest number of credit transactions will pay for the benefit of those credit transactions. It is of no advantage to anyone to believe that they can have Father Christmases—which was referred to a while ago—calling everyday and offering them benefits. If they get into a situation of wanting what the Joneses have, and wanting everlastingly to be purchasing beyond their means, then they will pay. That matter was referred to in my quote from the Premier's speech, a reality he seems to embrace for the first time only recently.

There has been a selective introduction of measures from Victoria without the total package. The fact that there will be a continuing stamp duty on all transactions is a disincentive to any business to want to do business in South Australia or, more particularly, to extend its business in South Australia. When referring in the Bill to discounting of bills of exchange and promissory notes, there is now a strong incentive for borrowers approaching the market to avoid South Australia, and to attempt to raise funds in the two major Eastern States. Again, an acceptance of reality, and a recognition too late, of a truism passed on to the Government at the time it introduced it's earlier measures. The Premier also said in his speech:

> The Government is keen to see an active market in these securities maintained in Adelaide and proposes to abolish the relevant stamp duties so that the Adelaide market may once again become competitive.

That is a desirable belief, but let me say, using one of the old adages, that one swallow does not a summer make and, offering a concession in one direction whilst maintaining the cost disincentive of stamp duty that does not apply in Victoria, will clearly be to the distinct disadvantage of the South Australian public. As it is a disadvantage to the South Australian public, it will be a disadvantage to any company seeking to set up an operation here, or to increase the size of its present operation. One would be foolish to suggest that businesses would leave in droves, or that there would not be businesses that would, because of other factors mitigating in favour of their setting up in South Australia, not come to South Australia: quite clearly they will.

However, the clear point that can be made is that, when there is no obvious incentive or motivating force applied by a Government to entice businesses to arrive and remain, or to return where they have been previously driven away by some past over excess such as is contained in this Bill, let us be frank about it: we will not see that degree of business upturn the Premier pleads for in suggesting that, by becoming more competitive in one direction, we will be able to woo these people. It will not happen that way: it has not in the past, and it certainly will not happen in the future.

I believe that the Premier will perhaps be reflecting on this aspect of this Bill following the success of another Government in a northern State. The beliefs, which were put forward before the recent election in Queensland that sought to offer genuine across-the-board incentives to business, were laughed at by the Premier and people of his political persuasion both Federal and State. Now they have to be seen as a reality that will be implemented. Because they will be implemented and there is a distinct trading benefit to business, whether it be originally based in South Australia, Victoria, or New South Wales, it means that, if we are to stay effectively in the market or attract a greater portion of the market, we have to at least meet or come close to meeting those new initiatives that will be forthcoming in Queensland.

**The Hon. Jennifer Adamson:** Preferably, we would need to be better.

**The Hon. B.C. EASTICK:** Of course, and I draw the Premier's attention to the fact that the past benefits that we had of a more stable business or industrial community, of a lower wages structure, and the other benefits that allowed for worthwhile motor, white goods, and manufacturing industries during previous decades no longer exist to the same degree in South Australia. There is still an advantage to South Australia, but it is not to the same degree as it was previously, and the loss of competitive benefits, with selective inclusion of the Victorian package in relation to

stamp duty, is a disincentive or a measure that further moves against South Australia's ability to recover lost ground.

**The Hon. E.R. Goldsworthy:** Successive Labor Governments have tried to kill the goose.

**The Hon. B.C. EASTICK:** Yes, they have done it in several guises. My colleague mentions the goose that supposedly laid the golden egg. We all know what happens when too much pressure is put on the goose that lays the golden egg: not only does it not lay any more golden eggs but also it does not grow feathers. Little by little one can add straws to the camel's back to the point where advantages are so whittled away that they are no longer advantages, and no longer do they entice people to look upon South Australia as the centre of attraction for redevelopment or for new development.

During the speech of the Leader of the Opposition, I was interested in some of the interjections from the other side that suggested that we need reform in South Australia, and that it is a Labor Government that gives this new reform. However, the member opposite making the statement obviously knows nothing about horse racing or, more particularly, about horse racing handicapping, because one well knows that the way to stop a goer is to increase the weight on its back. One gives it another kilogram or half a kilogram, and before long the potential champion or potential front runner is weighted out of the race and no longer wins: it comes second, third or fourth.

I use that analogy, and say to the Premier that, by going the whole hog in relation to the package introduced in Victoria as an off-set to its f.i.d. package (an f.i.d. package that was at a lower rate than that which is envisaged for South Australia anyhow), we are increasing the weight on the horse's back, and decreasing the opportunity of being out in front where we can entice that additional business that the Premier asked for and which twice in his second reading speech he sought to welcome by virtue of initiatives undertaken by his Government. I say to him that the initiatives are not enough, and that the desired result that he would have will just not come to be.

**The Hon. E.R. Goldsworthy:** The Labor Government is like a horse with a ton of lead on its back, isn't it?

**The Hon. B.C. EASTICK:** It is certainly adding mass that is not feathers. This measure does not satisfy the Opposition's view of what is best for South Australia and what could be and should be done to benefit South Australia in competitive business. I believe that the measures indicated by the Leader of the Opposition as options to the measures now before us are ones that are worthy of serious consideration. They, like the suggestions put forward on the f.i.d. Bill last week, have not been taken off the top of the head, but have been brought into being by a thorough analysis of the totality of this joint taxing measure. I suggest that last week's f.i.d. legislation and this week's stamp duty legislation, because of their junction (they were brought in together; they are a cross reference one to the other, one being a trade-off for the other) were thoroughly researched by the Opposition, and have been acclaimed publicly and been recognised as having been thoroughly researched.

It is recognised that they are understood better by the Opposition than they are by the Government and particularly by the Treasurer. I do not want to refer again to the sorry spectacle we saw last week of a Treasurer not being in command of a Bill. This afternoon the Treasurer, in reply to a question, was unable to clearly indicate what amendments will be accepted by the Government or what amendments the Government will be introducing.

**The ACTING SPEAKER (Mr Whitten):** Order! I ask the honourable member to come back to the Stamp Duties Bill, and not discuss a Bill before another place.

**The Hon. B.C. EASTICK:** I accept your point, Sir, but I am referring to the fact that we are being asked to pass a measure that we are told will be a benefit to offset the problems caused by another Bill. We have been asked to make available about $7 million. This Bill has been promoted as reducing by $7 million taxes paid by the South Australian public and business communities. There is such a variance between the believed and factual aspects of recent tax measures that the Opposition questions whether $7 million is a realistic sum. We question whether that it is a realistic figure as it relates to what I will indirectly refer to as being an indeterminate money-raising measure. The Opposition believes that one Bill cannot proceed until the other is determined. It was on that basis that I was seeking to bring the two Bills together.

The taxation measures that have been before this House, not only in the two Bills to which I have just referred but also in other Bills which came before this House earlier this session, have been a sorry procession of mismanagement by a Government that bought its way into power and is now seeking a way to make the Budget balance. I suggest to the Premier that one must never offer an open cheque to a group of people such as the P.S.A. and the teachers, and believe that they will not write into the—

**The Hon. Michael Wilson:** The Teachers Institute.

**The Hon. B.C. EASTICK:** The Teachers Institute, the hierarchy in the Teachers Institute, not the teaching profession as a whole, but those who lead them and who are trying to add more noughts to the figure the Premier has already written in for them. They were not satisfied with what they got as the pay-off, and want more and more. As a result, the Premier has cast around and selectively introduced a stamp duties benefit that is less than the benefit given by the Victorian Government to its business community and to the whole community. We are making the plaintive plea that we are a community worthy of being considered for business commitment.

I suggest to the Premier that he gives himself and his Government no value at all when he puts forward such a futile case. This measure will be supported by the Opposition for the purpose of amendment. I hope that, in line with the good advice given to the Premier last week on another measure, he will accept the good advice of the Opposition on this measure.

**Mr BECKER (Hanson):** I am disappointed that the Government somewhere has failed to obtain advice from the Bankers Association or from Treasury. The Government has failed to appreciate the role of the banking industry in this State. I would have thought that when it was considering this package, it would have approached the Bankers Association for advice and practical guidance. Honourable members have received a telex this afternoon from the Bankers Association pointing out its concern at the various taxing measures the Government has introduced.

I agree with and support the principle idea of the legislation: to remove probably one of the worst imposts ever introduced, namely, stamp duty on credit and instalment purchase payments that is now levied at 1.8 per cent on credit provided with an interest rate of more than 17 per cent per annum. That duty was certainly an impost, and it hit the people whom we should be encouraging to use the facilities of reasonably low interest rates: in other words, the people who could least afford to go to moneylenders, but could afford to go to banking institutions or finance companies for hire-purchase agreements. By removing that duty we should be helping the average worker and the small business person to expand, develop, or purchase something they might have not purchased.

We should be encouraging people to spend. As confidence builds up in this State, people will spend their money, but that is not happening. The eyes of commerce and industry have been on South Australia for the past three or four years. South Australia's position within financial institutions was looking good. There was confidence and there was strength within the commercial sector in the State, thanks to the hard work of the previous Liberal Government, which encouraged and built up that confidence. However, in the past 12 months commerce and industry has been prepared to step back a little and consider the change of Government. It appreciates that South Australia must continue and must survive. As one moves around Australia and sees what has happened since the change of Governments in other States one appreciates that this is a good State, but it is being messed up by the impact of the economic packages that have been introduced in the past six months.

In the past nine months the Bannon Government has broken promises and increased 72 taxes. Yet, in Tasmania, with a population of only 500 000, and battling to encourage and keep its own industries, the Tasmanian Premier told me last week that he does not intend to bring in such a tax at this stage. He said that he hoped his State could survive through sound economic management. The lowest tax increases in Australia occurred in Tasmania, which had an overall increase in taxation of 4.3 per cent.

**The Hon. Michael Wilson:** It has a Liberal Government.

**Mr BECKER:** Yes. Today's *Financial Review* states that the tax increases in Tasmania in the past 12 months were 50 per cent below the rest of Australia. Tasmania has proven under a Liberal Government that it can manage its affairs. The Government has not had to sack anyone. The people there who have lost their jobs and those who were complaining during the week I was there are those who have suffered because of the interference of the Hawke Federal Government. If that sort of nonsense is kept up, we will find out the result in the Northern Territory on 3 December. The people of Australia have had enough; they want to get back on their feet; they want to see this country grow and develop. People want to support this country, but they will not do so if the Government taxes them out of existence. The measure before the House is removing something, but it is not going far enough. To tax something on the one hand and to reduce it slightly on the other is the sort of confusion that affects the confidence that people want to have in this country and the investment that they want to put into Australia.

A syndicate formed in West Australia was responsible for a yacht which raced in another country. It won that race, the first time any outside country had won it in 130 years. This demonstrates the fact that, with sufficient confidence, people in Australia can do such things. If governments are going to continually interfere with the financial management of commerce, then confidence will disappear. I am disappointed in the Treasurer of this State and disappointed that the Government has taken steps that will interfere with the very delicately and finely tuned financial system that we have in South Australia. In a telex the Bankers Association pointed out:

> The banks have presented arguments to the Government of South Australia requesting the abolition of stamp duty on cheques because it is a discriminatory tax on bank customers. It acts to discourage the use of the most efficient and least cost means of payment.

The key words are:

> This overtime will result in lower deposit balances in cheque accounts, reduced trading bank capacity to make loans, and at the same time contribute to increases in interest rates charged on loans.

South Australia was developed on the ability of banks over 130-odd years to obtain funds from their customers which they placed in cheque accounts and for which they received no interest at all, no benefits. As a matter of fact, when I joined a bank in 1951, the bank fee applicable was 5s. or 50c a year for looking after a cheque account. One paid the bank to look after one's cheque account. The stamp duty on a cheque form was a ½d.

By building up huge deposits the banks were able to lend money to the rural sector or to commerce and industry, which is how we were able to support and encourage General Motors-Holden's in South Australia. That company was financed by cheap money, by cheap loans through the South Australian banking system. One could refer to a list as long as one's arm of businesses that have been lost to South Australia since the 1940s and 1950s. The West Coast of South Australia, the Riverland and the Mid North of South Australia were developed by these means. Santos would not be what it is today had it not been able to borrow money at bank rates which were better than commercial rates. That money was provided by the people of South Australia, the average worker, the person whom the Government is supposed to look after and support but for whom it has not given a damn in the past 12 months in taxing them out of existence. It is taxing every benefit that was built up over the magical years of development of South Australia during the Playford years and then during the past three years under the Tonkin Government which attempted to bring back that confidence.

Within 12 months the present Government has wiped all that out and has really dealt a blow to the workers of South Australia. It is absolutely disgraceful that the Government should sap people's confidence in that way. Taxing people's pay packets and everything they do has to be inflationary. The moment a tax is imposed on the turnover of money it is inflationary.

**Mr Olsen:** We are already the inflation capital of Australia.

**Mr BECKER:** Right. We are streets ahead.

**Mr Olsen:** In the last two quarters under this Government we have had the highest inflation rate of any capital city in Australia.

**Mr BECKER:** That is not just; it is killing us. Now we have the situation of the Government's reducing by this small amount the duty payable on hire-purchase transactions. But the measure does not apply to anything else. It is not doing anything to encourage the opportunity for banks to build up deposits in their cheque account systems so that they can provide the cheap finance that is needed. Without this South Australia will not continue to develop: we will not develop the mortgage market. It is all very well to say that we will build umpteen thousand houses and that we will house people on low interest rates, and so forth, but we must have the money to do so. We must encourage the financial institutions that provide money. We have had the greatest opportunity of all to encourage financial institutions to set up their headquarters in South Australia. We have zapped that out of existence. We have destroyed that opportunity. We should have encouraged the merchant banks to come here, to a central location right between the Sydney, Melbourne and Perth markets, where the real money is in this country. We have a pleasant lifestyle in South Australia, without the hassles and the rat race that is prevalent in Melbourne and Sydney. We could offer junior and senior business executives a lifestyle better than that available anywhere else in Australia. We should be encouraging financial institutions to set up headquarters here. Financial brokers should be in South Australia. This is the place from which we should be able to operate the finances of this country in regard to mortgage refinancing. However, the Government will not do anything about that. The Government is bringing in a tax higher than that which applies anywhere else in Australia.

The Government should have encouraged the Australia Bank to set up its headquarters here, but, of course, it wants to go where the money is. We should also be looking at encouraging property trust developments as well as mutual trusts. Those companies could have their headquarters here. Tens of millions of dollars have gone into the various trust funds with interstate headquarters. I would hate to think how many millions of dollars of senior citizens' money is lodged in property trusts in Melbourne and Sydney, some of the money from which comes back into South Australia to take over some of our buildings. Right alongside Trades Hall a 100-bed motel is being built by a fixed trust organisation.

*The Hon. P.B. Arnold interjecting:*

**Mr BECKER:** That money could be well be from South Australia. A matter that has caused concern for many years in the banking system concerned the fact that banks built up large funds in South Australia and invested interstate. So, money raised in South Australia was not being spent in South Australia. We should be encouraging financial investment in South Australia. We will not do it with the type of legislation we are now considering, this type of complementary legislation. If the Government does not help the little people, if it is not going to save cents, then it will not attract the dollars. That is exactly where the present Government is falling for the pea and thimble trick. In introducing this Bill the Premier said:

> It should be noted that the Government is not removing duty on rental business.

In itself that is a tragedy, because rental business has been quite a growth industry in this State for some years. Because of the financial impact on the people and the workers of South Australia of the recession that has been quite a growth industry.

I think it is a shame that the Government and the Treasury are not in a position to offer that concession as well. It is all very well for the Premier to say that the Government is keen to see an active market in securities and mortgages in Adelaide and that it proposes to abolish relevant stamp duties so that the Adelaide market once again can become competitive. That is where confidence comes in. If we have confidence in the State and the State is confident in sound Treasury advice, we can build a strong securities exchange. We had it for many years even within the State itself. At 3 o'clock every afternoon the amount of money that changed hands from bank to bank and company to company was unbelievable. That was the unofficial short-term money market, the overnight money market. It was done at very cheap rates, but that is not the case today. The goose that laid the golden egg has been killed, destroyed. That is a great tragedy.

This legislation is to come into operation on 1 December, although it is now 15 November. Fortunately, I am not President of the Bank Officials Association because we would work strictly to regulations and flatly refuse to handle the new legislation. If I were President of the union I would recommend to my members that we should not handle this work for and on behalf of the Government. We would not consider it until 1 February 1984. Of course, they may be a little bit frightened about the industrial action that I would recommend, but there would be no way that, on 1 December or through the month of December that we would be looking at a system to collect money for the State. The Government could go and jump in the lake. This measure is adding extra cost to the banks at the busiest time of the year.

In banking there are several pressure points: at the end of March, the March-April-May period when the companies and certain people pay provisional tax, and there is pressure on deposits as people come along to borrow to pay provisional tax. Another busy period is around 30 June, because of the straightening of the finances for the end of the financial year. There used to be a build-up after July, through August and September as tax returns came in and people got a little extra money; but that was cut out many years ago when the income tax system was changed and people do not now receive reasonable returns. That affects bank deposits and gives a shortage of funds.

Then we have this period where stores, retailers and manufacturers have been stocking up for the Christmas season, and have had to borrow money to do so. The retailers will not pay for that until about the end of December. However, the race is on with the manufacturer to get his goods out to retail outlets and get his money, and with the retailers to sell as much and offer as much credit as they can before being paid in about February or March. The pressure on banking and financial institutions throughout December is quite real, building up to a huge crescendo before 24 December. Then there is a lull for a couple of days with the Christmas and New Year break. Generally between 28 and 30 December there is absolute bedlam for a couple of days, and the volume picks up in early January and peters out towards the end of January. The ideal period to introduce any new system into the banking industry is 1 February. If I were still the President I would call a stop-work meeting and recommend to my colleagues that we not handle transactions for the Government, and that the Government could wait; in other words, we would virtually black ban that side of the system. Someone has to pull up the Government and the Treasury and ask, 'What are you doing to the people of South Australia? What are you doing to the banking industry?' I support what the Leader has said. He put the case very well, as did the member for Light. They explained the situation well and there is no doubt that the Opposition has considered the matter and worked well when one considers the rest of the Australian States already affected. The Government is fortunate that it has an Opposition that is keeping it on its toes. We have problems when we look at the other States. We will not go along with these taxing measures. A little State such as Tasmania could isolate itself from Australia, have lower taxes and inflation, and become the financial hub of the Commonwealth.

Having talked to the C.P.A. representative from Hong Kong, I ascertained that the money situation in Hong Kong is such that there is a lot of confidence in what will happen there within the next 20 years. Tens of millions of dollars are tied up in Hong Kong awaiting investment in a developing and stable country. Australia could offer that through Tasmania—there is no doubt about it. I support the measure and look forward to the continuance of this debate as we move into Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

**Mr OLSEN:** I indicated during the debate on the other financial measure directly linked with this and in my comments in the second reading debate that it is the Opposition's view that the introduction of this measure should be postponed until 1 February 1984. The member for Hanson gave clear examples about the practical problems that would be experienced by banking institutions in complying with the legislation's becoming operative in 14 or 15 days from now. They were practical experiences of the problems that these institutions will have inflicted upon them. For that reason, as with the previous measure, the Opposition believes that the commencement date should be 1 February 1984 to give those institutions an opportunity to get their act together and be tax collectors for the Government. I am pleased that advice has been given to the Premier on those valid arguments by the member for Hanson. I am disappointed that

the Premier was not prepared to sit in the Chamber and listen to the logical arguments put forward by that member.

I do not intend to recount at length aspects of this. We have been through arguments as to the operative date. Those arguments are as valid applied to this legislation as to the financial institutions duty. We will persist with these amendments here and in another place. Therefore, I move:

Page 1, lines 14 and 15—Leave out 'first day of December, 1983' and insert 'first day of February, 1984'.

**The Hon. J.C. BANNON:** I think the Leader of the Opposition's final comments indicated why, first, we are not prepared to accept this amendment, and, secondly, there is not much point in prolonged debate about it. As the Leader mentioned, the matter was canvassed very thoroughly indeed when the Financial Institutions Duty Bill was before this place. The arguments raised by the member for Hanson reflected those arguments about the financial institutions duty. I would have thought that they were fully debated and disposed of in the course of the proceedings under the other measure and should not really need canvassing here.

I accept that if in another place some change is made in the date of operation (and I would sincerely hope that that did not occur because I do not accept the validity of the arguments about delay, pointing again to the transitional provisions, consultation that has taken place, and so on), obviously the intention is for this Bill to march in tandem with the Financial Institutions Duty Bill. It may be at that stage, if it is agreed, that it would be appropriate for some change to be made, but the date that is contained in this Bill is the date that was contained in the Financial Institutions Duty Bill as it left this place. That is how it should remain.

The Leader has put his arguments and, to the extent that he suggests there should be correlation between those dates, I agree, but both with the previous Bill and in relation to what we are supporting with this Bill, 1 December 1983 is the date on which we intend the measure to come into operation, and that is what we will stick to.

Amendment negatived; clause passed.

Clause 3—'Application of provisions dealing with credit and rental business.'

**Mr OLSEN:** In view of the previous amendment being defeated on the voices, it would be inappropriate for the second, third and fourth amendments in my name, which were consequential upon the first amendment, to be put. I seek not to move those at this stage, because the first amendment has just been rejected by the Committee.

Clause passed.

Clauses 4 to 8 passed.

Clause 9—'Some duty not to be chargeable after 1 December 1983.'

**Mr OLSEN:** I move:

Page 2, line 21—Leave out, 'other than a cheque,'.

Of course, line 22 in that clause needs to be viewed on the same basis as the previous argument. The Opposition believes that South Australia should not be placed at a disadvantage *vis-a-vis* our Eastern State counterparts, particularly our near neighbours in Victoria. The effect of this amendment would be to remove stamp duty on cheque forms. This State has already been saddled with a rate of duty higher than applying in other States, and one-third greater than that in the financial centres of Australia (Sydney and Melbourne).

If the Government fails to agree to the Opposition amendment to remove stamp duty on cheque forms, it is inevitable that the financial operations of South Australian officers of Victorian based companies will be transferred to that State. Once again, these companies have been referred to by the members for Light and Hanson, who gave clear examples of what is likely to happen if we do not have in South Australia a trading position equal to that of our interstate counterparts.

Specifically, financial operations of companies such as this will shift interstate to avoid the extra rate of duty. Operators of cheque accounts are now paying four separate charges for the privilege of possessing a cheque book: bank accounts debit tax, financial institutions duty, stamp duty on cheque forms, and an account keeping fee levied by the respective banks.

Discussions with the banks reveal a high account closure rate since the introduction of the Federal bank account debit tax. People clearly have avoided that tax where they have been able to close their cheque accounts. All financial institutions duty collection will eventually be built into account keeping fees levied by the banks, resulting in more closure, and to suggest that these costs will not be passed on to all of us, as cheque account holders, is absolute nonsense. The cost comes back to you and me; the average South Australian will pick up the bill for this.

**The Hon. P.B. Arnold:** Keeping your money under the bed becomes more realistic every day.

**Mr OLSEN:** Malcom Fraser was laughed at for that, but it does seem to be that that throw-away line at a rally had some semblance of reality to it these days.

**The Hon. P.B. Arnold:** More and more.

**Mr OLSEN:** Indeed, it is; unfortunately so. For that reason, we should remove some of these imposts. A cheque account is almost becoming an expensive luxury to operate. The examples I gave, as supplied by the Australian Bankers Association, as to the cost of operating a cheque account, clearly highlight the difference in cost between Victoria and South Australia. We should take note of that. In many instances, cheque accounts are obviously a necessity for the business community. They are a cost it must incur. What will a Victorian based company do with its operation in South Australia? What will happen, for instance, with Elders IXL? I wonder whether its financial section will go to Melbourne on the basis of a lower f.i.d. rate and exemption from stamp duty on cheque forms.

**Mr Becker:** What about Tasmania? It would be cheaper.

**Mr OLSEN:** They could go to Tasmania, that Liberal State with low tax increases compared to the rest of Australia, or pay the higher rate here; obviously, they will relocate. We will see that a number of companies will shift their operations interstate to avoid the duty. As I said earlier, what will we do if Queensland, which has picked up millions as the result of abolition of succession duties, stands to one side with a financial institutions duty on cheque forms and a whole range of things? If it provides other incentives, particularly relating to the Stock Exchange, then finance will flow to those centres, to the disadvantage of this State.

We should be ensuring that this State's position is preserved. Certainly, if members opposite want South Australia to win they have no alternative but to support this amendment. Even the Labor Government in Victoria recognised the need to remove this impost. It did it in two bites. It could not forgo the revenue in one hit: it phased it out at a six-month interval, but the end result was no stamp duty on cheque forms.

I believe that this very important amendment should proceed. It should be supported by this Committee because it will protect the South Australian business community, the employer of South Australians. Indeed this tax would also affect every family in this State that has a cheque book. It should ensure that families in Adelaide do not pay more to write a cheque than do families in Melbourne or Sydney. I commend the amendment to the Committee.

**The Hon. J.C. BANNON:** While it is true that it does not apply in Victoria, it still applies in New South Wales. So, the reference to families in Sydney mentioned by the

Leader just before he sat down is quite erroneous. I just make that point. We are talking about stamp duty on cheques. In looking at the comparative costs and benefits, one has to look at a whole range of matters. The somewhat alarmist talk by the Opposition—perhaps it hopes to be a self-fulfilling prophecy: there will be massive transfers across the border or something like that.

*Members interjecting:*

**The ACTING CHAIRMAN (Mr Whitten):** Order!

**The Hon. J.C. BANNON:** Perhaps I should not respond to the interjection, but that does not have the implications that are suggested by the Opposition. It still applies in New South Wales. It is not a major impost and the benefit of the other remissions in this Bill I would have thought, looking at the overall impact of the f.i.d., will be sufficient, but also setting that against some of the other advantages and benefits that operate in doing business in South Australia, not the least of which is the fact that we do not have a payroll tax levy, that so-called temporary measure introduced in both New South Wales and Victoria, and effectively it will cease to be temporary over a time.

**Mr Olsen:** The Liberal Government in South Australia refused to put it on.

**The Hon. J.C. BANNON:** Yes, and I commended the Liberal Government for doing so. The Liberal Government in Victoria opposed it initially, and the Labor Government continued it. We do not have it in this State, and I certainly would not intend introducing it. However, looking at the overall revenue package, things like that are of some significance.

The Leader mentioned the bank debits tax and I agree with him on that. That was a tax put in place by the Fraser Government, and it cut directly into one of the few revenue areas that the States have to rely on at the moment. It has been the subject of very vigorous representations by the States. The current Federal Labor Government continued that taxing operation on I think a six-month trial basis and we will see, at the end of the review being undertaken, just what its intentions are in relation to b.a.d. I will certainly argue very strongly that b.a.d. should not be in operation for the reasons I have mentioned. Its replacement may involve a general transactions-type tax which can replace f.i.d. as well. If some sort of package could be worked out on that basis, and we would be very keen to see that sort of thing happen, then a lot of the problems of duplicate tax, interstate differentials and so on could be overcome.

That is one of the matters being considered by the working party that was established following the Premier's Conference earlier this year, but I completely agree with the Leader about the b.a.d. tax: it is a tax on transactions which cuts into State power. In terms of its revenue yield at the Commonwealth level, it is not enormously significant, and one that it could well look at. As I say, it is committed to make a review of that tax and I would hope that it would result in either its unilateral abolition or alternatively its substitution by agreement with the States for something that would enable our transaction type of taxes to be uniform across Australia. So, I do not think that there is much more to say except that the Government, in looking at the overall f.i.d. package and remissions to be gained, looked at this and decided that there was not a case to remove the stamp duty on cheques and accordingly we oppose the amendment moved by the Opposition.

**Mr BECKER:** I support the amendment: it has merit. People who have cheque accounts today are paying more than ever, and they are being penalised for providing funds to the banks as well as using a simple method of payment, the cheque form.

The continuance of taxing cheque forms, as the Government has done over many years, is wrong. Personally I think it is immoral, and I have always believed that since I was forced to have a cheque account myself. There would be hundreds of thousands of workers in this State who have cheque accounts because their weekly income is paid into one and so they are being penalised for withdrawing their own money. I do not know how any union in this country can support that principle. On top of that they have to pay bank charges, other charges and fees and State and Federal Government fees as well. Let me remind the Premier that when New South Wales introduced this tax (which was passed here last week) in the first day $6 million was transferred at Tweed Heads from one New South Wales bank to a Queensland bank. One can imagine the panic of the bank manager in New South Wales and the delight of the manager in Queensland, and a lot more changed hands within the first month, somewhere about $30 million. Incredible!

Money does move from State to State, and it is a vital proposition for large companies such as Elders-I.X.L., Kelvinators, General Motors, Simpsons, Pope Products, Fauldings—five companies I can remember—to have bank accounts in every capital city. Those companies, instead of paying New South Wales cheques into the bank in Adelaide, post them across to Sydney to avoid the interstate stamp duty. In other words, if someone sends me a cheque from Sydney and I bank it in Adelaide, I have to pay South Australian stamp duty on it. So, it does pay companies, and it has in the past, to seek out the cheapest capital city in which to operate its bank accounts, and as the member for Flinders said, why not in Queensland?

Queenslanders and Tasmanians are sitting back at the moment and watching the States go from 3 per cent to 5 per cent in Western Australia on this institutions tax, and the other charges that go with it. It is all inflationary, it all builds up, and it would pay, with computerisation today, a company to do all of its banking in either of those States. The stamp duty in the Northern Territory used to be the cheapest in Australia. So I think that South Australia should not miss out. South Australia could be disadvantaged, and it is hitting again the average citizen, which is not the policy of this Government. It should not be the policy of this Chamber to penalise the average citizen of this State who wants to have the privilege of a cheque account, and who would prefer to pay his bills by cheque so he has a simple record and the convenience of doing it.

A postal note or money order from the post office is extremely expensive, far more expensive than a cheque form: it always has been. If the Government wants to channel funds into credit unions or building societies it is playing into their hands. The Government cannot give the guarantees on funds in those sorts of institutions that it can through the Australian banking system where the deposits are guaranteed by the Reserve Bank. No-one will lose money if they have it in a trading or savings bank in Australia. However, if one has money in a building society one does not have the same Reserve Bank guarantee. The credit unions have a fund that is guaranteed by the State Government, but only to some degree.

It would be interesting to know the number of workers in this State who are forced to have a cheque account because it suits their employer to pay their money into a trading bank account. At one stage that was the only method that could be used. One could not pay it into a savings account as it was against Reserve Bank regulations. So, the Premier knows that by allowing this stamp duty to remain his Treasury is assured of quite a substantial income when the impact of the other taxing measures is brought in, and certainly all the other taxes are far greater than most of the mainland States in Australia, and even more than double the taxing measures of Tasmania. I ask the Premier and his

advisers to reconsider the situation as it affects the average person and average worker of the State.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen (teller), Rodda, Wilson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pair—Aye—Mr Oswald. No—Mr Keneally.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 10—'Amendment of second schedule.'

**Mr OLSEN:** The Opposition's amendment to clause 10 is consequential upon the amendment just considered by the Committee and lost on the division. It is not the Opposition's intention to proceed with this amendment, but we will hopefully see the matter pressed in another place.

Clause passed.

Title passed.

Bill read a third time and passed.

## STOCK MORTGAGES AND WOOL LIENS ACT AMENDMENT BILL

Second reading.

**The Hon. LYNN ARNOLD (Minister of Education):** I move:

*That this Bill be now read a second time.*

The Stock Mortgages and Wool Liens Act is by virtue of section 2 of the Act to be read as one Act with the Bills of Sale Act. Certain amendments consequential upon the proposed amendments to the Bills of Sale Act are necessary. The impact of these amendments is explained in the clauses explanation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a date to be fixed by proclamation. Clause 3 amends section 5 of the principal Act which refers to registration of a stock mortgage within 30 days after its making. The clause amends the section so that the period is extended to 60 days in line with the amendment proposed to the Bills of Sale Act. Clause 4 makes a corresponding amendment to section 14 which refers to the period for registration of a wool lien.

Clause 5 makes an amendment to section 23 that is consequential upon insertion in the Bills of Sale Act of proposed new section 38a. Proposed new section 38a which provides for size and quality of paper used for documents registered under that Act will, if enacted, also apply to stock mortgages and wool liens by virtue of section 25 of the Stock Mortgages and Wool Liens Act. Section 25 provides that Parts III, IV and VI of the Bills of Sale Act apply in relation to stock mortgages and wool liens as if they were bills of sale. Clause 6 amends section 26 which provides for proof of execution of stock mortgages and wool liens. The clause removes this provision in line with a proposed amendment to the Bills of Sale Act removing the corresponding provision in that Act. Clause 7 makes an amendment to section 25 which is consequential upon amendments to the Bills of Sale Act.

**The Hon. H. ALLISON** secured the adjournment of the debate.

## MARKETING OF EGGS ACT AMENDMENT BILL

Second reading.

**The Hon. LYNN ARNOLD (Minister of Education):** I move:

*That this Bill be now read a second time.*

This simple amendment proposes to increase the number of Government appointments to the South Australian Egg Board from three to four. Currently the membership of the Board consists of three representatives elected by the industry and three Government appointees, one of whom is appointed as Chairman. The egg industry is anxious to ensure that the Egg Board should not be regarded by the public as a body dominated by producers. Accordingly, the Government has been requested to legislate to provide for a clear majority of non-producer members by appointing four members to a Board of seven. The Chairman, now acting in a full-time capacity, has, and will continue to have, a deliberative and casting vote at Board proceedings.

The Bill contains a consequential amendment to the Egg Industry Stabilization Act. That Act constitutes a Poultry Farmer Licensing Committee consisting of the three appointed members of the South Australian Egg Board. The amendment enables the Committee to be increased to four, in line with the increase in membership of the Board. The quorum of the Committee is increased from two to three. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Clauses

Clause 1 is formal. Clause 2 strikes out subsection (2) of section 4 and substitutes a new subsection which provides that the Board shall consist of seven members of whom three are to be elected in accordance with section 4a, and four are to be appointed by the Governor. Clause 3 makes consequential amendments to the Egg Industry Stabilization Act, 1973.

**The Hon. TED CHAPMAN** secured the adjournment of the debate.

## STATUTES AMENDMENT (MAGISTRATES) BILL

Second reading.

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I move:

*That this Bill be now read a second time.*

This Bill is part of the scheme proposed by the Government for the removal of magistrates from the Public Service. It proposes amendments to the Justices Act, the Local and District Criminal Courts Act and the Public Service Act that are consequential upon the provisions of the Magistrates Bill, 1983. It also proposes amendments to the Industrial Conciliation and Arbitration Act relating to industrial magistrates. Under these amendments, industrial magistrates will continue to be appointed under the Industrial Conciliation and Arbitration Act and continue to be responsible to the President of the Industrial Court. However, the Bill provides for the removal of the present provision in that Act under which the provisions of the Public Service Act

may apply to industrial magistrates if the Governor so determines. Instead, the Bill contains new provisions under which the office of industrial magistrate will be filled and regulated in a way that corresponds to that proposed in relation to ordinary magistrates under the Magistrates Bill, 1983. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides for the repeal of section 13 of the Industrial Conciliation and Arbitration Act and the substitution of a new section providing that there are to be such industrial magistrates as are appointed or continue in office under the provisions of the second schedule. The clause proposes an amendment to section 14 providing that a judge of the Industrial Court may exercise the jurisdiction of an industrial magistrate. The clause goes on to provide for the insertion of a second schedule containing provisions relating to the industrial magistracy that correspond in general terms to the provisions of the Magistrates Bill relating to the general magistracy.

Section 1 of the schedule provides definitions of terms used in the schedule. Section 2 is a transitional provision. Under the section, stipendiary industrial magistrates in office immediately before the commencement of the measure retain their existing and accruing rights in respect of recreation leave, sick leave and long service leave. Section 3 provides for the appointment of industrial magistrates by the Governor upon the recommendation of the Minister (that is, the Minister of Labour). Under the section, a person appointed to be an industrial magistrate shall, if the instrument of his appointment so provides, be a stipendiary magistrate, or, if the instrument so provides, an acting magistrate with a term of office not exceeding three months. Subsection (4) requires the Minister to consult with the President before recommending an appointment. Subsection (5) provides that a person must be a legal practitioner of not less than five years standing to be appointed an industrial magistrate.

Section 4 provides for the appointment of a Supervising Industrial Magistrate who must, under the section, be a stipendiary magistrate. Subsection (5) provides that a person may resign from the office of Supervising Industrial Magistrate but remain a stipendiary magistrate. Notice of such resignation must be of a period of at least one month. Sections 5 and 6 make provision in respect of the administration of the industrial magistracy. Under this section, the President is to be responsible for the administration of the industrial magistracy. Provision is made for delegation by the President to the Supervising Industrial Magistrate.

Section 6 provides that an industrial magistrate who is a stipendiary magistrate or acting magistrate is to be responsible to the President in relation to all administrative matters and, in particular, is to be subject to direction by the President as to the duties to be performed and the times and places at which the duties are to be performed. The section provides that an industrial magistrate other than a stipendiary or acting magistrate is to have the same responsibility but only in respect of those magisterial functions that he has consented to perform. Section 7 sets out the circumstances and manner in which a person ceases to hold office as an industrial magistrate, namely, by resignation or by retirement after attaining the age of 55 years (notice in either case being required to be of a period of at least one month), or upon the magistrate attaining the age of 65 years, or, in the case of an acting magistrate, upon the expiration of his term of office, or, finally, upon removal from office by the Governor. The section also provides that a stipendiary industrial magistrate may, with the consent of the Minister, resign from his office as a stipendiary magistrate without ceasing to hold office as an industrial magistrate.

Section 8 provides that the Governor may, on the advice of the Chief Justice, suspend an industrial magistrate from office, if the Chief Justice is of the opinion that there are reasonable grounds to suspect that he is guilty of an indictable offence or if an investigation or inquiry has been commenced under section 9 as to whether proper cause exists for removing the magistrate from office. Under the section, an industrial magistrate is to be given notice of his suspension and, unless the Chief Justice determines otherwise, is to continue to be remunerated. The section requires the Chief Justice to consult with the President before taking any action under the section.

Section 9 provides that the Minister may, of his own motion, and shall, at the request of the Chief Justice made after consultation with the President, conduct an investigation to determine whether proper cause exists for removing an industrial magistrate from office. A report upon the results of any such investigation is to be made to the Chief Justice and the President. Subsection (3) provides that the Chief Justice or the Minister may determine that a judicial inquiry be held into the conduct of an industrial magistrate, and, in that event, the Minister is to make application for the inquiry which, under subsection (4), is to be conducted by a single judge of the Supreme Court. Subsection (5) provides that the Minister shall apply to the Full Court of the Supreme Court for a determination whether an industrial magistrate should be removed from office in any case where the magistrate is convicted of an indictable offence or it appears from the findings of a judicial inquiry that proper cause exists for his removal from office.

Where the Full Court finds that a magistrate should be removed from office, the Governor is empowered to remove him from office. The Minister and the magistrate affected by proceedings before the Supreme Court may appear and be heard in the proceedings. Under subsection (8), proper cause exists for removing an industrial magistrate from office if he is mentally or physically incapable of carrying out satisfactorily the duties of his office, if he is convicted of an indictable offence, if he is incompetent or guilty of neglect of duty, or if he is guilty of unlawful or improper conduct in the performance of his duties of office.

Section 10 provides that an industrial magistrate shall not be removed from office except as provided by the sections outlined above. Section 11 provides that levels of remuneration for the various offices within the industrial magistracy are to be as determined by the Governor but are not to be subject to reduction. Section 12 provides that a stipendiary industrial magistrate is to continue to be able to participate in the superannuation scheme provided for under the Superannuation Act, 1974.

Section 13 provides for recreation leave for industrial magistrates. This is to be 20 days for each completed year of service. Recreation leave is to be taken at times approved or directed by the Supervising Industrial Magistrate but is not to be deferred for more than one year after it falls due to be taken unless the Supervising Industrial Magistrate is satisfied that there are special circumstances justifying the deferral and, in any event, is not to be deferred for more than two years. A person ceasing to be an industrial magistrate is to be entitled to a payment in lieu of any recreation leave to which he has become entitled but not taken before ceasing to be a magistrate. Section 14 provides for sick leave for industrial magistrates. This is to be 12 days for each completed year of service, a proportionate entitlement accruing for each completed month of service.

Section 15 provides for long service leave for industrial magistrates. This is to be 90 days leave in respect of the first 10 years of service; in respect of each subsequent year of service up to and including the fifteenth year of service—nine days leave; and in respect of each subsequent year of service thereafter—15 days leave. The section provides for the taking of long service leave at half pay, in which case, the period of the leave is doubled. The section provides for a payment in lieu of long service leave where a person ceases to be an industrial magistrate without having taken long service leave to which he has become entitled. The section also provides for a pro rata payment in respect of long service leave where a person ceases to be an industrial magistrate after completing seven years service but before becoming entitled to long service leave. Section 16 provides that the Supervising Industrial Magistrate may grant special leave to an industrial magistrate for any reason that, in the opinion of the Supervising Industrial Magistrate, justifies the leave. This may be with or without remuneration as the Supervising Industrial Magistrate thinks fit and for any period not exceeding three days in any financial year. Special leave beyond three days in a financial year may be granted but only with the consent of the Governor.

Section 17 provides that the Governor may determine that a person appointed to be a stipendiary industrial magistrate shall be credited with recreation leave, sick leave or long service leave rights accrued in respect of previous employment or with service in previous employment for the purposes of determining such leave rights or rights in respect of superannuation. Section 18 provides for the payment where an industrial magistrate dies while in office of an amount representing the monetary equivalent of recreation leave or long service leave owing to the magistrate before his death or the monetary sum representing pro rata long service leave where the deceased magistrate had not less than seven years service but had not become entitled to long service leave. Under the provision, an advance payment may be made to dependants of the deceased pending the administration of his estate.

Section 19 provides that no award or industrial agreement shall be made under the Industrial Conciliation and Arbitration Act affecting the remuneration or conditions of service of stipendiary industrial magistrates. Clauses 4 and 5 strike out from the Justices Act and the Local and District Criminal Courts Act, respectively, the provisions of those Acts dealing with magistrates that are no longer required in view of the provisions of the proposed new Magistrates Act. Clause 6 amends the Public Service Act so that it is clear that that Act does not apply to Industrial Court Judges, District Court Judges, magistrates and industrial magistrates. The clause also amends section 99 of that Act so that portability of leave and other rights would apply in a case where a magistrate moves to a position in the Public Service.

**Mr EVANS** secured the adjournment of the debate.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.
(Continued from 25 October. Page 1305.)

**The Hon. H. ALLISON (Mount Gambier):** The Opposition supports this Bill. Any measure which helps the police and the magistrates to interpret more clearly the intentions of the principal Act is obviously desirable. This amendment arose from criticisms of the principal Act by a State magistrate, and those criticisms have been examined closely by the Crown Solicitor. There still remains the difficulty in proving that a person acted from motives of prurience, or lewdness, that being a subjective assessment. However, if the new clause goes some way towards preventing anyone from lewdly inciting or procuring children to engage in indecent acts or from exposing their bodies, then the measure has to be supported.

Members on this side have long supported and initiated legislation against child pornography. We have long maintained that the rights of adults are of absolutely no consequence if, in indulging in their lewd, lecherous or lascivious whims, they seek to involve children either directly or indirectly. Members on this side of the House have always maintained that, no matter what anyone may say about the rights of adults, in cases involving child pornography or potential child pornography the rights of the child must be of paramount importance. Over the past few years moves have been initiated in another place by the Hon. John Burdett, and amendments to legislation on child pornography were moved by members of the Opposition when the Hon. Don Dunstan was Premier. I believe that one of the few amendments on the subject which was accepted in this House was one that I was able to move. At all times we have naturally tried to protect the interests of children. The shadow Attorney-General in another place and I have examined this Bill and remain unconvinced that it will remove completely the problems that were brought to the attention of the Crown Solicitor by a State magistrate. However, it is difficult to find any more appropriate words to help the courts sufficiently to remove all of those problems. The Opposition has pleasure in supporting this Bill and commends it to the House.

**Mr BAKER (Mitcham):** I want to refer to two aspects of this Bill, one of which relates to the drafting and the other to what it will achieve. I share the view of members on this side of the House and in the other place that this Bill does not solve the present problem. Unfortunately, I, like the member for Mount Gambier, have not been able to find alternative words to cover what we all want this Bill to do. In his second reading explanation, the Minister referred to areas of the legislation where the magistrate had great difficulty in convicting a person. This related to a photographic situation, and part of that matter has been covered by an earlier amendment. I think one of the difficulties is knowing exactly what 'prurient' means. I believe that the law should become more simple and not more complex. The *Shorter Oxford Dictionary* defines 'prurient' as meaning 'given to or arising from the indulgence of lewd ideas; gratifying an interest arising from indulgence of lewd ideas'. That is an interesting interpretation: the court has to establish that a person involved in this situation could be clearly shown to have indulged in lewd ideas at the time the act was committed. Roget's *Thesaurus* contains other definitions or alternative words, such as 'libidinous', 'lustful', 'lickerishness' (which also happens to mean 'fond of fine foods'), 'lust', and 'concupiscence'. They are all words which are used on odd occasions when people really do not want you to know what they are talking about and 'prurient' belongs in that category.

**Mr Blacker:** Gobbledegook!

**Mr BAKER:** It is gobbledegook, as the member for Flinders says. I believe that two principles are being confused in this amendment. First, I refer to the commissioning of an indecent act to 'incite, or procure/commission by a child of indecent act'. The magistrate has to satisfy himself that the person concerned had a prurient interest in conjunction with the indecent act. That is an interesting situation, because if that person can satisfy the magistrate that he did not have a prurient interest (proof of which is difficult to sustain in any court of law) the indecent act becomes irrelevant.

Secondly, what is an indecent act? The situation involving children in, say, a normal beach situation can be regarded as natural, whereas another situation may be regarded as unnatural. The question of proof would arise in such cases. 'Prurient' should really be related to paragraph *(b)*, not paragraph *(a)*. Paragraph *(a)* involves purely a matter of fact; one could say that 'indecency' is a fact, which obviously causes some problems. I believe that two issues are confused in the Bill and that even the interpretation therein may cause the magistrate some problems. Paragraph *(b)* deals with the exposure of parts of the body.

That, of course, can relate to a normal family situation, for instance, where there are no sexual overtones at all. The measure attempts to encompass an instance where a person wants to use such a situation as a means of gratification. This is where the law must sort out the intent rather than the act itself. I believe that the law has not been tightened sufficiently in this area. It needs further review and I will be interested to see how the courts handle the situation in the difficult areas that I have already signified. We have not come up with a new set of words. None of us has Parliamentary drafting experience. I hope that the Minister will keep an eye on this section of the Act and the way in which it is viewed by the courts, because there may well be need for further amendments later to implement what I believe is the will of the Parliament and a desire to see that certain safeguards are provided.

**Mr BLACKER (Flinders):** I support the Bill. We would all agree that any measure that clarifies the law and certainly that which points out the wrongdoings of those who have been flouting the law and brings them into line must be of benefit to this State and the community. This House cannot be too strong in its condemnation of a situation arising in which young people can be used or abused. This measure in attempting to provide stronger guidance to the courts is to be applauded by all.

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I thank members opposite for their support of the Bill. I acknowledge that the Bill may not be couched in terms of absolute precision and clarity, but this is an area where the law cannot provide absolute clarity. The Government goes through the processes of constructing legislation formulated around case law. In this instance the learned magistrate made recommendations to the Government, and I have had an opportunity to read his judgment in this matter. In quite stinging terms he called for reform of the law. Indeed, the magistrate was very critical of the Government of the time for delays in bringing in legislation, particularly where the rights of children were at risk. I hope that this Bill will now give the courts the framework in which they can bring about justice in these most undesirable situations that occur. They occur infrequently, but certainly from time to time, and we need to make every effort to ensure that the courts are possessed of the appropriate law to stop this form of behaviour.

The member for Mitcham, I think probably erroneously, talked about a magistrate being able to prosecute in a matter. I think it was the police who were prosecuting, and the magistrate was having difficulty in finding some law upon which he could bring about an acceptance of the prosecutor's pleas. His attempts to find some precise meaning of this have been taken up by others. I have looked at the definition of 'prurient' and those other words referred to, such as 'lascivious', as given in the *Macquarie Dictionary*, the *Chambers Dictionary* and the *Oxford Dictionary*. I would hope that the magistrate would take the intention of Parliament into account in giving a general meaning to the word 'prurient' while considering also the circumstances put forward by the prosecution in order to bring about an appropriate decision on the facts brought before him at any given time.

As I have said, in matters of this nature Parliament is reliant upon common sense being applied by the courts and by effective prosecution forces in gathering together the circumstances, so that a magistrate can infer from the breadth of the circumstances applicable the conduct that is necessary to invoke a law. As other honourable members have expressed the wish, so, I hope that this Bill clarifies the situation sufficient to give the community confidence that the law in this area is effective. I would suggest that this goes hand in hand with other attempts by the Government to bring about proper controls, for example, in the area of undesirable showing of video tapes and the like, so that the Parliament can be effective in protecting community interest.

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

## SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 26 October. Page 1381.)

**The Hon. JENNIFER ADAMSON (Coles):** The Opposition opposes the Bill, the main purpose of which is to alter the constitution of the South Australian Health Commission by reducing the present number of Commissioners from one full-time and seven part-time Commissioners to two full-time and three part-time Commissioners. The very Committee, the report of which is supposed to be the justification for the introduction of this legislation, in its report, which is entitled 'Review of South Australian Health Commission management' and which was laid on the table of the Legislative Council on 12 May stated:

> The Health Commission needs a period of stability to complete the restructuring process without, if possible, further investigations.

In that important paragraph the review committee acknowledged, as indeed the Tonkin Government had done in its 1982 election health policy, that the Health Commission in South Australia has been subject to periods of change and upheaval since its inception. If it is to fulfil its statutory functions properly and to continue to deliver health services of a high standard, it must be allowed a period of stability in which it can consolidate the considerable progress that has been made since its establishment. As this is a fundamental change, I believe it is worth going back to first base and allowing the House to consider just what has happened in health services in South Australia in the past decade.

The Dunstan Government established a committee of inquiry into health services in South Australia, chaired by the then Mr Justice (later Sir Charles) Bright, which reported in January 1973. The Bill enacting the modified recommendations of that committee was passed by the Parliament in 1976 but was not put into effect until 1978. The structure of the Commission was subsequently altered, for reasons which I will explain shortly, by the Tonkin Government in April 1980.

To consider the basis on which the Commission was established (and it is important to look at this in order to have a view about the present policies), one should go back to the report of the committee of inquiry into health services. One important conclusion of that committee was that the health services cannot be run according to a Public Service model which is appropriate for the delivery of a whole range of other Government services, for a whole variety of

reasons. Such reasons include the fact that there is always a patient on the end of the line; that there is a huge diversity of health professionals, para-professionals and industrial bodies involved in the provision of those services; and that services are provided not only by Government but by the private sector and voluntary organisations. This means that the ordinary Public Service model cannot hope to cope with the diversity and complexity of the provision of health services in this State.

When the Bright Committee reported, it stressed that a health authority (it did not describe it as a commission, as it felt that that word could misinterpreted) be established and that the former Public Service model with the two accepted departments, the Public Health Department and the Hospitals Department, be abolished. On page 32 of its report the committee recommended:

3.6 The Health Authority will be a corporation created by Statute. We favour an Authority of at least five members at least one of whom must be a medical graduate, but the number is not immutable. The most important features of the Authority will be the following:

*(a)* Certain skills must be brought by members to the Authority.

Four groups of skills are respectively:

1. Medical, nursing, paramedical.
2. Administration, finance, planning.
3. Education and training of health personnel.
4. Community and consumer needs.

The committee went on to outline other recommendations. The Dunstan Government, in the final analysis, did not adopt the five-member recommendation. Under the original Health Commission Act, it established three full-time Commissioners and five part-time Commissioners. When the Tonkin Government came to office, and following my appointment as Minister of Health, it immediately become plain (and the committee of review acknowledges the fact) that the Health Commission, under its then structure, was not working. In my speech to the House on 6 March 1980 (page 1526 of *Hansard*), during the second reading debate on a Bill to amend the Health Commission Act, I stated:

... after several months assessment of the operations of the Health Commission, that the Commission is not functioning as the effective co-ordinating body that it was originally intended to be. As it is currently structured, the Commission relies heavily on collective decision making. The structure fails to establish clear lines of authority and accountability and predisposes the Commission to the kinds of financial and administrative problems with which the Commission and the Hospitals Department have in the past been beset.

That was a reference to the scandal involving financial mismanagement uncovered by the fourteenth report of the Public Accounts Committee. In introducing that legislation, the Government was very much persuaded by the recommendations of Sir Charles Bright, whom it had invited, following his retirement from the Supreme Court bench, to act as a Special Adviser on health services to the Government for six months in order to assess the situation, knowing that his knowledge of South Australian health services was unparalleled. We also believed that it was appropriate to ask to review the operation of the Act the person who had been invited originally by the Dunstan Government to conduct the most comprehensive inquiry ever held into health services in this State.

As I mentioned in my Address in Reply speech earlier this year, Sir Charles did me the honour of writing me a series of letters on constitutional matters. I quoted from some of those letters in relation to the role of the Governor, Ministers, and the Premier and Cabinet in my Address in Reply speech. Two of those letters dealt with the role of the Health Commission. I would like to read into the record some of what Sir Charles said in March 1980, because I believe that it will be of value to all who are concerned about the Health Commission and the operation of health services. It is directly related to this Bill, as he is dealing with the structure of the Commission.

**The Hon. Michael Wilson:** Every member should read what he says.

**The Hon. JENNIFER ADAMSON:** Yes. He states:

The Commission has been created by statute and it is a corporation (see section 7) having powers derived from the statute. It is analogous to the Housing Trust, the Electricity Trust and the State Bank. It is an instrument of the Minister but it is not a mere agent of the Minister.

Sometimes, watching the activities of the present Minister, one would wonder. The letter continues.

However, the Commission is not an unfettered corporation. Section 15 of the Health Commission Act, 1975-1976 reads:

In the exercise of its functions, the Commission shall be subject to the general control and direction of the Minister.

What that apparently simple section means may one day require extensive debate. It is a section which stands on its own, not expressly stated to govern any particular part of the Act. It does not profess to take away from the Commission the powers contained in section 16.

Perhaps the meaning of section 15 is as follows:

*(a)* The Commission has full statutory power to do or to refrain from doing any of the things mentioned in section 16.

*(b)* But the Minister may direct that in the exercise of its powers the Commission shall conform to Government policy (e.g. no retrenchment)

*(c)* Moreover the Minister may exercise a 'general control' over the Commission by requiring it to adopt certain principles in relation to health services (e.g. more domiciliary care and less hospital care)

What seems to me fairly clear is that the Minister acts, except where she is given personal powers by the statute (e.g. section 8), through the Commission. She controls the exercise by the Commission of its powers: she does not put the Commission aside and use assumed powers of her own. To put the matter in another way, she cannot institute a sort of direct Presidential Government which assumes the surrender of powers by the Commission.

All this seems fairly technical but it is of great importance, especially to third persons. I cite a few illustrations:

*(a)* Where the Commission, in the absence of a contrary direction to it from the Minister, issues a direction within any of the powers specified in section 16, the person or body receiving the direction is bound by it. Even if the Minister subsequently disapproves of the direction, the direction remains in operation until the Commission withdraws it.

*(b)* Where the Commission, in the absence of a contrary direction from the Minister, enters into a contract with a third person, that contract remains valid even if the Minister subsequently disapproves of it.

*(c)* Where the Commission, in contravention of a direction to it from the Minister, enters into a contract with a third person that contract probably is valid provided the third person did not know of the prior Ministerial direction. It may be valid even if he did know, because a Ministerial direction may perhaps not act to withdraw power.

Sir Charles continues:

The emphasis in the Health Commission Act on the powers and functions of the Commission may be contrasted with the language used in the earlier Acts, which speak of the Government or the Director-General as persons exercising powers.

I read that into the record because I believe that the interpretation of a distinguished jurist such as Sir Charles Bright would be of interest to the House and to the South Australian community. It has a direct bearing on this legislation.

I return now to the original Bright Committee report and the emphasis on certain skills being brought to the authority by its members, although the committee stressed that the Chairman and members of the authority should not be regarded as representing any specific sectional interests. Fortunately and mercifully, the Act has never been constrained by a representative commission. Recognising the importance of that, Sir Charles recommended part-time Commissioners numbering seven and suggested to me that those people be selected carefully (their apointments to be approved by the Governor, of course) so as to encompass the broadest possible

range of input into the Commission from this great diversity that exists in the health services.

By giving much thought to the appointment of those people, the Tonkin Government was able to appoint a number of eminent people. We chose the appointment periods so that there would be both continuity and stability on the Commission, as well as continuing new input from various fields. Using the basis of seven part-time members, we were able to appoint people from diverse fields such as the universities, community medicine, the voluntary health services, dental and mental health, Aboriginal health, women's health, and human nutrition. A vast range of skills was brought to bear upon the deliberations of the Commission by those seven part-time Commissioners.

It is important to stress the benefits of that input because this Bill not only abolishes that breadth of input but at the same time abolishes a statutory committee, the Health Services Advisory Committee, which was another avenue by which a breadth of input could be obtained by the Commission. I will deal with the Health Services Advisory Committee shortly, but I would now like to turn to the Minister's second reading explanation, in which he refers to the position of Deputy Chairman and the fact that the review committee recommended that the Deputy Chairman be made a full-time member of the Commission.

His position was established under Statute when we made amendments, but the Deputy Chairman was never actually a member of the Commission. That is the one and only aspect of the Bill with which the Opposition has no quarrel. It was clear to me in 1982, when the Chairman of the Health Commission went overseas, that it was invidious to place the Deputy Chief Executive Officer in a position where he could not chair meetings because he was not a member of the Commission. At each Commission meeting, Commissioners had to elect from the part-time members a temporary Chairman. I agreed that that was not satisfactory. I recognise the validity of the review committee's findings and recommendations in regard to making the Deputy Chairman a full-time member of the Commission. However, the second reading explanation stated that the Government endorsed virtually all the recommendations of the review team. It considered that the change in the constitution and role of the Commission was of fundamental importance to the upgrading of the Commission's management function.

This is where I differ from both the Minister and the Review Committee. It is interesting to see that the Review Committee was comprised, as I understand it, entirely of members of the Public Service, none of whom, as far as I am aware, had any experience in health administration. That is not in any way to decry the capacity or integrity of those members. They were Mr Don Alexander (Deputy Director-General of the Engineering and Water Supply Department), Mr Don Faulkner (Director, Management Systems and Review Division of the Public Service Board), and Mr Mel Whinnen (Director, Administration and Finance in the Department of Mines and Energy).

The Bright Committee report, on which the Dunstan Government based the whole structure of the Health Commission, stressed that the Commission needed to be divorced from the Public Service, and that delivery of human services through the Public Service model was not satisfactory and could not be properly grafted on to health service delivery. Now this Government has appointed three public servants, none of whom has had any experience of health administration.

**An honourable member:** Possibly all patients.

**The Hon. JENNIFER ADAMSON:** Except, as my colleague points out, as patients. Their conclusions will markedly, in fact radically, affect the structure and management of a health services delivery organisation. I would take issue with the Government over the organisation's composition. Again, I am not casting any aspersions on the individuals, but on the Government's lack of judgment in putting three senior public servants who have had no experience in health administration as more or less judge and jury to pass judgment on the capacity of the Health Commission to manage its health services delivery function.

That was poor judgment on the Minister's part. I believe that this major change to the structure of the Health Commission will not serve the Commission well. In his second reading explanation, the Minister continued:

> The Government recently filled three vacancies in part-time membership by appointing persons with the background suggested by the review team, namely, a senior or recently retired public sector manager.

In this case Commissioner Mary Beasley was appointed, together with a private sector appointee (Mr R.H. Allert, a chartered accountant), and a respected health administrator (Dr Brendan Kearney, Director of the Institute of Medical and Veterinary Science and formerly Deputy Chief Executive Officer of the Health Commission).

Amongst the three of them there is only one person with any experience in health administration. Yet, the Bright Committee said that at a minimum four groups of skills must be included on the authority. They were medical, nursing and paramedical, administration, finance and planning (admittedly, in respect of Mr Allert, that group of skills is represented), education and training of health personnel, community and consumer needs.

In one go the Government has wiped out any input whatsoever into the Commission except at staff level. Certainly, there is no input at the top level from the huge variety of providers of health services. The enormous number of disciplines is not represented. The health professions are not like the educational profession where one finds teachers, professors, lecturers and tutors. In health there would be upwards of scores of different professions and para-professions. As things stand, there is no capacity whatsoever for their views to be put at Commission level or at any level further down.

There is simply no consultative mechanism with the abolition of the Health Services Advisory Committee, and there is certainly no mechanism at the top level. The Commission as it was structured under the existing Act, as amended by the Tonkin Government, worked extremely well, was very well respected, and I believe that the principal health professional groups, the doctors, the nurses, the dentists, the principal education groups, the universities, the principal voluntary groups and the principal community groups felt that their views were well understood and well put at Commission level by the Commissioners we appointed.

The Health Services Advisory Committee which is abolished by this Bill deserves a mention. As the review committee report states, the committee was not envisaged by the original Bright Committee Report: it was in fact the result of an amendment in the other place that this committee was established. It comprised 14 members made up as follows:

> A Chairman who shall be a Commissioner, and nominees from the Local Government Association of South Australia (2), the South Australian Hospitals Association (1), the Australian Medical Association (South Australia Branch) (1), the Australian Dental Association (South Australia Branch) (2), the Royal Nursing Federation (South Australia Branch) (1), the Public Service Association of South Australia and the Australian Government Workers Association, one nominated jointly—

I think that everyone can readily imagine the difficulties of achieving that feat—

> . . . the South Australian Council of Social Services (1), the St John Council of South Australia (1), the South Australian Association for Mental Health (1).

These are all important bodies, but one might say arbitrarily chosen, in the light of the view of the Parliament of that time, 1976.

That committee, with the best will in the world, found it very difficult to work. When I came to office I found that it had never reported to the Minister; it appeared to serve no useful function. Its members were extremely frustrated, and it did not seem to have any reason for being. As a result of the efforts of the Reverend Vern Harrison, who was then a part-time Commissioner, at chairing the committee, the committee tried to generate and discover its own useful function; it was struggling. It was then subsequently chaired by another part-time Commissioner, and I could see that, while there was an opportunity for input, it was in effect an artificially created body. Nevertheless, I think it is important to place on the record my gratitude as a former Minister, and the gratitude that the health services in South Australia would I am sure want to express (if it was aware that this was happening) for the time that those people put in. Month after month they met conscientiously and they did not ever feel that they were achieving anything, but they stuck with it. These people put in extremely valuable time on the committee and some of them, certainly those in private practice, had to forgo considerable income in order to attend those committee meetings, and I believe that there should be on public record an expression of appreciation to them.

I return to the second reading speech and to the review committee's report. I repeat that the Health Commission cannot withstand continued further change. The review committee, notwithstanding some of its sound conclusions, was set up because the Minister, for reasons of his own, wanted to dismantle the existing structure of the Commission, not because he saw any failures in its management function, but because quite simply he had severe personality conflicts with many of its members: that is no secret. It is well understood in the health services, and certainly some Commissioners were subject to personal abuse and vilification of a kind which should never occur between a Minister and a member of a statutory body. There can be no justification ever for that kind of conduct by a Minister, and I believe that the Commissioners, whose term expired in the middle of this year, have served South Australia extraordinarily well, certainly represented an unusually wide and highly skilled cross-section of the health services, and were all very well respected in their various fields.

The Bill was debated at some length in the other place. The Government should take note of the fact that no statutory body can withstand the constant change that the South Australian Health Commission has been subjected to. The existing structure was recommended as a result of a careful assessment by a man who was recognised, before his death, as one of the most eminent authorities on health services in South Australia. The present Government has chosen to ignore that advice, for reasons which I believe have a lot to do with the personality of the present Minister, and to my mind that is not good enough reason for changing legislation. In fact, it is an abhorrent reason for changing legislation, and for those reasons the Opposition opposes the Bill.

**Mr OSWALD (Morphett):** I congratulate the member for Coles on her contribution to this debate tonight. She has made an excellently researched speech, and put the point of view very clearly to us this evening of the change of direction being imposed on the South Australian Health Commission. About 12 May last the Alexander Report was tabled in the House, and it acknowledged that the Commission has undergone changes over recent years and made certain recommendations that should take place. It is my belief, and I believe of members, certainly on this side, that the Commission has experienced a period of change and a certain amount of upheaval since its inception and, as the former Minister of Health said a few minutes ago, it needs a period now to consolidate if it is to deliver that standard of health care which we have come to expect in South Australia.

The recomendations made in the Alexander Report are worthy of going through. The report identified further areas of improvement in general management, resource allocation, financial management, computing, planning and policy development. The thread that runs through all of those recommendations is one of management. The main aims and recommendations in the report I imagine could be summarised by saying firstly that they create a climate of clarity of purpose, in other words, they are there to give the newly restructured Health Commission a new sense of direction. Secondly, it is to create a role of the agencies involved in the delivering of health care, and I do not think that is unhealthy at a time when reorganisation takes place because it reasserts in the eyes and minds of those involved in the various professions the role that they have to play at agency level; and thirdly, it is to create a tighter management process in the Commission, and that is one of the main recommendations of the report. Fourthly, it recognises the importance of health units in managing their affairs, and this is out in the regions; and fifthly, it is the restructuring of the Health Commission itself. If one looks at those five recommendations, there is a feeling that the fifth recommendation could be in conflict with the fourth. Certainly, the Health Commission is redesigned, as I made in the third point, to bring about a tighter management process within the Commission for better management and accountability.

*The Hon. Jennifer Adamson interjecting:*

**Mr OSWALD:** That is right. If we look at the fourth recommendation, which was to recognise the importance of the health units managing their affairs out in the regions, then we run into conflict because the whole thrust of concentrating the restructuring of the Commission and concentrating management at the Commission board level, by the very nature of the fact that they have to be accountable for all the finances of the Commission, to do their job properly they must take away some of the decision making which would normally, under the previous system, be given to the health workers and professionals out in the regions. Therefore, there is already a conflict of roles that the new Commission will play in its restructured version as compared with how the regions were expected to conduct themselves. It is interesting that one of the main recommendations is that the regions be recognised as having a role to play in the decision making process and, in actual fact, this role at management level will now, I imagine, be taken away by the Commission itself.

Originally, the Commission consisted of three full-time and five part-time members who relied on collective decision making to run the Commission. One of the points made in the Alexander Report which was tabled in Parliament was that this balance of membership, according to the members who put the report together, was not conducive to the establishment of clear lines of authority and accountability. That may be so and, of course, only history could have proved that. However, in 1980 the Commission was reconstructed into one full-time Commissioner as a chairman and executive officer, and seven part-time Commissioners. The Alexander Committee considered that this gave little opportunity to contribute to the ongoing management of the organisation. I do not think that that recommendation says much for the Public Service staff which was there to back up the Commissioner because I would have thought that, if managed and directed properly, the management

expertise would have been available to the Chief Executive Officer under the 1980 structure.

Of course, combined with that one has seven part-time commissioners with 'hands on' experience in the medical field and, of course, these commissioners came from a vast variety of disciplines within the medical professions and health care generally, and were available to advise the Chairman and help in the decision making process. In his second reading explanation, the Minister alleges that there has been confusion amongst the part-time members as to whether their proper role was of a general advisory nature, a policy development, or day-to-day administration.

**The Hon. Jennifer Adamson:** That means he didn't like it.

**Mr OSWALD:** That could be so. The former Minister could have hit it right on the head there. The Minister further stated:

> The review team commented that the nature of Commission membership has not lent itself to addressing managerial issues.

Once again, what on earth do we have a Public Service for? I believe that there would certainly be competent officers within the Public Service who could have stepped in and provided that managerial expertise which, combined with the structure of the Commission in 1980, would have provided a most effective on-going form of administration to give us the health services that we require.

**Mr Becker:** I wonder who was on the committee of review?

**Mr OSWALD:** The member for Coles has analysed that and I think that readers of *Hansard* could be well advised to refer to her speech on that subject because I think she covered that aspect extremely well. The review recommended a change to a full-time chairman who would be the chief executive officer of the Commission, a deputy chairman who would act in a full-time capacity, and three part-time members of the Commission not necessarily having expertise in the medical disciplines but rather expertise in the field of management, and corporate management at that.

The new role was to act as a board of management, to act in an advisory capacity to the Minister, and to assist the chief executive officer in his functions. Once again, we are starting to narrow down the amount of medical input from those Commissioners who in the past have been in direct contact with a vast field of medical disciplines. I keep asking this question: under the new structure, where will there be a medical input at the actual board of the commission level?

*The Hon. Jennifer Adamson interjecting.*

**Mr OSWALD:** By definition I talked about it medically, but I am referring to all the health services and, to coin the new expression, all services provided in the health industry. One aspect which I support is the full-time Deputy Chairman. I have no argument with that because there are times when the chairman will be away on leave, interstate, or away for some purpose and, of course, there is a need for a Deputy Chairman to stand in and fill the role when the chairman is away on leave. I notice that the Government intends also to dispense with or abolish the Health Services Advisory Committee which consisted of 14 members from various organisations who are involved in the delivery of health services and, of course, were to advise the Commission. The review team found that this committee did not play a useful role within the Commission and I would suggest that maybe it was not being used properly. The review team considered that it was a duplication of what the part-time Commissioners were providing, its membership was too large and had a sectional interest and, therefore, there was disputation between them about the provision of health care. It was quicker, it appeared, to get advice from within the Commission than to go to the Health Services Advisory Committee.

Of course, that committee has now been disbanded and I would like to come back to that subject after the dinner adjournment. The review team recommended the establishment of a Community Health Advisory Committee, and I suppose that the key words there are 'community health'. I believe that I have heard the Minister say to the media that the new provision of the Community Health Advisory Committee would advise the Commission on a new policy initiative of the Government, namely, in the area of community health. I can assure the Minister that the Opposition will be watching the development of the community health programme with great interest to see whether it does follow the line of his policy speech. I have no argument with efforts to upgrade the management and accountability functions of the Commission. The Health Commission's budget, according to my memory, takes up one-third of the State's overall gross Budget and any effort to make it more accountable is to be applauded by the Opposition.

However, I think that we should look very carefully at what the Government is trying to achieve in this reorganisation. I would have thought that one of the main aims which has evolved from the Health Commission since its inception was the decentralisation of administration and control. It was called 'regionalisation' and there was a strong move over recent years for regionalisation to be developed further so that the decisions taken in the provision of health care could be provided and planned for out in the regions where the health care workers with hands-on knowledge were in a better position to make the decisions. Because of the administrative and accountability expectations being placed on this new Commission, it will have no option but to draw control of all aspects of health delivery under its own umbrella in Flinders Street.

*[Sitting suspended from 6 to 7.30 p.m.]*

**Mr OSWALD:** Prior to the dinner adjournment I was making the point that the Commission would have no option but to centralise its control to meet its objectives of management accountability. To recap for a moment, for the benefit of honourable members who were not here at the conclusion of the pre-dinner session, I point out that the main aims and recommendations covered in the Alexander Report included recommendations that required the tighter management processes in the Commission, a recognition of the importance of the health units in managing their affairs out in the regions, and, of course, a restructuring of the Commission itself. Herein lies the difference in the two philosophies of where we are going in the delivery of health care in South Australia. Decisions which involve the delivery of health care and the expenditure of money will all have to be vetted by the Commission. I think that is pretty self-evident now with this new change of direction. It also places the delivery of health care in South Australia totally in the hands of the Minister of Health and gives him the legislative and fiscal clout to further influence the nationalisation of all health professions in this State. This is now what we are starting to talk about.

The net result of this has been, and will be in the future, a decline in the quality of health care available to the public. This is of great concern to many health professions in South Australia at the moment. The whole philosophy of this socialist Government in South Australia (and I do not blame it for one minute in following this philosophy because that is what its basic political outlook on life is) concerns the centralisation of control by the Government. That is what the Government is all about. While I freely acknowledge that under certain circumstances the Minister should be

accountable for the priorities and fiscal policies within a department such as the Health Commission, it concerns me greatly that this Bill will give the Minister additional centralised powers to further pursue an aim of nationalisation and centralisation of control of all facets of the delivery of both private and public health services in South Australia.

For example, during the Estimates Committee I asked a series of questions of the Minister of Health concerning the cutting back of services in the renal unit, the burns unit and a variety of other units at the Royal Adelaide Hospital, where professional staff were not being replaced. The Minister gave me a clear answer that the decision taken was a correct decision that had been taken by the Board of the hospital on its own internal advice and that therefore that sort of countered my argument that the Minister was in a position to influence the staff of the hospital. The Minister's answer was immediately countered by a Public Service officer who was at the table with the Minister who said that that was not true, that in fact the Health Commission through its budget could control the appointment of staff to the hospital. I am referring specifically to surgeons in various units. So, in actual fact the Health Commission is, to coin an expression, in the box seat to influence the appointment of professional staff to the hospital, or I might say, as has been happening over recent times, to influence the demise of some of the old school of professional staff who have given 'medical excellence' in the provision of health care at the Royal Adelaide Hospital. It may be that the Minister can enlighten me during the Committee stage of the Bill, but I fail to see why it is necessary to change the structure of the Commission radically in the interests of better management if the department is going to do its job properly.

It also concerns me that the Government is proposing to cut-back the input into the Commission at Commission Board level by health professionals. It is doing this by removing the part-time commissioners who have 'hands on' knowledge of what is actually happening out in the health field and replacing them with administrators. Surely our super-egotistical Minister of Health, who every time he goes out publicly tells everyone that he is the greatest Minister that this State has ever known, is not going to step in and fill the vacuum and provide the knowledge that is needed to run the very complex Health Commission that we have here in South Australia. The Bill seeks to amend section 15 of the principal Act which sets the scene in regard to the powers of the Minister of Health. It states:

> In the exercise of its functions the Commission shall be subject to the general control and direction of the Minister.

So, there it is. There is now a small very powerful Commission subject to the general control of the Minister. Section 16 of the principal Act, which sets out the powers of the Commission, in no way overrides section 15. However, section 16 gives the Commission enormous powers to issue directions which, even if the Minister does not approve of them, remain in force until such time as the Commission withdraws them. I think to give the Health Commission such enormous powers in connection with such a small committee is questionable. During the Committee stages I will certainly be questioning the Minister on this aspect. He may wish to prepare his reply in advance.

I am also concerned that the Government's decision to axe the Health Services Advisory Committee and to cut back the number of part-time health professionals, who have been there since 1980 to advise the Health Commission, could result in a drastic cut back in the advice being fed into the health decision-making process at the board level of the Commission. The flow-on from that which is of concern to me is that there could then be a cut-back in the number of recipients of health care in the regions where in actual fact many of the decisions have been made in the past and where they should continue to be made in the future.

I am opposing the Bill because it involves a reduction in the quantity and the number of types of representatives of practising health professionals serving on the Health Commission. I am concerned that the Commission as an administrative body will lose its wide-ranging and varying sources of advice. This is terribly important: it is not there simply as an administrative unit. If that is to be the case, we might as well go back to a Department of Health administered by a Director-General and a Minister. We might as well do that if we are going to take away from the present conglomerate of the Health Commission the medical advice that is being fed into it. That would be very easy: New South Wales has done it. I also point out that the State and Federal Governments have recently coined this expression, 'health industry', to which I referred before the dinner adjournment, covering the whole field of care of the sick. I do not like the expression very much as related to humans; nevertheless, I think it clearly illustrates how much and how involved the Health Commission is with doctors and nurses. It is for that reason that it is so terribly important that a greater scope of medical disciplines be incorporated or represented on the Health Commission.

If the Commission is to be entrusted with the enormous centralist power enshrined in this legislation, it is still not too late for the Government to move an amendment to include some additional part-time Commissioners actively working in the health field who could add their voice to the Commission. If we are not going to follow that course but are setting up the Commission with top-line administrators who are used to running businesses (I do not say that that is wrong as I do believe that the Health Commission has to be managed by top, competent financial administrators), we may as well set up a Health Department with a Director-General.

However, if we are going to adopt Mr Justice Bright's suggestion when he set up this whole entity, incorporated in the Commission should be health professionals who are in a position to help with the production policy. To overcome this deficiency in the Bill, we should increase the number of Commissioners. We should be looking for three part-time Commissioners who should have business expertise and add to it some medical people. That is all the Minister is looking for within the Health Commission, as he stated:

> . . . three part-time members who should be carefully selected by the Minister with their potential contribution to management being the prime consideration. In this context the individual is more important than his background.

I am not too sure about that statement. He then goes on to say:

> An effective composition could be a senior or relatively recently retired public sector manager, a private sector appointee, a respected health administrator . . .

That is all he sees as being necessary to run the Health Commission apart from the appointment of the Commissioner himself, purely for administration purposes only. No-one could argue that. I have never doubted the competency of the public servants who headed up the Alexander Committee: they are most highly respected public servants and produced an excellent report. They reported as they were required to report, namely, to produce a management-oriented structure for the Health Commission. That is what they were asked to report upon, and to this end they reported accurately.

The delivery of health care is about dealing with sick people and dealing with individuals who require individual attention, care and consideration. There are times when, as much as we would like to have a well-structured Health Commission based on basic management principles of

accounting, there must be a medical input. Traditionally, socialist Governments have been a disaster when they have tampered with the provision of health care. They let their desire for the centralised control of all aspects of the provision of health care become more important than the quality of that care provided at the bedside. We have seen this at the Federal and State levels, and we have seen it again initiated with this restructured Health Commission, the Government hanging its hat on the fact that it must become more management oriented.

It is allowing the Minister, under section 15 of the principal Act, to assume virtually total control of the Department. If he is so keen to follow that course, I keep asking why do not we go back to a Department of Health, with the Minister and a Director-General, and set up an administrative structure underneath.

**The Hon. Jennifer Adamson:** Heaven forbid!

**Mr OSWALD:** Yes, as my colleague says, heaven forbid! If the Minister is headed down that track, we would see a rapid move to the nationalisation of all forms of private and public health care in this State. If the Minister wishes to duck the charge that the Government is introducing these changes to enhance its ideological grip on the health providers in this State, in Committee he should move to increase the number of part-time Commissioners so that we can see Commissioners with day-to-day hands-on knowledge out in the field of providers of health care. Such people appointed to the Health Commission could make a meaningful input, and we would then see decision-making by people with an understanding of what is really needed. With that composition we will not get away from what the Minister is aiming to do, namely, to improve the accountability—both financial and in relation to medical services—of this Commission. He will be able to keep track of where the finances are going and, if he wishes, still influence the way the Commission is going.

At least the health professionals out in the field will have a more meaningful input and the people who are meant to benefit—the public of South Australia, those who are sick or in need of assistance—will know that the decisions being taken are based on facts assessed by health care professionals who know exactly what they are talking about. I cannot support the Bill in its present form although, if the Government chooses to increase the number of Commissioners on a part-time basis, I will be happy to review my opinion. At the moment I will certainly not be supporting the second reading.

**The Hon. D.J. HOPGOOD (Minister for Environment and Planning):** I thank members of the House for the consideration they have given to this measure, in particular, the very useful historical excursion upon which we were taken by the member for Coles which indicated that there had been a good deal of homework put into the remarks that she made. I am not too sure about the point that has been made in support of the suggestion that the House should reject the Bill. Largely, we have a reversal of matters placed before the Legislative Council.

I do not want to detain the House too long in rehashing the matters which my colleague the Minister of Health said in rebuttal of those matters. I would remind the House, however, that a committee was set up which brought down the report now before us. For reasons clearly set out therein, the report suggests the reform contained in the Bill. The member for Coles rightly suggests that the South Australian Health Commission does have to be given some period of stability. I think we have to ask ourselves what we mean when we talk about the South Australian Health Commission and whether we mean members of the Commission as defined in relevant parts of the Act or whether we mean in totality—the complex of individuals and services involved in health provision of which the Minister and the Commission are the pivot, but by no means the only elements or factors. I would see the important thing as being the totality: we should get some predictability and stability into the system.

The Government and the Minister of the day have a right to ensure that what we would hope to be a stable period of administration should be embarked upon in the correct and proper way, using a structure which we believe is administratively better suited to what should happen. I thought it was rather interesting that the honourable member who just spoke suggested that all sorts of disasters occur when socialist Governments embark upon the area of health administration. It is interesting that he should say that in view of the fact that we are not seeking—nor is the Opposition seeking—to alter the basic integrity of the system and the legislation brought down by what, by the honourable member's lights, would be regarded as a socialist Government in those days. Indeed, it is rather interesting that the effect of the amendment foreshadowed would be to retain a system which was rather closer to the structure of the Health Commission that was envisaged first by that previous 'socialist Government' than the amendments envisaged in this Bill.

I would have thought that, if anything, it is the present Minister who is, by implication, rather critical, perhaps not so much of that original decision but rather of its persistence into a rather different sort of period of health administration, and that the Opposition was saying 'No, although there may be some difference with us as to the balance between full-time and part-time, nonetheless, the concept of having a larger rather than a smaller Commission was, in fact, a right and proper one that was taken by the former Government.'

I do not know that my observation advances the argument very much, except to point out what seems to me somewhat of an inconsistency in the honourable member's rather sweeping statement. The Minister, in speaking to another place, of course pointed out some of the mechanisms which are currently being entered into to ensure that there is full and proper consultation and strands of advice available to him as Minister and to the members of the Health Commission so that the consumer, professional and administrative viewpoints and financial considerations are properly taken into account.

I believe that the experience of the Health Commission, as it has been conveyed to Chairman Alexander and members of the committee, has been that a smaller commission along the lines that this Bill envisages will provide administrative advantages to us without in any way downgrading those professional, service or consumer components which we, as a Government, see as being most important.

Finally, I fail to understand exactly what the honourable member for Coles' somewhat personal remarks in regard to the present Minister really did to advance the debate. To the extent that they advanced any sort of argument at all with which we could come to grips it would be that somehow or other the present Minister was able to influence the outcome of this inquiry, and that what we have is not the proper recommendations of the committee of inquiry but, rather, the desires of the Minister which were simply processed, as it were, through that committee.

I do not really think the honourable member believes that. I do not honestly believe that that is something that any Minister would be able to obtain (no matter what the honourable member may think of him) through the stature of the people involved in this inquiry. They are people who have sufficient standing in the community to be able to bring down the recommendations that they thought were right and proper. The important thing, of course, is the way in which the Government should react to them. For reasons

which have been reasonably well outlined to the other place and which I have echoed in some brief detail the Government has decided, rightly or wrongly, that we should proceed with this recommendation of the Alexander Committee. Members opposite beg to disagree, which seems to be something of a pity: it is a shame that perhaps we could not get a bipartisan attitude on this matter.

I particularly fail to understand how a reduction in the size of a statutory body such as this, which is done in terms of administrative efficiency, can somehow be characterised by the member for Morphett as greater centralisation in health administration, which I seem to recall was one of the basic thrusts of his comments.

In any event, I genuinely thank members who have spoken for their contribution, particularly to the whole of the House's understanding of the history of this matter and some of the mechanisms which successive Governments have tried to address. However, I ask the House to disregard the central thrust of their recommendation to us and to vote for the second reading of the Bill.

The House divided on the second reading:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson (teller), Messrs Allison, P.B. Arnold, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pair—Aye—Mr Keneally. No—Mr Ashenden.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Constitution of the Commission.'

**The Hon. JENNIFER ADAMSON:** Clause 3 amends section 8 of the principal Act:

*(a)* by striking out paragraph *(a)* of subsection (1) and substituting the following paragraph:

*(a)* two full-time members, one of whom shall be the Chairman of the Commission, and the other of whom shall be the Deputy Chairman of the Commission;

The Opposition does not have any argument with a full-time Chairman and Deputy Chairman who is a member of the Commission, but it does have an argument with the inconsistency in the amending Bill with the section as it stands in the principal Act. I draw the Committee's attention to the fact that section 8 (2) of the Health Commission Act provides:

In nominating persons for membership of the Commission the Minister shall have due regard to the need to ensure that the members of the Commission have a high level of expertise in the provision of health care.

The subsequent subclauses of clause 3 substitute the word 'seven' (namely, seven part-time Commissioners) for the word 'three', and this is where I believe that the Government has inadequately drawn the Bill. I draw the distinction between a disagreement with the policy inherent in the redrawn Bill and the inconsistency in the amending Bill with the principal Act. That statement that the Minister shall have due regard to the need to ensure that 'the members of the Commission have a high level of expertise in the provision of health care' is not consistent with the appointment of three part-time Commissioners, only one of whom will have any expertise in the provision of health care.

On the Minister's own admission, one is an expert in financial management, and no-one doubts that the appointee whom the Minister has selected fulfils that qualification. The other is to be a senior officer or recently retired officer of the public sector, and no-one doubts that the Minister's appointee has that qualification. However, equally, no-one could say that those two people have any expertise whatsoever in the provision of health care. Existing section 8 (2) of the Act is not qualified by saying that the Minister shall have due regard to ensure that 'some' members of the Commission or 'three' or 'four' members of the Commission have a high level of expertise: it says 'members of the Commission', and it is abundantly clear that at least two of the appointees have no such expertise.

I think the Government stands condemned for either failing to see the technical provisions of the principal Act or deliberately breaching the principal Act in applying criteria quite inconsistently. That is exactly what the Minister has done, and it highlights the Opposition's view about this whole Bill. The Government is dismantling a Commission that is properly structured in order to take account of the needs of the totality of the health services which range, as I said in my second reading speech, from neo-natal care to dental care to mental health to public health to radiation control to all kinds and varieties of services.

Two of these Commissioners will have little or no knowledge, other than what they may have gained incidentally as consumers, and I am quite sure that neither of them would even claim to have any knowledge. There is no question that a full-time Chairman, Professor Gary Andrews, is an acknowledged health administrator. The Deputy Chief Executive Officer and Deputy Chairman, Mr John Cooper, who is a permanent appointee, is an acknowledged health administrator of a very high calibre. Dr Brendan Kearney, who is the former Deputy Chief Executive Officer of the Commission and the current Director of the Institute of Medical and Veterinary Science, is respected throughout the State and beyond for his capacity as a medical and a health administrator. However, the other two are not, and it is my submission that the Government has breached the principal Act, on the one hand, and, on the other is guilty of extreme carelessness in failing to even read the principal Act in framing this Bill and making the amendments consistent with the principal Act. I would be interested to hear that Minister's response.

**The Hon. D.J. HOPGOOD:** The honourable member opens up a very fruitful field for speculation. It is a somewhat sophisticated argument which could be subject to various interpretations. It is important that we distinguish between, on the one hand, the way in which the Legislature brings down and amends the Statutes and, on the other hand, the way in which the Government or the Minister of the day operates appointments in relation to those particular Statutes. If the honourable member wants to go on with this matter it is open to her in either private member's time or Question Time to question the Government on the nature of the appointments under this legislation or, indeed, to induce her colleagues in another place to question the Minister directly on that matter. I do not think it has any bearing on the validity of the size of the Commission and the balance as between full-time and part-time members.

How one measures the quantum of expertise available to an advisory body is something that has exercised my mind from time to time. As members would know, for a period of time in a particular Ministry, I was Minister of Education in this State and as my current colleague will be the first to attest, there is a plethora of advisory committees in that area. I am sure that the member for Mount Gambier would agree. So, I had plenty of opportunity to observe large and small advisory committees at work and to try to judge for myself the extent to which proper advice was coming forward.

I suppose that in a very simplistic way one could say that, if X is the average expertise available to people who

operate on these things and N is the number of people, the total amount of expertise is X multiplied by N. To that extent the honourable member has an argument, but it often depends on how one handles the traffic. Often large advisory bodies are subject to a good deal of information overload which may arise from having far too much advice immediately available which can be digested in such a way that we, as reasonably simple-minded legislators and administrators, can deal with or, indeed, the public can cut through.

So, I do not think it necessarily follows that a small committee has less expertise available to it than a large committee. As to the appropriateness of particular appointments to a committee which has been decided upon by a particular scheme of legislation, that is something for direct questioning of the Minister and the Government. I do not think it bears on the way in which we as legislators come to a decision as to the actual size of that body. I think that that is as much as I can do to assist the Committee.

**The Hon. JENNIFER ADAMSON:** The Minister (I admit that he is in invidious circumstances; he has no officer to assist him, and he is not the Minister of Health)—

**Mr Baker:** He doesn't know much about it, either.

**The Hon. JENNIFER ADAMSON:** That is all the more reason why I suggest that he should have someone to assist him. The Minister has completely failed to grasp the points that I have made. He has confused two separate arguments: on the one hand, we are opposing a reduction in the number of Commissioners: that is an argument by which we stand, and the Government does not agree with us on that. However, on the other, and it is a quite separate point that I was making, the Minister has demonstrably failed to abide by the principal Act in two of the appointments that he has made and, in amending the Act to bring it in to line with the recommendations of the review committee, he has failed to amend the principal Act so that he can in effect implement the recommendations of the review committee.

The Minister did not deal (or, if he did, he did not deal effectively) with the point I made. It was not a question of how many people one has on a committee or the quality of their expertise: it is a question of the fact that the principal Act says that members of the Commission shall have a high level of expertise in the provision of health care. It is quite apparent that the appointee who is an expert in financial management has no expertise in the provision of health care, and that the appointee who is a Commissioner of the Public Service has no level of expertise in the provision of health care. Therefore, the Government quite obviously has (shall we say) muffed it (or the Minister has muffed it) when amending section 8 in order to implement the recommendations of the Review Committee. It is not good enough to say that I can question the Minister at Question Time. The time for questioning the Minister is now, in Committee, and he has not been able to answer the questions. It is not for me, as a private member of Parliament, to clean up the Government's legislative mistakes: it is for the Government to do it and this is quite clearly an error.

**The Hon. D.C. Brown:** 'Expertise', is 'expert opinion, skill or knowledge'.

**The Hon. JENNIFER ADAMSON:** My colleague has pointed out to me that the *Oxford Dictionary* defines 'expertise' as 'expert opinion or skill or knowledge.' I suppose that that is as much as the Minister on the front bench and I would have defined it, and it simply underlines the fact that two of the appointees, according to the criterion of the principal Act, do not comply with section 8 as laid down in the Act. I can only say that I think that the Government ought to get its act together. We oppose this clause, not so much for the technical inadequacies of the Government's amending legislation (although I pointed them out because I think that they are becoming so frequent that it is beyond a joke), but because we oppose the dismantling of the Health Commission that has manifestly done a very good job.

We oppose it on the grounds that the health services will be very much disadvantaged by not having an input at senior Commission level from people who have a high level of expertise in the provision of health care and, what is more, from a number of those people, namely seven, who between them can span a whole range of the diverse occupations and professions that are represented in health services and thus provide the Minister, the Government and the health consumers of the day with a far more informed and sensitive reaction to health policy, a far more informed and progressive initiation of health policy and, in short, do the job better than the structure that the Government is proposing in this amending Bill.

**The Hon. D.J. HOPGOOD:** Without unduly delaying the deliberations of the Committee, I would like to thank the honourable member on two accounts: first, for doing me the compliment of admitting that I do not really need to have explained to me what the word 'expertise' means, and I doubt whether any other member needed it, although her colleague seemed to think that that service was required of us; and, secondly, for in effect admitting what I believe I was saying which was that the point that she has raised, even if it is valid (and I cannot concede that point), is not something that we can address within the confines of the passage of this Bill. Is the honourable member suggesting that we should report progress to frame an amendment to section 8 (2)? For example, is the honourable member suggesting that we should restore the verbiage of section 8 (2) as it existed prior to the amendment in 1980? We have not heard that suggestion from her.

Alternatively, is she canvassing that she will be requesting of someone outside to perhaps test in the courts the validity of the Minister's appointments since she has been suggesting that, in effect, the Minister's putative appointees under this amendment are in part *ultra vires* a form of the Act as we are envisaging it if the Government's amendments go through?

It is not clear to me exactly what constructive matter is being put before us. There is no technical error in the drafting of the Act. How large or small the committee is, is a quite separate matter from the appropriateness of particular appointments to it and, therefore, I would suggest that the only ways in which this matter can be addressed are other than what seems to be being put before us if, in fact, anything is being put before us.

**The Hon. JENNIFER ADAMSON:** I am not suggesting that clause 8 (2) be amended to ensure that it reverts to the Act as it was framed in 1975-76 because, if that were to be the case, two of the appointees would still not fit that criterion. The clause formerly read that, in nominating persons for the membership of the Commission, the Minister should have due regard to the need to ensure that the members of the Commission have a high level of expertise in the provision of health care (and that is as it still stands) or the administration of health services. Neither appointee fits either of those criteria. I am not suggesting that there is a technical error in the Bill, because the law itself does not say that the three vacancies for part-time membership should be filled by a senior or recently retired public sector manager, a private sector appointee, and a respected health administrator.

The Minister's second reading explanation and his actions comprise the error. It is not a technical error in the drafting of the Bill: it is an administrative error at Ministerial level which has not been picked up by the Government to make the legislation fit the Government's policy. The Government has not done that. It is not up to the Opposition to clean up the mess and, in fact, I would not want to alter the

present criterion which is that the members of the Commission should have a high level of expertise in the provision of health care, because I believe that that is what should occur. I point out that the Minister has, in effect, breached the spirit, if not the letter, and I believe that he has breached the letter of the law in appointing to the Commission people who do not fulfil the criterion in section 8 (2) either under the principal Act or under the amendment. For that reason, and for the major policy reason which I have described, the Opposition opposes this clause.

**Mr OSWALD:** The comment I make is this: during my speech (and the member for Coles made it over and over again as well), we have had no answer from the Minister as to how the input is to be made by health professionals to advise the new Commission. The report said that the Commission's role would be revised so that it acted more like a board of management, and in various speeches we have had conceded the necessity of that. We have also gone to great lengths to point out that there needs to be further advice from the part-time Commissioners to the board of management. The report states:

> The Commission's role should be revised so that it acted more like a board of management: it would advise the Minister and assist the Chairman/Chief Executive Officer in the management of the Commission's affairs.

During my speech, I went to great lengths to quote the Minister who said that three part-time members should be carefully selected by the Minister where their potential contribution to management was a primary consideration. It has nothing to do with their medical contribution; their potential contribution to management was to be the prime consideration. He goes on to say that in this context the individual is more important than background. According to the Minister it does not really matter what the man's background is—provided he is an administrator, he will do to run the Commission. The Minister further states:

> For example, an effective composition could be: a senior or recently retired public sector manager; a private sector appointee; a respected health administrator;

They are all good quality individuals to have, but they do not create the total package. In reply to an earlier question from the member for Coles, the Minister said that there were 'strands' of advice available to the Commission on what is needed out in the regions. Whether 'strands' are made up of chains or infinite pieces of silk I do not know, but I would like the Minister to explain what advice will be available to the Commission now that the Government has removed these part-time Commissioners who were working in the field. True, the Minister is standing in for the Minister of Health, and I appreciate that he has not the 'hands on' knowledge himself in the same way as the Minister of Health, if he had been taking the Bill through its stages in another place. I have great respect for the knowledge of the Minister for Environment and Planning in regard to the environment. However, this situation personifies the arrogance of the Minister of Health, who has sent this Bill to the House of Assembly with all the arrogance in the world without even providing Health Commission officers to assist in explanations for the Committee—another arrogant move.

Perhaps the Minister of Health gave this Minister some briefing notes, but the Minister has come into the Committee prepared to bulldoze the Bill through—ill equipped, ill advised—and thus far we have obtained not one composite answer about how the Commission will obtain information from out in the field, other than being told that it has strands of advice available to it. I imagine that the Minister has either that knowledge or should have provided it, and that he can send the Bill to this House with such arrogance appals me. The Minister of Health may get away with it in talking to the Mayor at Port Pirie, or in discussions at the Adelaide Children's Hospital, but he is now dealing with the House of Assembly in the South Australian Parliament. To come here and virtually refuse to tell us how the Commission will operate—I do not blame the Minister, because I do not think he has been briefed; if he has been, we certainly want the answer—

**The Hon. Jennifer Adamson:** He is not even the Minister representing the Minister of Health in this Chamber.

**Mr OSWALD:** That is a further disgrace. The Government has not even put up the Minister representing the Minister of Health on this vital subject which will affect the provision of health in South Australia for many years to come. It is an absolute abuse of the Committee and the Opposition, which has to question the workings of the Bill so that when it passes here we must be satisfied that it will work and that the people of South Australia will be provided with health care. I seek a specific answer from the Minister. He must have this advice available in the Health Commission. What does he mean by 'strands of advice'? How is the Commission going to obtain information now that the Government is taking away the part-time Commissioners and replacing them with three men or women who have knowledge only in business management?

**The Hon. D.J. HOPGOOD:** I begin to suspect that honourable members opposite are having a lend of me. I do not really think that either I or my colleagues can be regarded as bulldozing this Bill through the Committee. Three questions have been asked thus far and I have been only too happy to get to my feet and answer them. I preface my answer by saying that the Opposition is in error in focusing its attention purely on the Commission, as defined in the Act, rather than on the totality of advice available to it, as narrowly defined, and to the Minister. I invite honourable members to look at these matters.

There are proposed area health councils to be set up, health advisory councils and sector advisory bodies which, I believe, was a specific recommendation of the Sax Report, so the honourable member would be aware of that recommendation. There is a specific Policy and Projects Division. The Minister, in talking to the Council indicated that he believed that this was the best Policy and Projects Division in Australia, and that there were top professionals working in that Division. There is a network of advisory bodies and committees in the process of being set up which we believe will provide a better way of dealing with the traffic of information about which I have talked, rather than the simplistic matter of trying to retain the present size of the Commission. I repeat: the totality of the advice which must be available to the Government for this important area is not something which stops at the particular individuals who comprise the Commission. In fact, it is the totality of individuals who are working in the whole of that service providing area.

For the benefit of the honourable member, they are just a few examples from the information that has been made available to me from my colleague, and the particular dislike which honourable members opposite have for my colleague—the source of which is completely lost on me, I am afraid, has certainly been well expressed this evening. There is some advice—it was made available to members in another place in the process of the debate on this matter, and I provide it to the Committee for honourable members to do with it as they will.

I make the point to honourable members that, if they want to test the Committee further, Standing Orders are available for them to do so. Really, that is what the matter is: rather than a lack of advice being available to members opposite as to the Government's intentions, these matters to which I have briefly referred have been contained in reports such as the Sax Report, and I assume that honourable

members have read such reports as this and therefore have taken that on board. It gets down to a difference of emphasis, I would hope, rather than any lack of knowledge by honourable members as to what is going on.

**Mr OSWALD:** I thank the Minister for his answer. Obviously, we are starting to get down the track of information that will be provided to the Commission. The main matter about which we are concerned relates to information available to the Commission from outside the Commission. I will use one example which the Minister gave, because he referred to the Policy and Projects Division. That Division is already within the Commission. It is a good body doing a good job, but it is still an organisation from within the Commission. What the Minister or his Government has done has been to remove from the Commission, Commissioners who worked outside the Commission and who brought outside advice to the Commission. This is what I am on about.

It is all very well to list off Commissioners who work within the Commission to advise it, but the Government has removed professionals who are working out in the field, which is where I believe there could be a problem in regard to the future provision of health care, unless the Government comes to grips with this matter in the future.

The other question relates to the Community Health Advisory Committee. Has the Minister advice on that committee? The Minister of Health made great play on the fact that the Health Services Advisory Committee is to be disbanded because of its ineffectiveness, but he has said quite a bit in the press about the Community Health Advisory Committee. Can the Minister advise what input that committee will have and, as it is obviously a policy initiative of the Government to introduce that type of committee with the emphasis on community health, can he give details of how he sees that committee operating?

**The Hon. D.J. HOPGOOD:** Only to the extent that this matter is specifically addressed in the second reading explanation, when my collegue who introduced the Bill in the House of Assembly stated:

> The review team recommended the establishment of a Community Health Advisory Committee. That proposal is receiving detailed consideration by the Chairman of the Health Commission, taking particular account of the anticipated expansion of the Community Health Programme, with additional Federal funding as from 1 February 1984 as part of the Medicare package.

I do not have any more specific information on how that advisory committee will impact on the basic task that we are asking the Commission to do, but no doubt that is something that will be clarified as the Committee proceeds.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—'Repeal of section 19.'

**The Hon. JENNIFER ADAMSON:** Section 19 of the principal Act established the Health Services Advisory Committee. As I said in the second reading debate, that committee was included in the legislation as a result of amendments in the other place when the original legislation was introduced. Possibly for that reason it has never found a real sense of purpose. However, its abolition at the same time as the reconstruction of the Commission is to take place does give cause for concern. I may be able to assist the Minister in terms of specific knowledge of some of the aspects of the advisory committee. In so doing I will point out the deficiencies that are likely to arise because of the whole restructuring inherent in this amending Bill. Section 19 (2) provides for the composition of the Health Service Advisory Committee as follows:

> *(a)* a member of the Commission (who shall be Chairman of the Committee) nominated by the Minister;
>
> *(b)* two nominees of the Local Government Association of South Australia;

Before the former Liberal Government left office the Commission and I as Minister were holding regular consultations with the Local Government Association. They were specific consultations in relation to public health matters (they were not consultations that were established on a semi-formal basis, if you like), as normal a means of continuous liaison between the Commission and the Local Government Association. As far as I am aware (unless something has been established of which I am unaware) at the moment there is no provision for such continuous liaison. I believe that there should be a mechanism to enable this to take place because of the very close inter-relationship between local government and the State Government in terms of the provision of public health services in this State. Section 19 (2) further provides that the Health Services Advisory Committee consist of:

> *(c)* one nominee of the South Australian Hospitals Association;

Again, the Chairman of the Commission and the various sector directors were in regular contact with the Director of that association and my recollection is that there is a semi-formalised liaison. It next provides:

> *(d)* one nominee of the Australian Medical Association.

In that regard there is a formal liaison. It is known as the A.M.A. Health Commission Liaison Committee, just as the Australian Dental Association (which is referred to in paragraph *(e)* of section 19 (2)) under the former Liberal Government had an A.D.A. Health Commission Liaison Committee. To my knowledge there is no formalised continuous contact with the Royal Australian Nursing Federation, which was a member of the Health Services Advisory Committee. Certainly, there is no formalised regular contact with the South Australian Council of Social Service or with the St John Council, although the present Minister seems to have almost institutionalised a state of conflict with St John. I am not aware of any formalised liaison with the South Australian Association for Mental Health.

The other provision under section 19 (2) is that the Health Services Advisory Committee shall include:

> Four nominees of the Minister (all of whom must have had experience in provision of health services and at least one of whom must have had experience in the education and training of those who propose to work in the field of health care).

For example, as Minister, once a quarter I had meetings with the Deans of Medicine of the two universities. That was purely an informal arrangement established by me as a matter of policy. I do not know whether the present Minister has maintained that arrangement. I highlight these facts to demonstrate that with the abolition of the advisory committee there will be gaps in the formalised consultative arrangements that the Commission has with bodies that are essential to the provision of health services in South Australia.

Any Government that wishes to keep its ear to the ground to make sure that it is aware of the sensitivities, the needs and the opportunities inherent in those various fields would want to maintain close liaison with these bodies. I am not opposing the abolition of the committee as such, but simply highlighting that its abolition taken together with the restructuring of the Commission, will leave very serious gaps in the consultative process between the Government, the Commission, the Minister and the vast health services field. By amending this Bill in the way that it has done the Government has closed off a lot of valuable communication channels and, unless it quickly re-establishes some of those (and it will need more than those that the Minister on the front bench has identified), I foresee grave difficulties.

Clause passed.

Clause 9 and title passed.

Bill read a third time and passed.

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 27 October. Page 1423.)

**The Hon. D.C. BROWN (Davenport):** The Bill before the House overcomes an anomaly that has existed for some time in relation to concessions for the registration of certain types of vehicles (in particular, trucks) operating on an interstate basis. For at least five years now trucks operating across State borders have been able to obtain concessional registration fees because of restrictions imposed in the Australian Constitution. As a consequence, there are enormous gains financially for any transport operator able to obtain these concessions. I cannot give specific figures, but I understand that at least for certain types of large trucks the concession is well over $1 000.

Under the way the Act is currently worded, if people obtain their concession, they are required to give an undertaking that they will use that vehicle only with special registration or r.i. plates for purposes of interstate trade. If the vehicle is used for intrastate trade, that vehicle is, at least theoretically, breaching the Act. As the Act currently stands, it is impossible to take any action against the owner of that vehicle. These so-called r.i. plates ('r.i.' being the first letters of the vehicle's registration plate) are clear to pick out. One will find a large number of vehicles—not only interstate trucks or semi-trailers taking goods from one State to another but also vehicles travelling around the metropolitan area on door-to-door deliveries—using r.i. registration plates.

That does not mean that these people are abusing the provision because, if in fact they are delivering goods brought from interstate (for example, from a transport depot in Melbourne to one in South Australia) and are delivering those goods straight from the depot to the customer, I understand they are legitimately able to register with a concessional r.i. plate. This loophole was discovered by the transport industry, which we all realise is a hard-headed industry. If they can find a loophole, they will certainly find one and, if not, they will try to create one—

**Mr Lewis:** They will drive straight through it.

**The Hon. D.C. BROWN:** Yes, as my colleague says, they will drive through loopholes without any hesitation at all. When they found the loophole about five years ago there was a rush of interstate operators with r.i. registration plates coming into South Australia to do specific contract work. One common sort of contract work was the carting of grain wholely within South Australia. That was a clear breach of the Act, and it was not possible to take legal action against such people because of deficiencies in the principal Act.

That situation has spread. Whilst it was originally interstate operators coming into South Australia and for short periods competing against local people, and whilst having a significant transport concession, the locals quickly picked up (although not as quick as the interstate operators to learn) the anomaly and started to register their vehicles on interstate plates thus obtaining the registration concession. Now, one will find a large number of local carriers based in South Australia who cart intrastate only and also have concessional or r.i. plates. The initial breach, whilst initially involving only interstate operators, now covers a large number of operators in South Australia. I recently had the opportunity to talk to the Country Carriers Association. They made the point that it was time that the breach was stamped out but, if it was to be stamped out, it would have an impact on the industry. They did not object to that, provided they were given certain warnings, and I will stress that point shortly.

The Liberal Party wholeheartedly supports the introduction of this amendment. The member for Torrens—the former Minister of Transport—was preparing such an amendment. If the previous Government had sat for another two or three months, it would have introduced through the Minister such an appropriate amendment. It certainly has the support of the Liberal Party on this side of the House. We recognise that there has been a clear breach, that it needs to be cleared up and stopped as quickly as possible, and that the principal Act needs to be strengthened so that it can be enforced.

I have one concern with this amendment, namely, that the practice in question has now become widespread. I do not think anyone would deny that, and I am sure the Minister would not deny it. It is therefore essential that the Minister carry out a proper education programme as quickly as possible to inform all the people who are abusing the provision, and who have abused it now for five or six years, that the principal Act has been amended and that action will be taken against people who breach the conditions of the concession. I believe that the Minister should be willing to make clear public statements in the type of magazines that truck operators read. I forget the names of all magazines although *Trucking Life* is one. Announcements should be made in all appropriate trucking magazines including the truck pages of the *Advertiser* and the *Stock Journal*. There should be a clear warning that the Act has now been amended and that truck owners who have been breaching the Act and the conditions of the concession should quickly put their house in order, otherwise they will be prosecuted under the Act. The Minister should point out to them the penalties they face, namely, having to pay not only a fine but also full registration for the full period of registration, as well as any stamp duty for which they are liable but which has not been paid because of the previous concession granted.

I am attempting to amend the Bill to allow its operation, currently on the assent of Her Majesty the Queen, to be by way of proclamation. That would give the Minister the opportunity to set a period of perhaps two months so that he can issue an appropriate warning after the legislation has been passed in another place. That appropriate warning, having been widely disseminated among the trucking industry, can be acted upon by the owners. The Minister needs to realise that some operators may be away on an interstate trip for a week or so and would require a period of two months in which to get their house in order. I ask the Minister not to proclaim the legislation until about two months after he has issued appropriate warnings to the transport community that they now face prosecution under the Act if they try to breach the conditions of the concession.

I support the legislation. I believe we will now clean up the law as it should have been cleaned up some time ago. However, I believe the Minister needs some sensitivity in how he operates the Bill. Also, we are in the middle of a significant grain harvest—possibly a record grain harvest for South Australia. It is well-known that a large number of interstate truck operators and people using trucks with r.i. plates would be already committed to contracts for the period of this grain harvest. It would be most unfortunate to suddenly change the law half-way through the harvest period (which is generally a fairly short period) and so cause hardship to people who have short-term contracts. Again, that is justification for the Minister not to proclaim the legislation for about two months. By then the harvest will be over; people will be able to pull out, abide by the law and use the vehicles for interstate trade or register them and pay the full fees required.

I ask the Minister to consider that matter and give an undertaking when replying to the second reading debate that he will carry out an educational programme and issue warnings to truck owners to put their house in order. I ask

that he allow a period of up to two months before proclaiming the legislation to give people a chance to put their house in order. However, with that foreshadowed minor amendment, and with that warning to the Minister as to what I expect from him, I certainly support the Bill.

**Mr BLACKER (Flinders):** I certainly support the general principle of this Bill. I have raised this matter previously in the House and with the former Minister, and it has been an issue of some concern to genuine transport operators for many years. I think all the transport industry welcomes its introduction. However, one practical application of the Bill causes me concern, and this was alluded to by the member for Davenport. Contractors are presently operating who would be affected by the immediate introduction of this measure.

I note that the member for Davenport has foreshadowed an amendment to the Bill. I, too, have drafted an amendment, which is a little more specific than his. However, if the Minister is prepared to accept the member for Davenport's amendment, I am sure that it more than adequately covers my short-term problem. I refer specifically to the grain harvest. One of my constituents who is a transport operator has for many years been carting grain for a given number of clients, but this year in my area, which looks as though it will have an all-time record, he finds that he is unable to physically cart the extra grain. He has taken every reasonable action to obtain carriers, contractors and subcontractors, from within the State to assist him in carrying out his year-by-year contracts but to no avail.

He has, however, taken on 10 subcontractors, in this case interstate operators, most of whom are operating on r.i. plates. The contracts were undertaken and agreed to for cartage of the harvest, but I believe that he has a genuine problem. Incidentally, my constituent, who is the principal contractor in this instance, fully agrees with the content and principle of this Bill. However, if the Bill was to be implemented within one or two weeks it would hit him and his contractors in the middle of an existing contract and, more particularly, as a consequence these r.i. plate subcontractors would be obliged to pay full registration fees for the next three weeks, roughly, to complete the harvest. They would say they would not do it; they would just go back home and the contractor would be left in the lurch. From an advertisement published Saturday week ago the contractor had two responses to assist in grain movement. One was from a three-tonne truck operator and one from a flat top trailer operator who had no bins. The possibility of moving that grain would in that case have been very remote.

The Bill sets out to redress misuse of fee registration, to which I think there is absolutely no objection. A $5 interstate fee was introduced for a good purpose. However, if possible, I would like the Minister to explain how it would affect—if it does affect—the operations of persons carrying an export commodity. I raise that question in terms of a contractor who specifically carries fish for the export market. I understand that at the moment he has an exemption. He is allowed r.i. plates, even though much of his transport is carried on within the State, but it involves purely an export commodity. He believes it is allowed but has sought clarification from me on that aspect. I am not sure, but I do not think this Bill directly relates to that matter.

The other question raised is the matter of the six-month registration fee. I would be grateful if the Minister could explain that position. I have had some further advice on the matter. What happens in the event of a truck operator acquiring a new rig and within one month there is a major blow-up of the motor? In order to return to contract work he has to immediately put that truck aside and acquire another one. Is he entitled to a refund of the registration fees or would this amendment mean that he would lose five months registration if he paid an original six-months registration fee? I hope that the explanation given to me is correct, (and I have little doubt that it is) that the six-months requirement applies only to this provision of the Act and that any other refund of registration fees would still apply, as it does presently.

Further, the Government believes that it lost a considerable amount of revenue through the actions of those operating on r.i. plates, with which I would have to agree. I also agree that our own genuine carriers should not be disadvantaged to the extent that they are competing against interstate operators on a considerably reduced fee. I am not sure whether the amount is $1 500 or $1 800, as applies to some rigs, but it is a significant amount on the fine tolerances on which many truck operators operate.

If a genuine South Australian operator is obliged to operate at that sort of disadvantage, obviously he cannot compete on equitable terms. The member for Davenport suggested that the Minister should undertake an education programme to advise all truck operators of their position in relation to this amendment, with which I fully agree. However, I am concerned about one matter. On 7 November some of my constituents were stopped by officers of the Highways Department at a weighbridge and told that on the following day the Act would be changed and 'they would get them', meaning that those officers intended to clamp down on current r.i. plate operators. My constituent was worried because he had 10 subcontractors operating at the time. He is obviously watching this legislation with a great deal of interest because, whilst he believes that he has acted in good faith, as I believe he did, he could be seriously disadvantaged if this measure were pushed through at relatively short notice.

I accept that the Minister may not proclaim this Bill until early in the new year. If he would give that undertaking, I believe that would solve all the problems inherent in implementing the Bill. That aside, the Bill has considerable merit and should be introduced so that South Australian transport operators are not disadvantaged to the advantage of interstate operators. I support the Bill.

**Mr LEWIS (Mallee):** Naturally, I support the remarks made by the Liberal Party spokesman on this matter, the Hon. Dean Brown, member for Davenport. In doing so, I acknowledge in full the action of the Government in introducing this Bill to amend the Act in this fashion. Both the members for Davenport and Flinders have explained the reasons why this measure is necessary, as did the Minister in his second reading explanation.

It is not appropriate, therefore, to canvass those reasons in detail again now as it would simply waste time. It is well known that the Bill amends the Act and prevents people from driving their rigs (of any size, from one tonners up to 20-tonners with bogey drives on triaxle trailers) through that loophole that existed in the Act previously and, by doing so, avoiding paying their fair share of the contribution that transport operators should make towards the upkeep of our road network and the enforcement of law and order in policing the behaviour of all motorists on the road, thereby making the road a safe place for all of us.

It costs us, as a society, money to do that, and the people concerned have been literally freeloading on the rest by using this loophole. Whilst previously an offence was committed, the Act did not specify the means by which that offensive behaviour could be penalised. The amendments sort that out and provide appropriate penalties. The Minister, the Government and the previous Minister who was giving attention to this matter are to be commended for that.

I represent an area which has a peculiar geography, and this Act is of particular relevance to me for that reason. The roads extend from Adelaide in a radial fashion through the electorate of Mallee. There are a large number of small towns and communities, the residents of which need to get freight to and from the main centre of commerce and the provincial towns. It is fair to say that the main source of supply would be Adelaide, Melbourne and the provincial towns of Murray Bridge and Mount Gambier. Highway 1 breaks at Tailem Bend into three parts to become Highways 1, 8 and 12. All the small towns along those national highways require regular, reliable, small freight services to supply the populations that live there.

The people who have provided those services have been aggrieved for a long time that the real plums that come along from time to time of a significant quantity of goods to be delivered to the town that they have been servicing have been ripped off them (when the goods have been coming from Adelaide to that town) by interstate operators who have this extra advantage of the r.i. plate and lower cost. If these operators are leaving Adelaide a few tonnes short, they do not mind piggy-backing some intrastate trade from Adelaide to, say, Lameroo, Karoonda, Pinnaroo, Keith, Tintinara, Coonalpyn, Kingston, Robe, Beachport, Meningie, Swan Reach or Alawoona and dropping it at that point. They can undercut the local carrier, and they make his business more tenuous and difficult. They get away with it because there has been no means by which one can prevent them and prosecute them, and provide an appropriate penalty. So, I applaud the fact that this measure now enables the Government law enforcement agencies to do that.

I want to support the suggestion that the amendment foreshadowed by the member for Davenport is necessary: the Act ought to come into operation on a date to be fixed by proclamation, some time after the Minister has been able to publicise the measure, so that members of the transport public who have used this same loophole literally in abusing the law still nonetheless have time to get their house in order; I think that is reasonable. However, they need to do it quickly because it is not fair that they should continue to unfairly, unreasonably and unjustly compete with the small operators that provide the reliable continuous service to the people who live in the community I represent. This Act has been amended several times, but if one looks at the most recent occasion (1951) one finds that section 143 (*a*) of the Act provides:

> Where a person convicted of an offence against this Act is a corporation every member of the governing body of the corporation shall be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless he—

that is, that person—

> proves that he could not by exercise of reasonable diligence have prevented the commission of the offence by the corporation.

It is a moot and esoteric point as to what 'reasonable diligence' is, and I guess that judges in the circumstances will make their determination of that having due regard to case law, and so on. However, now that the loophole is about to be closed, those people who are members of boards of directors or principals of any business partnership need to recognise that they, and not the driver of the truck, will be guilty of the offence unless they get their house in order, and I mention that point for that reason.

There are other aspects of the earlier section 142 in the Act which, after some correspondence with constituents of mine and successive Ministers, I believe needed tidying up. However, I intend to give the Minister an opportunity, during his reply to the second reading, to explain why he considered that it was not necessary to change any of the wording in that section to ensure that all the loopholes are now closed. It would be futile to make these amendments if it were not possible to ensure that they could be sanctioned. In the event that deficiencies elsewhere precluded that, we would be wasting our time now. So, I leave that with the Minister as a request to him, along with the other requests I have made, that he give reasoned and compassionate regard to the amendment which the member for Davenport proposes, namely, that the Act will come into operation on a date to be fixed by proclamation.

As much as I commend the Minister for having introduced the measure and ensuring its progress to this stage of the debate, I nonetheless wonder whether or not it was not for the very reason that on tomorrow's Notice Paper there is a motion standing in my name which states:

> That this House urges the Government to amend the Motor Vehicles Act, 1951, sections 33, 41 and 142, as a matter of urgency to ensure fair competition between all intrastate carriers and thereby prevent any further abuses of the concessional registration of trucks belonging to interstate carriers who compete 'illegally' with local intrastate carriers.

That was to have been debated in private members' time tomorrow. In the event that this measure passes this evening, it will become a superfluous debate. I consider that it is a little more than coincidence that the measure we are debating this evening pre empts the debate on that motion.

**The Hon. R.K. ABBOTT (Minister of Transport):** I thank honourable members for their contribution and the support they have offered for this measure. The misuse of vehicles registered at reduced fees which have been used outside the special conditions that were undertaken to be observed by the owner at the time of the application for registration has been a problem, and it is a problem that is growing now, and that has been the case for some considerable time. As pointed out by the member for Davenport, the former Minister (and my predecessor) was in the throes of introducing similar amendments prior to the last election. Perhaps the Opposition when in Government and the present Government have been at fault that this was not recognised earlier than has been the case.

Therefore, I suggest that probably both Parties are guilty to some degree. However, I refer to the background in relation to this matter. At present, 15 per cent of registered owners of motor vehicles are granted registration at a reduced rate or registration without fee. I point out that the $5 fee simply covers the administrative cost so, in effect, it is a registration fee at no cost at all, other than the $5 to cover the administrative costs. The concession is granted by reason that the use of the motor vehicle is restricted and certain conditions have to be observed by the owner of the vehicle in relation to the use of the vehicle for the period of registration.

Section 41 provides for a penalty if the vehicle is used contrary to the terms of a statement of undertaking which was made in connection with the application for registration. I point out that the last prosecution for this offence resulted in fines of a nominal amount where in fact the registration fee evaded could have amounted to hundreds of dollars. Therefore, there is no doubt that the penalties are most inadequate and the penalty imposed is usually much less than the registration fee that has been evaded. In many cases, they have also been exempted from payment of stamp duty on the initial application to register, which could have amounted to hundreds of thousands of dollars, depending on the value of the vehicle. Because of the increased number of incidents reported, all by owners registered for interstate trade, it is considered essential that they be liable to penalty payments for a breach of their undertaking in addition to the fine. The penalty should include the payment of a registration fee or any other charge that has been evaded,

and these should not be refundable in the event of cancellation of registration.

The member for Davenport raised two concerns in his speech. The first related to a request to me for the introduction of an educational programme and, secondly, he wanted me to make very clear the decision by the Government in all trucking magazines. This would give the opportunity to allow those people to put their house in order and also to notify them of the penalties under this new provision. I want to point out that I would be most happy to do that and I give the member for Davenport the assurance that I will undertake to do that. I cannot name all the various magazines, but I think that the Bus and Coach Association and the Commercial Vehicles Association which Mr Graham Alderman currently heads would advise us of the various magazines where we could publicise this particular measure and inform the people whom it could affect, and I will undertake to do that.

I want to point out that I am prepared to indicate my acceptance of the amendment foreshadowed by the member for Davenport in regard to the proclamation of this measure. I appreciate that a number of contracts have been accepted and there is no doubt that we all appreciate the magnificent season and record grain harvest that we shall have this year. That is wonderful news for South Australia, and let us hope that it continues. I do not think that we will reap the benefit of that record grain harvest this year. It will really show up in the next financial year, so I think that the suggested amendment is acceptable in those circumstances and we should allow sufficient warning, even though I am not that keen about condoning the breaching of the existing regulations.

I do not want to be seen to be doing that, but I accept that enough time should be allowed to permit those people who have, I expect, been encouraged somewhat to breach the present conditions, the opportunity of getting their house in order. The member for Flinders said that his concerns related to these contracts and I think that I have covered that point. I referred to the benefits of the record grain harvest. He did refer to export commodities and I did not follow those remarks very clearly. Perhaps he might like to clarify that in Committee. He referred to lost revenue, and considerable revenue has been lost by the Motor Registration Division over the cheating which has occurred in relation to this law. I read with great interest the member for Mallee's speech in relation to his private member's Bill to which he spoke last week.

I do not accept that it is a coincidence that following the honourable member's motion I saw fit to introduce this measure, because the member for Davenport made it clear in his speech that the former Minister was ready to introduce this provision. He was ready to introduce it before the last election but, unfortunately, the election was called and he was deprived of the opportunity to introduce it. Perhaps I, too, have been a bit slow in introducing it, but it has been on the books.

I could prove to the member for Mallee that this measure went to Cabinet before he moved his motion. Also, the member for Mallee referred to the gobbledegook that was suggested by the Commissioner of Consumer Affairs in regard to the Commissioner for Highways. I do not want to debate that issue because it is irrelevant to this measure, but I think that that was in bad taste, and I do not want to say any more about it. The member for Mallee referred to section 142, and I will be fair and honest with him. My Department and the Government felt that some amendment was necessary to this section, but we received advice from the Parliamentary Counsel about the facilitation of proof and, with regard to section 142, the previous experience, as I mentioned, did appear that police have difficulties in establishing that the journey made by a vehicle registered at i.s. concession was within the State and not wholly between the States. That was the concern of my Department and me. However, the Parliamentary Counsel advised that facilitation of proof clauses are used for frequently occurring matters of a mechanical or technical nature to save the Registrar having to give evidence in each case. For instance, if a vehicle does not display a registration label then, in the absence of proof to the contrary, it is proof that the vehicle is not registered; or, if a person is registered as the owner of a vehicle then, in the absence of proof to the contrary, that person is the owner of the vehicle. There is not general evidence to hand to prove that a journey made by a vehicle was or was not wholely within the State.

It is obvious that if the police have detected misuse of a vehicle registered at a reduced fee or no fee or at the i.s. rate, then the facts of that misuse are available, especially in the case of commercial vehicles where there are usually papers to prove origin and destination of a load. The elements of the offence would be stated in the complaint, and it should be of little trouble for the prosecution to call for such evidence and prove the facts so alleged to the court. Because of the circumstances under which i.s. vehicles were registered before 1976, there were difficulties in proving the misuse or ownership of the vehicle. The tighter controls on registration have to a certain extent overcome the previous problems, and it appeared to the Parliamentary Counsel to be wrong to pick out this one offence from many in the Act and provide a facilitation of proof clause, when there are other means of proving the facts so alleged. I do not want to debate the matter further. I think I have covered the points that were raised in the debate by members opposite. I thank them for their support, and I will deal with the amendment on file in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—'Commencement.'

**The Hon. D.C. BROWN:** I move:

Page 1, after clause 1—Insert new clause as follows:

1a. This Act shall come into operation on a day to be fixed by proclamation.

The effect of my amendment is to allow the Act to operate on a basis of proclamation. At present it is to be based on the assent of Her Majesty the Queen, which means that within perhaps two weeks of both Houses of Parliament passing the Bill it would automatically come into operation. My amendment allows the Minister as long as he likes—I have suggested two months, and the Minister has agreed to that suggestion—to carry out an education programme and warn truck operators to hurry up to adopt the correct registration; in other words, to get their house in order.

**Mr BLACKER:** In my second reading speech I referred to the fact that I had prepared an amendment to provide that the Act should not come into operation until 1 January. Can the Minister give an assurance that the Act will not come into operation before 1 January, in which case it would make the need for my amendment superfluous?

**Mr MEIER:** I support the amendment. Certainly, this matter is of concern to at least one transport company in my electorate, which seeks to ensure that adequate notice is given to it in order that the company can make adequate preparation. This measure comes at a time when the company is busy with harvest transport and general transport. The company recognises the fairness of the measure to the industry as a whole, and there is no dispute about that. I hope that as a result of this amendment it will be at least two months—people with whom I have been dealing would prefer three months—before the Act comes into force. If it is a considerable period, that is all to the good.

**The Hon. R.K. ABBOTT:** I indicated that I was willing to accept the amendment, which makes sense. No date is set out in the amendment, but I assure the Opposition that the Bill will not be proclaimed before 1 January. It is perfectly acceptable to me that no date is set out in the amendment. I give that assurance.

New clause inserted.

Clause 2—'Misuse of a vehicle registered at a concession.'

**Mr MEIER:** We have gone from a situation where vehicles have been used for interstate and intrastate transport, for a small registration fee. What is the situation now? I refer to clause 2 (b). What is the situation in regard to a vehicle that is used perhaps 90 per cent or 95 per cent for interstate transport and on intrastate transport for a smaller percentage of the time? Does the owner of such a vehicle have the opportunity to register it for a lower fee?

**The Hon. R.K. ABBOTT:** The reduced fee can be used only for interstate hauliers. This also applies to other concessions such as those for pensioners, disabled people and so forth. If anyone is found to breach the conditions of those that apply for the reduced fee, they are subject to the penalty prescribed. The main purpose of this amendment relates to interstate hauliers. It is the intrastate hauliers and the trucking operators who are complaining about the interstate people who are breaching these facilities. So, I think that the intrastate operators will be very pleased with this Bill.

**Mr BLACKER:** In my second reading speech I mentioned a carrier carrying an export commodity. I was asked a question only yesterday about a contractor who carries only fish for the export market. Most of the work involves intrastate carriage of goods but some is interstate. Maybe the Minister would like to take up this matter separately. It is obviously an example of where a reduced fee could apply. The operator believes that he is operating within the law. He asked me whether this amendment would in fact affect his position. The operator carries prawns and tuna. The prawns in particular, an export commodity, are carried intrastate and the tuna is carried interstate to Melbourne from where it is transhipped on the export market. The operator was advised by the officer of the Highways Department that he was operating within the law which is his firm intention. However, he is concerned about whether his present reduced fee may in fact be null and void as a result of this amendment.

**The Hon. R.K. ABBOTT:** The advice I have been given is that if the owner of the motor vehicle applies for registration for any purpose other than that which comes under the provision spelt out in the Bill, that person is not entitled to the reduced fee. I am not 100 per cent clear on the facts of the case referred to by the member for Flinders, and I will be happy to take up this matter with the honourable member at some other time.

**Mr MEIER:** In clarification of an answer previously given by the Minister in regard to, say, a removalist firm with registered trucks doing interstate hauls, am I correct in assuming that the position is that if the firm wanted to do a quick little intrastate job it would not be able to do so?

**The Hon. R.K. ABBOTT:** That is right.

Clause passed.

Title passed.

Bill read a third time and passed.

**The Hon. R.G. PAYNE (Minister of Mines and Energy):** I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

## PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 October. Page 1382.)

**The Hon. E.R. GOLDSWORTHY (Kavel):** The Opposition opposes the Bill, which is a short Bill designed to extend the operations of the Pipelines Authority. As I read it, what the Bill is really about concerns what South Australian Oil and Gas (in which the Government through the Pipelines Authority effectively has a controlling interest) will be allowed to do. One reason for my opposition to the Bill is that the Minister has not satisfactorily explained what he is on about. The only operative clause in the Bill could, of course, be quite far-reaching and dramatic in terms of its effect on the public of South Australia. In this regard the second reading explanation stated:

> Therefore, the Authority is prevented from holding an interest in a company which is not engaged in exploration for or production of petroleum within that area—

that is, an area currently defined in the Act—

> and if any company in which the Authority is permitted to hold an interest discontinues its activities in the prescribed area, the Authority must divest itself of its interest in that company. This situation is undesirable for two reasons: first, it unduly restricts the ability of the Authority to hold interests in bodies corporate which operate entirely outside the prescribed area; and secondly, it indirectly restricts the freedom of the South Australian Oil and Gas Corporation, or other companies in which the Authority may wish to hold an interest in the future, to discontinue their activities within the prescribed area, if they so wish. The amendment will allow the Authority, with the consent of the Minister, to hold an interest in a body corporate which has no involvement with activities situated within a prescribed area.

One could embark on a philosophical argument as to what Governments ought or ought not be involved in. The former Federal Labor Government decided to become involved in uranium mining in the Northern Territory. Former Federal Labor Government Minister Rex Connor decided to get involved in a national pipelines grid, and so on. Fortunately, the former Liberal Government sought to divest the Commonwealth's interest in the uranium mines in the Northern Territory, which I believed probably saved the taxpayers a lot of money. The present Federal Labor Government is in the process of closing down those mines.

Closer to home, during the 1970s the Labor Government embarked on some exercises which the Liberal Party certainly believed were being excellently catered for by the private sector. At that time we had an excursion into land dealings. The former Minister of Planning (Mr Hudson) presided over the formation of a Land Commission, which cost the taxpayers of this State not tens or hundreds of thousands of dollars but millions of dollars. The Labor Government perceived dealing in land as being a profitable activity. Land speculators and land subdividers were making a lot of money and the attitude of the Government was that it should get into it and form a land bank.

That cost the public of South Australia tens of millions of dollars. I think the last amount of money the Liberal Government, elected in 1979, had to find was about $23 million because of this excursion of the Labor Government into land area, via the Land Commission. We had the excursion of the Labor Government into Monarto, which cost the taxpayer tens of millions of dollars likewise. The last payment we had to negotiate with the Fraser Government to cut our losses in that excursion was $15 million or thereabouts. Millions of dollars of South Australian taxpayers funds were squandered as the result of the then Labor Government's getting into areas in which we believed the Government had no role, or certainly a far more limited role than that which the Labor Party envisaged. The Government said 'These people are making all this money', and

it decided to get into the act. It went sour, and cost the taxpayer millions of dollars.

The Minister's explanation of the Bill indicated that the Government was letting SAOG spread its wings. South Australian Oil and Gas was formed when the South Australian Government bought the Commonwealth's interest in the Cooper Basin. The Commonwealth Liberal Government decided to divest its interests in uranium in the Northern Territory. It believed that private companies could undertake that work and that, as it transpired, saved the taxpayer millions of dollars. The Labor Party will not now allow that industry to continue. The Commonwealth Government also sought to divest itself of its interest in the Cooper Basin, and the South Australian Government took it up. The debate in connection with that went back to 1977. The prime function of South Australian Oil and Gas, which was legitimate and which I supported when we were in Government, was to prove up South Australia's energy supplies; in other words, the position in the Cooper Basin was fairly dicey. We had the ludicrous situation of the South Australian taxpayers funding an exploration programme for South Australian Oil and Gas to find gas for Sydney. Because of the profound weakness of those gas contracts, we were spending money.

I recall having to get $30 million together for a three-year programme (again, from memory) raising loans, obtaining money from Treasury and getting together South Australian taxpayers' funds for an exploration programme. Finding $10 million in the Budget for exploration was not easy—it was difficult. We had to get this money together to fund, via the Pipelines Authority, South Australian Oil and Gas to look for gas in the Cooper Basin to satisfy Sydney contracts. That was an appalling situation—a galling situation—but one which we had to face. As a result of an appalling arbitration binding legal decision, and despite the misrepresentations of the present Government under terms to which it agreed, there was an 80 per cent increase in the price of South Australian gas. We negotiated and held the price constant for the following year. The producers gave an escalation in price, and I make no apology for that. Yet, the Minister has the gall to say that we did not fight hard enough.

We fought to the last ditch. I said that I did not want to pay the $1.62 for the 1985 year. However, we did not have a hope in hell. The Minister, for all his huffing and puffing, would not have had a hope in hell if we had not gained that extra year. Out of the producers we screwed a $55 million minimum programme for gas exploration—for the first time in the history of the Cooper Basin was there an obligation on the producers to specifically spend money on oil and gas. They were chasing oil, because that is where the big profit lies. The programme delineated was more expensive than that, but they had to spend a minimum of $55 million over three years in looking for gas. That took the pressure off South Australian Oil and Gas—effectively the Government oil company. We no longer had to rustle around and use taxpayers' funds to crank up exploration in the Cooper Basin.

I can understand the thinking of South Australian Oil and Gas. It wants to act as a normal oil company. The question is whether a Government instrumentality is justified in spending taxpayers' funds and assets on wildcat exploration. A proposal was put to me by that company that it become involved in off-shore oil exploration in South Australia. I understood that that was to give it some interest—something to do. I resisted that approach because other companies from the private sector were prepared to spend money off-shore in South Australia. It is a high risk activity and the chance of success—

**The Hon. R.G. Payne:** You did not say that when you announced the off-shore programme. You were talking about highly prospective—

**The Hon. E.R. GOLDSWORTHY:** So it is. It is highly prospective in oil terms but, in terms of overall success—

**The Hon. R.G. Payne:** Highly prospective, you said.

**The Hon. E.R. GOLDSWORTHY:** Well, it was. Companies were prepared to come here but, as I stated at the time, such companies had to have deep pockets if they wanted to get involved in oil exploration to any degree. The deep pocket in this case was the South Australian taxpayer and I did not believe that that was justified so I urged caution. I knew that legally they could do it because of the amendments written into the Act in 1977. I believe that those amendments are still appropriate. The Bill was brought in and the position was not clear in regard to what would happen to the interests in the Cooper Basin. The Minister was negotiating to get Bridge Oil into the deal. The Federal Minister, in his lack of wisdom, excluded Aquitaine from having an interest in the Cooper Basin, where there was some expertise, and further excluded Shell.

What was desperately needed at that time was somebody with a deep pocket, and the South Australian taxpayer does not have a deep pocket. They needed a major company with expertise and financial backing to spend money in an accelerated programme. That, obviously, did not suit the then Federal Minister because he had some hang-ups about multi-nationals and foreign companies. However, if they are prepared to spend large sums of money in this country in high risk operations to prove up resources, that is what we need. In the event, the State Government bought Commonwealth shares, set up South Australian Oil and Gas rather clumsily, unfortunately, and we had all this speculation in shares because some smart operators thought they understood the law. The Gas Company shares escalated to about $8, and we had to make a statement to say that it was not justified. That was because of the clumsy way that the South Australian Oil and Gas shareholding was set up. We had to try to dampen that down.

However, that is not the major point I make. South Australian taxpayers were funding an exploration programme that was very expensive so that we could prove up gas for Sydney and, if there was any left over, there would be some for South Australia. Despite the Minister's statements in this House, I do not believe that that situation is anywhere near as clear as he suggested.

**The Hon. R.G. Payne:** The Minister did not make the statement; the producers made it.

**The Hon. E.R. GOLDSWORTHY:** No, but the Minister came into the House. I do not know who is kidding whom, but, from what I can gather, the figures the Minister quoted were those which he expected to be in place at the end of next year. The Ministerial statement to this House indicated reserves which were there, if we take at face value what the Minister said, in place. I made inquiries from two or the majors—

*The Hon. R.G. Payne interjecting:*

**The Hon. E.R. GOLDSWORTHY:** I will read it again, more closely. That was my clear impression, which was mimicked in the press. As I understand it, they are the reserves expected to be in place at the end of next year. We will wait and see. The fact is that there was no justification for expansion of the operations of South Australian Oil and Gas in the explanation the Minister gave to this House. If the Government has something in mind, it should let us know about it. It is South Australian taxpayers' funds; it is South Australian taxpayers' asset. I am the first to admit that that asset has appreciated markedly.

**The Hon. R.G. Payne:** Having knocked the whole—

**The DEPUTY SPEAKER:** Order! The Chair cannot allow the Deputy Leader and the Minister to enter into a personal conversation.

**The Hon. E.R. GOLDSWORTHY:** The point I am making escapes the Minister. When the Bill was introduced in this House in 1977 it was not opposed. It was amended; some constraints were put on South Australian Oil and Gas, for a very good reason. We believed that it should be preoccupied with proving up energy resources for South Australia.

**The Hon. R.G. Payne:** It's not a bad asset.

**The Hon. E.R. GOLDSWORTHY:** The Minister is still missing the point. If one has a good asset, one does not necessarily dissipate it. One is careful about what one does and still looks at the priorities and the way in which it operates. I suppose the Labor Party thought that the uranium mines in the Northern Territory were not a bad asset. It let them go. That is fine and dandy. The bigger the asset, the bigger the tumble when you tumble.

**An honourable member:** Stick to the Bill.

**The Hon. E.R. GOLDSWORTHY:** I have been trying to stick to the Bill, because I suggest there has been capital appreciation in the company. That suggests that therefore one lets them go where they like and whenever they like. I say that the reason for South Australian Oil and Gas's existence is to prove up energy supplies for South Australia. That is what it is all about. If other people are prepared to risk their capital in high risk areas which will not be of any immediate benefit to South Australia, let them do it. In other words, if it is remote from South Australia where there is no hope of tapping those resources for South Australia and other private entrepreneurs are prepared to spend their money, let them spend it. This is all in the context of not knowing what the Government had in mind. As I say, the explanation is so thin.

What the Hon. Don Laidlaw said when he moved successful amendments at the time of the 1977 Bill—and the Bill brought in was similar to what the Government now desires—was that some constraints were to be put on the company's operations as it existed to prove up energy supplies. An area was delineated. It was the border of Western Australia and South Australia which ran 300 kilometres up into the Northern Territory, 300 kilometres into Queensland, New South Wales, Victoria and 1 000 kilometres off-shore below South Australia. That definition included all the geological basins which overlap the borders of South Australia. An enormous amount of work can still be done in this State. Basins are yet to be explored to any degree.

The argument mounted in 1977 is, in my view, equally applicable today. The taxpayers of South Australia have been bitten by the dreams of the Labor Party previously, as I pointed out. The Hon. Hugh Hudson has been appointed by this Government as Chairman of both the Pipelines Authority of South Australia and South Australian Oil and Gas. Nobody denies his great ability. He is a talented economist, but he had had precious little business experience when he came into this House. This was a new ball game entirely to him.

If my memory serves me correctly, he was the Minister who handled the Land Commission, and that cost us tens of millions. I do not know that he was the Minister in charge of Monarto, but he was certainly an influential Minister in the Labor Administration. That too cost us tens of millions. So, I am a little cautious about the way in which this State oil company will go. This Bill does not tell us anything about that. I believe it has a clear charter, as outlined in the successful amendment that was accepted then by the Government in relation to its operations.

I could go on at some length, but it is pointless. I have made the more pertinent points which are germane to this measure. It comes back basically to the philosophy of where Governments should become involved. If there is some clear advantage to the State in the Government's becoming involved where there is a deficiency, one cannot argue. I believe that there is a role for South Australian Oil and Gas. But, basically, that role as I perceive it is to prove up energy supplies within the State, see that they are protected and that South Australia certainly has the first option on those resources.

I conclude by saying that many problems have emerged from the decisions of previous Labor Administrations in relation to the Cooper Basin. Without far more justification than is indicated in the explanation of this Bill there is no way in which we will support it. I hope the Minister can further enlighten us in relation to the Bill, but the constraints which were written in, in 1977 I believe are equally applicable in 1983. As I say, I am very cautious about the operations of a Labor Government in some of these areas where the stakes are high. Rewards can be high, but, when things go wrong, penalties can be high. The penalties that taxpayers of this State have paid for a number of the excursions of the Labor Party during the 1970s have been enormous. I could lengthen the list and talk about the Frozen Food Factory and a range of enterprises—far better left to the private entrepreneurs who have to run a tight ship. But, suffice it to say that, we need entrepreneurs with deep pockets to risk their capital in proving up resources elsewhere in Australia. I think that is what the explanation says, although one really needs to be a geographer to understand the definition and see a map with the new delineation, and as I understand clause 2 we are talking about expanding that defined area to the whole of Australia and off-shore areas, which is what I have been told. I have no reason to doubt that. As I say, justification for this Bill is just not there.

**Mr LEWIS (Mallee):** I support the proposition put by my Deputy Leader in opposition to this Bill, very largely for the reasons he has outlined. Records of bankruptcy trustees, the Supreme Court and other instrumentalities of Government over the years are replete with and bear testimony to these high risks that such ventures as exploration for hydrocarbons entail. It is my judgment that it is not the place of Government to be risking money which it has collected from taxpayers in that kind of exercise.

The funds which this Authority may now have are nonetheless assets at the present time that ought not be put at risk. They were derived not by taking the kind of risk which this measure enables the board to take if it were to pass. Those risk factors were very much lower. The urgency with which the cause had to be pursued at the time the measure was brought in was much greater. The purpose for which the Authority was established has been fulfilled. There is no necessity for that asset to be put at risk in the fashion which this proposed measure would allow. It is far better, if the need arises, to realise that asset in the name of the people of South Australia.

My Deputy Leader and spokesman for the Liberal Party has pointed out in detail the reasons that this Party had the view of the Authority at the time this legislation was introduced into this Parliament a few years ago, and the view that the Party now has of the role of the Authority in the present context. There is no necessity for this State or this nation's benefit for that Authority to risk its assets in the very high risk area delineated by the measure, as proposed within the substance of the amendments of this Bill. It is a philosophical question. I believe that it is best to leave that kind of risk-taking to people or corporations prepared to take the risk. If they happen to end up in the history books and the records of bankruptcy trustees, the Supreme Court, or what is now the Department of Corporate Affairs record

as liquidated companies that have failed, that is not the loss of the South Australian taxpayer.

However, if they succeed, as a small percentage of them do, and succeed with outstanding alacrity, then they are taxed, not only in the form of royalties on the yield of hydrocarbons or other minerals so discovered as a consequence of the exploration and exploitation of results, but on the profits they make. The costs of winning, first, the information about the location of that is successfully exploring and finding the resource, are very high and they will be no less for Government than for the private sector. Indeed, they will probably be more. The costs of management will be no less for Government once exploitation has commenced than they will be for the private enterprise sector. There is no benefit to be derived commensurate with the risk that this measure envisages. It is therefore quite unnecessary for the Government to seek an extension of the area into which the Authority can conduct its adventures. They are of a kind in which private taxpayers, and not Governments, ought to be engaged.

**The Hon. R.G. PAYNE (Minister of Mines and Energy):** I am quite astonished at the attitude of the two speakers on the other side in putting forward their opposition to this Bill. I am absolutely astonished because one would have thought that, if there was an area on which we could agree in this House on both sides of the Chamber, it might be something which is to the benefit of the citizens of South Australia in an area such as this.

**Mr Lewis:** It could be to their detriment.

**The DEPUTY SPEAKER:** Order!

**The Hon. R.G. PAYNE:** I accept some of the points put forward by the Deputy Leader when he said that the second reading speech does not contain a lot of information, and that is true. It certainly tells members of the House in technical terms, in relation to company interest, and so on, what is involved. I will accept that perhaps it should have contained some more information away from that side of the matter that we are considering. However, what has been put to the House by way of opposition is an activity which the South Australian Oil and Gas Corporation is engaged and which seems to be supported and was in general supported by the Deputy Leader. What is being said, however, is that it ought not to be allowed to do it except inside that presently defined area which is a line along the West Australian border, 300 kilometres north of the border between South Australia and the Northern Territory, and 300 kilometres to the east of the Queensland, New South Wales and Victorian borders.

So that for anyone who has an interest in minerals or hydrocarbons, what we are asked to accept by the Opposition is, 'Do not worry about where you ought to be looking for hydrocarbons, you must find them within an area which is drawn on a map.' How ridiculous can one be! How on earth would there have been any progress in mineral development or hydrocarbon development if that was a proposition that the private sectors that are talked about began with: we do not try to make use of all the knowledge built up to now in respect of the likely respective areas in this country, but we simply say that they cannot go outside a certain area, never mind whether there is any more there. That is an absurd proposition and I do not really think that the Deputy Leader—

**The Hon. E.R. Goldsworthy:** Was it absurd in 1977?

**The Hon. R.G. PAYNE:** Of course not. In 1977 the state of knowledge about likely areas was about six years younger, for a start. There has been a heck of a lot more learnt about geology and basins. Everyone who follows these matters knows, for example, that the people who have been cited by the Opposition speakers and who are supposed to have all this special expertise, the private sector, were drilling through certain geological formations to a greater depth and saying, 'We are not coming up with anything.' It was only after a further evaluation and study of all the information coming to hand that it was decided to drill to different depths and further finds have been made.

The Deputy Leader and I have been in this House for quite a time really, and probably more than is good for the benefit of the House it is our wont to trade words and score political points. I am not out to do that tonight, and I will stop there. I am so used to his retailing this litany of the mistakes of the past, always made by people on this side of the House, that it no longer has any impact. I suspect that the Deputy Leader himself knows that it is losing any impact it may have had because there is no smarter person in the world than someone who speaks from hindsight. It is wonderful to be clever after the event. At some of the times we are talking about the Deputy Leader was in this House, as I was, and he was not making the sort of criticisms about contracts and letters of agrement and all sorts of things that were signed then. He is making them now only with the virtue of hindsight. One could say perhaps that ought to have been done or that contract ought to have been negotiated, but I believe that that is a rather cheap form of wisdom, and I do not think that the Deputy Leader ought to persist in that line.

What does this Bill say? This Bill does not, for example give a charter, as has been suggested, to the South Australian Oil and Gas Corporation to do what it likes. The Bill provides that it can become interested in areas outside of the presently defined boundary with the approval of the Minister: not just if it feels like doing it, but with the approval of the Minister. One would have thought that the Deputy Leader, the former Minister, might have given some credence to the fact that in future a Minister from the other side of the House could be in charge.

How much more even-handed could that specification be than that which appears in the Bill? I said earlier that, to put a limitation once and for all upon the exploration for hydrocarbon, particularly in the state of knowledge in South Australia, was a totally absurd proposition, and clearly that is so. What this Bill appears to allow is for the South Australian Oil and Gas Corporation to take perhaps a greater role in ensuring further gas supplies to South Australia. For example, a good proportion of Eromanga Basin in Queensland is outside the area defined in the Bill, and there have been discoveries in that area. There is already a pipeline network being installed in that area. There is a pipeline called the Jackson pipeline.

Other lines are being installed in the South Australian section of the Cooper Basin, and all of them eventually will terminate not only on the Eastern seaboard but also at Moomba. Why should not the South Australian Oil and Gas Corporation be able to explore in partnership with other oil organisations, on a share or farm basis, in order to obtain further supplies of gas for South Australia in that circumstance? Why should not the South Australian Oil and Gas Corporation, for example, be able to explore on a share or farm basis to attain an interest (using the words in the Bill) in the Bass Strait area? If it is fortunate enough to be involved in a further find in Bass Strait, for example, how can that be harmful to South Australia? The gas does not have to be directed to South Australia in some way: the gas could be offered in exchange for gas committed to New South Wales now.

**The Hon. E.R. Goldsworthy:** And if you don't find any, you have done your dough.

**The Hon. R.G. PAYNE:** Of course, that is so if one does not have any finds. It is a risk business and it has been described as that by speakers on the other side of the House,

but it is a very modest approach. Where is the guarantee that one will not do one's dough inside the defined area? It is illogical to approach the matter in the way that it has been approached by members opposite Whether additional exploration possibilities are opened up by increasing the area that the Oil and Gas Corporation can go into come within the previously defined area or outside it should not be a reason for saying that such a proposal should be opposed.

As I said in the beginning, I am absolutely astonished that this viewpoint has been taken. We heard the Deputy Leader say earlier in a rather derisory manner that he would not let the South Australian Oil and Gas Corporation spread its wings. For example, he said that probably in his opinion the previous Labor Governments that obtained that interest have gone as far as they ought to go. Of course, he said that it is appreciated somewhat. What are the true facts? The South Australian Oil and Gas Corporation's interest was purchased for approximately $20 million with a further payment of probably some $17.5 million as a clean-up payment, and conservatively it is probably now worth over $300 million. The former Minister said that that was a bad action by a previous Labor Government which arranged that deal and purchased that interest. I would like to know what he considers to be a good action by a Government.

There has been no suggestion here that the South Australian Oil and Gas Corporation will race off and do anything hasty, senseless or risky, because it already has a history of being able to work inside a very large defined area without having committed all these sins which it would supposedly commit suddenly if it were allowed to extend the area in which it can carry out the same operations that it now does: that is totally illogical. I can only suggest to the former Minister that he has misunderstood what is intended in the Bill. I regret that the two speakers on the other side of the House have taken the attitude that they have, and I suggest that they ought to reconsider what they have said in relation to opposing the Bill. I ask the House to give this measure the support that it deserves.

The House divided on the second reading:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Klunder, Ms Lenehan, Messrs Payne (teller), Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (19)—Mrs Adamson, Messrs Allison, P.B. Arnold, Baker, Becker, Blacker, D.C.Brown, Chapman, Eastick, Evans, Goldsworthy (teller), Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs Keneally and Mayes. Noes—Messrs Ashenden and Gunn.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—'Additional powers of the Authority.'

**The Hon. E.R. GOLDSWORTHY:** This is the operative clause, which prescribes the new area in which the company will be permitted to operate. The Minister's comments simply confirm the argument mounted by the Opposition. The example the Minister gave of exploration in Bass Strait referred precisely to the argument that the Opposition raised. The Minister said that if gas was found he believed it could be used as a bargaining point somewhere else. However, as has been pointed out, exploration is a high risk activity and not the sort of risk to be taken for the possibility of picking up a bargaining point that is not worth a crumpet.

The Shell Company spent tens of millions of dollars in Bass Strait before relinquishing its areas. B.H.P.-Esso happened to be lucky. The point I make is that there is plenty to be done within the defined area (which is to be struck out) in South Australia's geological basins to prove up energy resources for South Australia. That was the argument mounted in 1977, and it still has equal force.

Clause passed.

Title passed.

Bill read a third time and passed.

## ADJOURNMENT

At 10.25 p.m. the House adjourned until Wednesday 16 November at 2 p.m.

## HOUSE OF ASSEMBLY

Tuesday 15 November 1983

## QUESTIONS ON NOTICE

### FUNDING NON-GOVERNMENT SCHOOLS

33. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: Will the Minister table the recommendations of the Advisory Committee on Non-Government Schools in relation to the future funding of these schools?

**The Hon. LYNN ARNOLD:** Yes. It must be pointed out, however, that the recommendation has at this stage been accepted for 1984 only to enable further consideration by the Government of the issues involved.

### ABORIGINAL HERITAGE LEGISLATION

75. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning: Is it the intention of the Government to amend the Aboriginal Heritage Act, 1979, or to repeal that Act and introduce new legislation? If so, which, what stage has been reached, and which organisations or interest groups have been consulted in the preparation of legislation, when did the consultation commence, and when is it intended to introduce this legislation into the Parliament?

**The Hon. D.J. HOPGOOD:** The Government undertook to redraft the previously proposed Aboriginal heritage legislation. As a first step in redrafting this legislation the Government undertook to consult with Aboriginal communities about the contents of possible legislation. These consultations began in May 1983, covered Aboriginal communities throughout the State, and have now been concluded. As a result of these consultations, officers of the Department of Environment and Planning are currently preparing draft legislative provisions for consideration by the Government. When draft legislation has been considered by the Government further consultations will take place with Aboriginal communities and other interested groups. It is expected that the Aboriginal heritage legislation would be introduced to the Parliament in 1984.

### BILL PROCLAMATION

139. **The Hon. D.C. BROWN** (on notice) asked the Premier:

1. What Bills have been passed by both Houses of Parliament during the past 10 years but have not yet been proclaimed, and when were these Bills passed?

2. What action is the Government proposing to take to reduce the increase in unproclaimed legislation?

3. Will the Premier report to Parliament each year on what legislation passed by both Houses of Parliament during the past five years has not been proclaimed and, if so, will he give reasons why such legislation has not been proclaimed?

**The Hon. J.C. BANNON:** The replies are as follows:

1. Records exist of Acts which have been assented to, but not yet proclaimed to come into operation, during the past five years. The amount of work required to ascertain the situation for the past ten years is not considered warranted unless the honourable member has some specific reason for seeking such information. The accompanying list details information that is readily available.

| | Date Assented |
|---|---|
| 1978: | |
| *Adelaide College of the Arts and Education Act, 1978 | 7.12.78 |
| Alcohol and Drug Addicts (Treatment) Act Amendment Act, 1978 | 7.12.78 |
| Dairy Industry Assistance (Special Provisions) Act, 1978 | 23.3.78 |
| Enforcement of Judgments Act, 1978 | 30.11.78 |
| *Hartley College of Advanced Education Act, 1978 | 7.12.78 |
| Local and District Criminal Courts Act Amendment Act, 1978 | 30.11.78 |
| Sheriffs Act, 1978 | 30.11.78 |
| **Stamp Duties Act Amendment Act, 1978 | 30.3.78 |
| *Statutes Amendment (Remuneration of Parliamentary Committees) Act, 1978 | 2.3.78 |
| Supreme Court Act Amendment Act, 1978 | 26.10.78 |
| **University of Adelaide Act Amendment Act, 1978 | 6.4.78 |
| 1979: | |
| Aboriginal Heritage Act, 1979 | 15.3.79 |
| Appeal Costs Fund Act, 1979 | 15.3.79 |
| Cattle Compensation Act Amendment Act, 1979 | 22.11.79 |
| South Australian Heritage Act Amendment Act (No. 2), 1979 | 15.3.79 |
| 1980: | |
| Adoption of Children Act Amendment Act, 1980 | 27.11.80 |
| Art Gallery Act Amendment Act, 1980 | 3.7.80 |
| Crown Proceedings Act Amendment Act, 1980 | 3.7.80 |
| Eight Mile Creek Settlement (Drainage Maintenance) Act Repeal Act, 1980 | 19.6.80 |
| Executors Company's Act Amendment Act, 1980 | 18.12.80 |
| Liquefied Petroleum Gas Subsidy Act, 1980 | 27.11.80 |
| Motor Fuel Rationing Act, 1980 (Expired) | 13.3.80 |
| 1981: | |
| **Community Welfare Act Amendment Act, 1981 | 15.10.81 |
| Motor Vehicles Act Amendment Act (No. 5), 1981 | 23.12.81 |
| **Prisons Act Amendment Act, 1981 | 19.3.81 |
| **Residential Tenancies Act Amendment Act, 1981 | 19.3.81 |
| 1982: | |
| Audit Act Amendment Act, 1982 | 18.3.82 |
| Commercial Tribunal Act, 1982 | 22.4.82 |
| Correctional Services Act, 1982 | 29.4.82 |
| Dairy Industry Act Amendment Act, 1982 | 1.7.82 |
| Fisheries Act, 1982 | 1.7.82 |
| **Justices Act Amendment Act, 1982 | 25.3.82 |
| Offenders Probation Act Amendment Act, 1982 | 21.6.82 |
| Prisoners (Interstate Transfer) Act, 1982 | 7.10.82 |
| **Radiation Protection and Control Act, 1982 | 29.4.82 |
| Road Traffic Act Amendment Act, 1982 | 1.7.82 |
| Road Traffic Act Amendment Act (No. 2), 1982 | 14.10.82 |
| **Stamp Duties Act Amendment Act (No. 2), 1982 | 8.4.82 |

*These Acts have been repealed.
**Some sections of these Acts are un-proclaimed.

2. While the amount of unproclaimed legislation did increase in the last year of office of the former Government, there is no real evidence to suggest that any special action is required as every effort is taken to ensure that legislation is proclaimed at the earliest possible time.

3. No.

### AUDIT ACT

168. **Mr BECKER** (on notice) asked the Chief Secretary: Why have amendments to the Audit Act passed by the Parliament in March 1982 not been proclaimed, and when will the proclamation be made?

**The Hon. G.F. KENEALLY:** The provision of appropriate resources for this important task has presented difficulty. I am sure that the honourable member is aware of the con-

siderable pressure on Government resources in recent years, particularly during the last 12 months. As you know, the Auditor-General has only taken up his position in the last few weeks. He has spoken to me about efficiency auditing and I have asked him to examine the most appropriate way to give effect to the requirements of the legislation. I hope to be able to report before too long on the outcome of that examination.

## HOUSEBREAKING STATISTICS

188. **Mr BECKER** (on notice) asked the Chief-Secretary: During the past 12 months, how many homes in the electorate of Hanson have been broken and entered into, what is the estimated value of goods stolen, and how many persons have been apprehended and charged?

**The Hon. G.F. KENEALLY:** The statistical records kept by the Police Department relate to regional and sectorised policing areas rather than to areas in electorates. To extract data relating to a specific electorate would involve an expensive computer search followed by a laborious manual collection of data. It is not considered that the question warrants the degree of effort and expense necessary to provide an answer.

## ROADSIDE PLANTS

202. **Mr OLSEN** (on notice) asked the Minister of Transport: What will be the requirements for the supply of plants to the Highways Department for the current financial year for planting on roadways and related areas?

**The Hon. R.K. ABBOTT:** Approximately 20 000 plants.

## STATUTORY AUTHORITIES

204. **Mr BECKER (on notice)** asked the Treasurer:

1. Who are the members (indicating Chairpersons) of the following statutory authorities and in the case of each member, what was the date and term of appointment and what remuneration, allowances and other benefits are provided—
   *(a)* Optical Registration Board;
   *(b)* Reserves Advisory Committee;
   *(c)* South Australian Film Corporation; and
   *(d)* Classification of Publications Board?
2. How many meetings did each authority hold in the past 12 months?
3. What criteria are applied in consideration of appointments?
4. What reserve funds were held by each authority as at 30 June 1983?
5. What is the indebtedness of each authority?
6. Which members have visited overseas in the past three years on behalf of their respective authority and what was the total cost of airfares, accommodation and expenses in each case?

**The Hon. J.C. BANNON:** The replies are as follows:

1. The members of the Board of Optical Registration, who were each appointed by the Governor on 4 November 1982 for a term of office of three years from 8 November 1982 are as follows:
   John Gordon Emsley (Chairperson)
   Robert Victor Brand
   Barbara Alice Czigler
   Max Clifford Moore
   Bruce Bamford Martin

   The members of the Board of Optical Registration do not receive remuneration but they are entitled to be reimbursed for out of pocket expense incurred by them in conducting business on behalf of the board.
2. Eleven.
3. Section 6 of the Opticians Act 1920-1974 provides that the members of the Board shall be appointed by the Governor after being respectively nominated, as follows:
   —two certified opticians, and one legally qualified medical practitioner shall be nominated by the Minister
   —one certified optician and one legally qualified medical practitioner shall be nominated by certified opticians.
4. $14 664.
5. None.
6. None.

| 1. Name | Date Appointed | Term of Appointment to | Remuneration per Session |
|---|---|---|---|
| C.W. Bonython (Chairman) | 14-8-80 | 8-4-84 | $55 |
| R.G.M. Harvey | 14-8-80 | 8-4-84 | $45 |
| R.I. Nicholls | 2-4-81 | 8-4-84 | Nil |
| J.M. Sibly | 1-2-79 | 8-4-84 | $45 |
| R.S. Twyford | 8-4-82 | 8-4-84 | $45 |

2. Eight
3. Experience in natural history, scientific research and conservation issues.
4. $146 790.49 balance in Wildlife Conservation Fund.
5. Indebtedness of the Reserves Advisory Committee was $124 970.00.
6. Nil.

| 1. Name | Appointed to the Board On | Currently to | Board Remuneration ($ p.a.) |
|---|---|---|---|
| Chairman | | | |
| Mr Irving Cook | 15-4-76 | 31-12-83 | 7 300 + 2 000 representation allowance |
| Members | | | |
| Ms Anne Deveson, A.M. | 30-4-81 | 14-5-84 | 2 550 |
| Sir James Hardy, Kt., O.B.E. | 30-4-81 | 14-5-84 | 2 550 |
| Mr Robert Jose | 8-4-82 | 14-5-85 | 2 550 |
| Mr John Morris, A.M. (SAFC Managing Director) | 15-4-76 | 15-5-85 | Nil |
| Miss Janet Worth (SAFC Head of Business & Legal Affairs) | 6-10-83 | 15-5-85 | Nil |

2. Eight

3. Members are selected for their knowledge of and experience in business affairs and/or the film and television industry. Also are included the Managing Director and one other S.A.F.C. officer elected by staff for nomination.

4. Cash at Treasury and Bank—$198 065.

5. Debenture loan indebtedness at 30 June 1983—$4 631 117.

6. The following (present or past) S.A.F.C. Board members travelled overseas in the past three years on business relating to their executive duties as staff members:

| | | |
|---|---|---|
| Mr John Morris | $5 300 | (April/May 1981) |
| Miss Janet Worth | $4 713 | (September/October 1981—before appointment to S.A.F.C. Board) |
| Mr Bruce Moir | $3 020 | (November 1981—whilst staff-elected Board member and Executive Producer, Documentary Films) |

(The Chairman and other part-time Board members travelled overseas privately in the past three years, not at S.A.F.C. expense)

(d) 1. The members of the Classification of Publication Board are:

Mrs M.A.C. Robinson (Chairman)
Professor R. Kalucy
Mrs J.R. Wood (Government Employee)
Mr J.N. Holland (Government Employee)
Mrs J.M. Taylor
Mr J. Cross

They were appointed on 9 June 1983 for a period of three years. Fees applicable to non-government employee members are:

Chairman $100 per ½ day (up to four hours)
Members $85 per ½ day (up to four hours)

Fees applicable to Government employees are $58 per ½ day (up to four hours).

2. In the past 12 months the Classification of Publications Board held 13 meetings (all out of normal office hours).

3. The criteria applied in consideration of appointments are contained in section 5 (2) of the Classification of Publications Act, 1979-1982.

4. The authority does not hold reserve funds.

5. The authority is not in debt.

6. No members visited overseas.

## PRISON ACCOMMODATION

206. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: Which Correctional Services Department institutions have cells with more than one prisoner accommodated in them and how many such cells are in each?

**The Hon. G.F. KENEALLY:** As at 8 a.m. Friday 14 October 1983, the Department of Correctional Services had doubled up 124 prisoners in 62 cells. Seven of these cells were at Yatala Labour Prison whilst 55 were at Adelaide Gaol.

## OFF-ROAD RECREATIONAL VEHICLE SITE

208. **Mr OSWALD** (on notice) asked the Minister for Environment and Planning—

1. Is the Government providing assistance to any individual or company to develop an off-road recreational vehicle site in the Port Gawler area and if so—
   *(a)* is the site on private or Crown land;
   *(b)* who is receiving the assistance;
   *(c)* what form is the assistance taking;
   *(d)* when will the site be completed; and
   *(e)* will the Government be involved in the administration of the site after its completion?

2. What is the current position regarding the zoning of the triangular portion of land immediately north of the International Raceway at Virginia and immediately west of the Port Wakefield Road?

3. Is there an application currently before the District Council of Munno Para to have that land rezoned to enable it to be redeveloped as an off-road recreational vehicle park and if not, will the Government support an application to Council to have the land rezoned to enable it to be privately redeveloped for that purpose?

**The Hon. D.J. HOPGOOD:** The replies are as follows:

1. Yes.
   *(a)* Crown Land
   *(b)* Mr A. Roberts
   *(c)* Advisory assistance only has been provided.
   *(d)* It is not yet known when or if the site will be completed.
   *(e)* Options under consideration do not involve Government participation in the administration of the complete site.

2. and 3. There is currently no application before the District Council of Munno Para to have the land rezoned to enable it to be redeveloped as an off-road recreational vehicle park.

It is Government policy to encourage the establishment of off-road recreational parks at suitable locations. The Government will support an application to Council to have the land rezoned to enable it to be privately redeveloped for that purpose provided that noise aspects and other environmental criteria are adequately taken into account. The Government is currently liaising with Council and a prospective developer with a view to preparing an application which is mutually acceptable.

## PASSENGER PATRONAGE

211. **Mr BAKER** (on notice) asked the Minister of Transport: Further to the answer to Question on Notice No. 101,

what is the average passenger patronage per trip for the time periods—

*(a)* prior to 7 a.m.;
*(b)* 7 a.m.-9 a.m.;
*(c)* 9 a.m.-5 p.m.;
*(d)* 5 p.m.-6 p.m.;
*(e)* 6 p.m.-8 p.m.;
*(f)* 8 p.m.-10 p.m.; and
*(g)* after 10 p.m.?

**The Hon. R.K. ABBOTT:** The patronage information requested is not presently available on a 'per trip' level for the various time periods indicated. The State Transport Authority's ticket sales analyses are designed to show total passenger journeys for specific periods of each day, e.g. pre-peak, peak, post-peak, etc.

Average weekday passenger journeys are as follows:

| | Bus and Tram | Rail | Total |
|---|---|---|---|
| prior to 7 a.m. | 5 000 | 1 000 | 6 000 |
| 7 a.m.-9 a.m. | 42 000 | 11 000 | 53 000 |
| 9 a.m.-3 p.m. | 74 000 | 14 000 | 88 000 |
| 3 p.m.-4 p.m. | 27 000 | 4 000 | 31 000 |
| 4 p.m.-6 p.m. | 30 000 | 11 000 | 41 000 |
| After 6 p.m. | 10 000 | 3 000 | 13 000 |

## PUBLIC HOSPITAL PATRONAGE

212. **Mr BAKER** (on notice) asked the Chief Secretary representing the Minister of Health: What estimates have been made of the possible increase in patronage of public hospitals by:

*(a)* patients previously attending private hospitals; and
*(b)* increased usage of the public system,

due to the introduction of Medicare?

**The Hon. G.F. KENEALLY:** The extent of any movement between the private and public hospital systems will depend on factors such as:

- the rates offered by the private health funds for private hospital cover; and
- waiting lists for elective care in public hospitals.

Both factors are unknowns at this stage. Overall, there is likely to be a slight increase in demand for public hospital inpatient care in South Australia as a result of the introduction of Medicare. This increase is most likely to be generated from that section of the community which currently has no hospital insurance and is not eligible for free treatment. However, the effects are likely to be uneven and will probably vary over time and be different in country areas to metropolitan areas.

In relation to a shift from private patient to public patient status within the public hospital system, the Commonwealth Government has estimated, based on 1982-83 utilisation figures, that the shift from private to public patient status within the South Australian public hospital system will reduce the number of chargeable bed days by 14.3 per cent and increase the number of non-chargeable bed days by 11.8 per cent. The allowance for this shift is considered to be the maximum likely change. Further, it is not expected to occur immediately after the introduction of the new arrangements on 1 February 1984. An initial lag time of some six weeks has been assumed in the Commonwealth's calculation of the compensation to be paid to South Australia for the revenue loss associated with this shift.

## MEDICARE JOB LOSS

222. **Mr BAKER** (on notice) asked the Premier: What submissions, if any, were made to the Federal Government concerning the loss of jobs from private health funds as a result of the introduction of Medicare?

**The Hon. J.C. BANNON:** It is accepted that the Commonwealth Government is responsible for the implementation of Medicare and, while the State Government has an interest in aspects of the scheme, it has not made any formal submission to the Commonwealth concerning the possibility of loss of jobs from private health funds.

Following informal discussions on the matter at a meeting of Australian Health Ministers the Commonwealth Minister for Health asked the South Australian Minister of Health to examine the possibility of employment for any displaced health fund staff within the State health system. It is not possible to give an accurate response on this matter until the rates of attrition of health fund employees become clearer after the introduction of Medicare on 1 February 1984. However, where it is practicable and appropriate, consideration may be given to offering employment to displaced health fund staff within the South Australian health system.

The Commonwealth Minister has indicated that the Health Insurance Commission will be providing employment for a significant number of these displaced employees. In addition the Commonwealth Departments of Employment and Industrial Relations and the Commonwealth Public Service Board are considering ways of further expanding the employment prospects of displaced health fund staff.

## O-BAHN LAY-OVER IMPACT

223. **Mr BAKER** (on notice) asked the Minister of Transport: Further to the answer to Question on Notice No. 105, what will be the impact on Grenfell and Currie Streets with respect to:

1. total bus movement; and
2. loss of existing parking space,

of the proposed O-Bahn lay-over area?

**The Hon. R.K. ABBOTT:** The replies are as follows:

1. If the Government adopts the proposed Grenfell Street/Currie Street route for Busway buses, together with changes proposed for other bus routes, this will result in an increase in bus movements as follows:

Typical peak hour (4.45-5.45 p.m.):
Eastbound—Increase from 75 to 114
Westbound—Increase from 55 to 90.
Off peak hours:
Both directions—Increase from 25 to 30.

2. Increases in the length of kerbside bus zones will reduce parking space as follows:

| Category | Loss |
|---|---|
| 1 hour meters | 12 No. |
| ½ hour meters | 15 No. |

15 minute limit, unmetered—25 metres
2 hour limit, unmetered—10 metres

Changes to the length and times of availability of loading zones are also required.

## ABORIGINAL SITES

228. **Mr BAKER** (on notice) asked the the Minister for Environment and Planning: What methods does the Minister intend to employ to ensure that all future sacred sites identified in studies commissioned and paid for from public funds are fully validated prior to reporting to Government?

**The Hon. D.J. HOPGOOD:** The Government has always and will in the future adopt the approach of ensuring that persons undertaking studies of the Aboriginal cultural heritage (including sacred sites) which are paid for by the Government, are competent to undertake an assessment of the significance of Aboriginal sites according to normally accepted professional criteria.

## MUNNO PARA PRIMARY SCHOOL

234. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education:

1. When will the proposed new Munno Para Primary School be constructed?

2. Will the present school receive replacement classrooms for those recently destroyed by fire?

**The Hon. LYNN ARNOLD:** The replies are as follows:

1. It is currently anticipated that construction will commence on Munno Para Primary Stage II in December 1984. Informal discussions have already taken place with school representatives to establish priorities for the range of provision to be made. Following an assessment of the costs involved, a more precise programme of development will be available.

2. It is the expectation of the Education Department that the rooms destroyed by fire will be replaced as soon as practicable. The current shortage of transportable classrooms and existing commitments has meant that the normal practice of identifying and transporting surplus existing classrooms would be too slow. As a result, a recommendation by the Public Buildings Department that new units should be purchased has been accepted by the Education Department.

## KESWICK CREEK

242. **Mr OSWALD** (on notice) asked the Minister of Transport: Is the Highways Department currently considering a proposal from the South-East Drainage Board to upgrade the Keswick Creek and, if so—

*(a)* who will carry out the work;

*(b)* what is the estimated year for the commencement of the reconstruction; and

*(c)* what role will the Department's Drainage Section play in the planning, construction and future maintenance of this project?

**The Hon. R.K. ABBOTT:** No. However, six councils in the south-eastern suburbs of the Adelaide metropolitan area have commissioned a consulting engineer to undertake a major drainage study of the Keswick, Brownhill, Glen Osmond and parklands creek systems. The Highways Department's Drainage Section is providing technical input into this study. The purpose of the study is to ascertain the flooding potential of these creeks and to determine whether or not any upgrading works are required. Decisions as to the timing of any required works, and the manner in which they are to be undertaken, will have to await the outcome of the drainage studies. The Department's Drainage Section will continue to provide input as and when appropriate.