HOUSE OF ASSEMBLY

Thursday 10 May 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1984

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That Standing Orders be so far suspended as to enable the sittings of the House to be continued during the conference with the Legislative Council on the Bill.

Motion carried.

PETITION: NOISE

A petition signed by 16 residents living on or near Calton Road, Gawler, praying that the House urge the Government to police noise control problems associated with quarries east of Gawler, and particularly along Calton Road, was presented by the Hon. B.C. Eastick.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By the Premier (Hon. J.C. Bannon)—

Pursuant to Statute—

Equal Opportunity, Commissioner for—Report, 1982-83.

MINISTERIAL STATEMENT: MARALINGA TESTS

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. J.C. BANNON: I have initiated a thorough search of all State Government documents and records in the possession of the State Government in relation to Maralinga. Following my action, this is now being duplicated by the Commonwealth Government and the United Kingdom Government. The process of evaluating those official records is not yet complete. It is apparent from the work that has been carried out that the records and files that are now held by the South Australian Government provide a far from complete picture of activities at the Maralinga and Emu sites during the period of tests and experiments. That is an unsatisfactory situation. I have therefore been vigorously pursuing outstanding issues of concern that are not resolved by the information and material that have been made public by the Commonwealth Government and the United Kingdom Government.

These issues of concern are fundamentally about, first, the health and safety precautions of all those in the vicinity of, or influenced by, the tests and experiments at Maralinga and Emu. Secondly, I am concerned about the present and future safety and management of the areas. On Tuesday, the Leader of the Opposition asked me to table all relevant information available relating to the aftermath of nuclear testing at Maralinga, particularly in relation to the burial of contaminated material. From the information available to me as a result of the document and record search, the documents I now table provide verified information that covers the material held by the South Australian Government about the tests, experiments and burial sites.

I table these documents for the information of honourable members. As I have said, there are, in my view, questions that need to be resolved once and for all. Furthermore, there are a number of people who were at Maralinga and Emu or were influenced by the events there and who are not satisfied by current explanations and reports. The information and explanations to satisfy these concerns will need to come from either the Commonwealth or United Kingdom Governments, and I will continue to pursue those avenues. I am also pleased to record that the Western Australian Premier, the Hon. Brian Burke, has today advised me that his Government will co-operate with the South Australian study of Aborigines who may have been affected by the Maralinga-Emu activities. After my visit to Canberra last week, Senator Walsh, the Federal Minister for Resources and Energy, said:

Let me assure the Senate and the Australian people that this Government has no interest or intention of keeping facts relating to the nuclear tests in Australia a secret.

Senator Walsh has also said that some records of these incidents are widely dispersed and quite possibly incomplete. The South Australian Government does not appear to possess very much information on fall-out readings. However, a fair amount of detail has been published. For example, some details of fall-out over Adelaide were provided in research by Dr Hedley Marston, who was a former Director of the CSIRO's Division of Biochemistry. Dr Marston's 1958 paper, in an abridged form because of the deletion of security sensitive information, is not at present in the hands of the State Government. A copy is being sought.

A further paper was published in 1958 by five members of the Australian Weapons Safety Committee titled 'Radioactive fall-out in Australia from Operation Buffalo'. It is a thorough examination of weather patterns prevailing during the four Maralinga tests in 1956 and fall-out data from the tests. Further details of fall-out, partly in relation to South Australia, are provided in the report 'British Nuclear Tests in Australia—a review of operational safety measures and of possible after effects' by the Australian Ionising Radiation Advisory Council (AIRAC No. 9), which I have tabled today. Other reports, which contain some details of fall-out, are included in a further document I now table.

PEACE MARCH REPORT

The Hon. J.D. WRIGHT (Deputy Premier): Recently, I was asked a question by the member for Elizabeth concerning the 'Reclaim the night' anti-rape march, at which time I promised to obtain a report and present it to the House. I seek leave to table that report.

Leave granted.

MINISTERIAL STATEMENT: SCHOOL FUNDING

The Hon. LYNN ARNOLD (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: I wish to inform honourable members of changes approved by Cabinet in the way State Government funds are to be distributed to private schools from 1985. The changes are in line with undertakings made by Labor in its education platform before the 1982 State election. The intent of the changes is to ensure that greater emphasis is placed on need as the basis for aid to private schools. The State Government, as also undertaken before November 1982, has maintained the total allocation to the

private school sector at 23 per cent of the per capita cost of educating a student in a 'model' Government school. This represented a sum of about $18 million in 1982, rising to $21 million in 1983.

The Government does not intend to reduce this funding level nor eliminate Government funding from any private schools in the State. Its major concern is the allocation of those funds once they have been made available. Priority for funding from available Government resources must go to non-government schools which have clearly demonstrated needs and which operate below resource levels in standard Government schools. In an initial step towards this end, immediately on coming to office I requested the Advisory Committee on Non-government Schools to develop proposals to meet the new Labor Government's policy of extended needs-based funding. The Government was aware of possible difficulties that may have arisen for schools through a sudden funding change, and did not rescind funding arrangements already in place for 1983.

It therefore asked the committee for advice on the disbursement of funds within the guidelines of the Government's policies for 1984. The Medlin Committee's recommendations, which were accepted by Cabinet as an interim measure in July last year, widened the differential between funds allocated to the most needy and least needy schools. Its recommendations meant that high resource schools were to receive funding to the level of 75 per cent of the average funding, compared with 85 per cent in 1983, with the most needy schools receiving 125 per cent compared to 119 per cent in 1983. Needs based allocations for each of the categories under 1984 grants have not yet been assessed. However, had the changes been applied to the distribution in 1983 funding, the most needy primary schools would have received about $70 per student more, while similar secondary schools would have received about $45 more.

The Government has now determined that 50 per cent of the total private sector allocation provided under the 1984-85 budget will be distributed on a per student basis. This level will then be held at constant dollar terms until 1987. So, whereas the first stage of the Government's policy implementation entitled all schools to a basis entitlement of 75 per cent of the standard cost, with 25 per cent being distributed on a basis of need, stage two reduces the automatic entitlement to 50 per cent. As the 'base' funding level diminishes through the effects of inflation over future years, the portion of funds available for distribution according to need will increase.

The exact details regarding the disbursement of the money to be distributed according to needs have still to be finalised. The money will be distributed on a needs basis according to the 'New Potts formula' recommended by the Advisory Committee on Non-Government Schools. However, I will be asking the committee for its further advice on how the money can be distributed so that the most needy schools gain further substantial benefit. In considering this matter, the committee will need to report to me on the consequential effects that the extension of benefit to the most needy schools will have upon funding for all other categories. Upon receipt of this further advice, the Government will then determine the specific details for the actual application of needs funding for the 1985 school year.

JOINT SELECT COMMITTEES

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the members of this House appointed to the Joint Select Committee on the Law, Practice and Procedures of Parliament and the Joint Select Committee on the Administration of Parliament have power to sit on those committees during the recess.

Motion carried.

QUESTION TIME

PORT ADELAIDE REDEVELOPMENT

Mr OLSEN: Has the Premier, or any officer in his Department, informed the Commonwealth that the State Government will override the Port Adelaide Centre redevelopment plan to ensure a Commonwealth office block is built on land at present owned by the State Government? Last year, the Federal Department of Administrative Services called tenders for an office building at Port Adelaide to accommodate the Customs Bureau and the CES as the major tenants.

One of the conditions of letting a successful tender was that the company given the contract, worth about $8 million, would have to prove that it owned or had access to ownership of suitable commercial land on which to build the office block. There were three final tenders considered for the contract. Two of the tenderers were leading South Australian building and construction companies and, in each case, the land nominated had the appropriate commercial zoning for this type of project.

However, I have been told that neither of these companies will be the successful tenderer. Instead, it will go to a Victorian company, Consulere Proprietary Limited, which does not have an option over any land zoned commercial. Instead, it has an option over land in Commercial Road at present owned by the State Government that is zoned retail.

The State Government will sell the land to the Commonwealth, and I have been told that the State Government will also ensure that the Port Adelaide redevelopment plan, which is administered by the Special Projects Officer of the Premier's Department, does not stand in the way of the project, even though it will be a commercial development undertaken on land zoned retail. It appears, therefore, that what is to happen is that a Victorian company will win a significant building project over two major South Australian companies and that this project will involve the overriding of the Port Adelaide centre redevelopment plan, just so that the State Government can sell off a block of land to the Commonwealth.

The Hon. J.C. BANNON: I cannot bring to mind any detailed knowledge of what the Leader has raised. I will certainly obtain a report on the matter. As to the Port redevelopment project itself, I think honourable members—particularly those familiar with the project, such as my colleague the member for Price—would be aware that it has been spectacularly successful. One of the bases of that project, which has been operating since 1979, has been that the further and ongoing development, so far as Government content is concerned, should be financed from the turnover or proceeds of land sales and land realignments.

In other words, the project is seen, so far as the Government is concerned, as stimulating many millions of dollars of private investment, but at the same time funding Government investment and ongoing commitments there out of the actual commercial revaluation that arises from the project. Again, it has been very successful indeed. Under the previous Government there were some problems with the project. That Government in fact contemplated completely cancelling it. I guess it must be along the lines of the new economic policy that the Leader has announced—if anything is going well or making a profit one gets rid of it quickly. But, so far as this specific building is concerned,

I will certainly obtain a report on the matter. I thank the Leader for drawing it to my attention.

The SPEAKER: We had a fall out from equality yesterday. To equalise matters, I now call the Deputy Leader of the Opposition.

FID

The Hon. E.R. GOLDSWORTHY: Thank you, Sir. Will the Premier reverse a decision of the State Taxation Office not to exempt the funds raised by community service clubs from the payment of financial institutions duty? The Association of Community Service Organisations Incorporated, whose membership comprises Apex, Jaycees, Kiwanis, Lions, Rotary, Soroptomists, and Zonta, requested the State Taxation Office to grant exempt account status under section 34 of the Financial Institutions Duty Act for the funds raised by these clubs.

However, the Taxation Office has replied that these service clubs fall outside the definition of a 'charitable organisation' as defined by the FID Act, and therefore do not qualify for exemption. This interpretation is inconsistent with the approach adopted in relation to lotteries licence fees under the Lottery and Gaming Act.

In 1982, the former Government agreed that service clubs should be registered as licensed charitable organisations when funds raised were being used specifically for activities of a community service nature. I am advised that moneys generated through fund raising projects by these service clubs are kept separate from normal club administration funds. They are used only for activities of a service nature, and as such can be easily identified for the purposes of exempting them from the payment of FID. About 330 individual clubs in South Australia are involved, with the funds they raise for community service purposes being credited to about 700 accounts. A great deal of voluntary work performed by service clubs raises hundreds of thousands of dollars in South Australia each year, and every cent of this money which it is possible to allocate will benefit the South Australian community.

The Hon. J.C. BANNON: A general point for the House's interest is that more than 4 000 charitable organisations have been approved, with a total of over 11 000 accounts exempt under the financial institutions duty. The situation is under constant review. Of course, the Commissioner of State Taxation is certainly available to assess or reassess, as the case may be, any applications in these areas. I have called for a report on this matter, and have asked the Commissioner to see whether something could be done in relation to service clubs.

He has reported to me that he has had some considerable difficulty in what one might call borderline cases, where organisations which may themselves not fall within the guidelines or legal definition of charitable organisation may—and this is certainly the case with most service clubs—be raising money for one or more specified charities or making donations to a broad range of charities.

As the Deputy Leader has mentioned, some changes have to be made to legislation to bring it within one definition. As far as the Commonwealth is concerned, I understand that some service clubs accounts can be treated as exempt or tax free for the purposes of Federal legislation if they are paid into a charitable trust account and that is recognised by the Commonwealth Commissioner of Taxation as being deductible for income tax purposes. Incidentally, though, I would add that the Commonwealth bank debits tax is applying across the board in this area.

As far as our FID legislation is concerned, I have requested that there be a review of the position of service clubs. The Commissioner has advised that he has in fact sought Crown Law opinion in relation to, first, whether an exemption can be granted to those charitable trust accounts which service clubs have, which would solve the problem immediately. The problem may be that, under the Act as it stands, a charitable organisation can be exempt for the accounts it opens, but there is no provision to exempt individual accounts. Whether or not that can be corrected by regulation is one of the points that is being considered by—

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: Let me finish the answer. It is being considered, so there have been initial rejections of service club applications for exemption as charitable organisations based on the fact that, as such, they do not fall within the definition. However, we are certainly attempting to find a means whereby those charitable trust accounts can be exempted and, of course, the tax therefore not apply to that aspect of the service club operations.

UNEMPLOYMENT

Mr FERGUSON: Can the Premier say whether the latest unemployment figures are available; if so, what picture they show of the economic recovery in South Australia, and are they confirmed by other economic indicators which the Government has before it?

The Hon. J.C. BANNON: The figures published today are very good news indeed. The ABS labour force survey figures for April 1984 show that the unemployment rate in South Australia has dropped now to 9.5 per cent, which is a substantial drop of .5 per cent and which is equal to the national rate of unemployment. The unemployment rate in this State on these figures is now the second lowest of any State. That is very significant in that it is the first time in exactly six years that South Australia has had a rate of unemployment equivalent to or lower than the national rate. That was April 1978.

From that time onwards a vastly increasing discrepancy emerged between South Australia's unemployment rate and the national rate and, as members will well know, for most of the period of the Tonkin Government and for the first few months of this Government our rate was consistently the highest of the mainland States. So, that is very encouraging indeed. The fall in unemployment over the year to April 1984 was 9.2 per cent, a fall of about 3 800 persons. Our unemployment decline of .5 per cent was for both the year and during the month of April 1984 greater than the national decline in unemployment, so I think that that is a very encouraging sign.

Let me not repeat the error of my predecessor, who had the habit, unfortunately, of hailing any good statistics or trends such as these in somewhat fulesome terms that often resulted in our having our hopes dashed. So, let me add the disclaimer that this is the figure for one month. It certainly reflects a strong trend which has been pulsing through for some months now, but I do not believe that we can use any individual months figures to in any way proclaim that we are out of the woods or are totally on the upward recovery path.

However, it is certainly encouraging, and let me remind members that our unemployment rate for the first time since April 1978 is at the rate of the national level and not above it; that is very encouraging indeed. Victoria, on these figures, is the only State with a lower unemployment rate than South Australia's.

One cause for some optimism I think relates to a survey which was commissioned recently by the Metal Trades Industry Association of Australia and the Commonwealth Bank. It is a national survey of the metal and engineering

industry which was published in April 1984 (I am not sure how widely it has been released), and it contains some good news indeed for South Australia in a key industry—we all know the enormous problems manufacturing industry in this State has been experiencing. The summary of the 1984 survey as it relates to South Australia states:

Business activity among South Australian respondents is currently the most busy among all the States, with 69.9 per cent of companies reporting very busy/busy production levels. This strong relative position is expected to continue during the rest of 1984 and into 1985, by which time 76.2 per cent of respondents in the State anticipate very busy/busy levels of production activity. Whereas national sales declined 3.7 per cent during 1983, sales by South Australian respondents actually rose by a modest 4.8 per cent, the only State to do so. The projected 10.2 per cent rise in the value of sales this year is also above the national total of 9.1 per cent. Export sales, after rising only 5.3 per cent last year, are expected to rise 22.5 per cent in 1984.

Those very encouraging and optimistic findings of the MTIA-Commonwealth Bank survey are in fact even more dramatic than that summary suggests. The figure of 69.9 per cent of firms that were very busy or busy as at March 1984 compares with the national average of 57.6 per cent; in other words, South Australia is 12.3 per cent above the national average. The State nearest to South Australia is Victoria, with 63.3 per cent. In terms of the remainder of 1984, the figure is 72.8 per cent for South Australia, compared with a national average of 57.7 per cent; in other words, the gap has widened by 3 per cent or so, and the nearest State is still Victoria, with 62.3 per cent: that is, Victoria shows an expected drop of 1 per cent and South Australia shows an expected rise of nearly 3 per cent.

If the figures for 1985 can stand up, the outlook is very good indeed. The expected very busy to busy levels of activity in South Australia in the metal industry area in 1985 is 76.2 per cent, compared with the national average of 63.8 per cent, a startling difference of nearly 13 per cent, and the nearest State in 1985 is Queensland, with an expected 63.2 per cent. It can be seen that these are very encouraging and quite extraordinary results both as to the current level of activity and as to the future. The figures are certainly encouraging for our manufacturing industry.

Having said that, again let me make the disclaimer so that people in the community and members fully understand that these figures are simply indicators of an improving trend; they do not in themselves suggest that we have reached the recovery stage, but they are certainly very welcome evidence that South Australia is now pulsing very strongly and at above the level of the national economy.

CASINO

The Hon. MICHAEL WILSON: When does the Premier expect the Casino Supervisory Authority to approve the appointment of an operator for the casino, and does he still expect the casino to be operating by early next year? When the casino legislation received Parliamentary approval in May last year, the Premier said that the casino could be operating in South Australia within a year. He was quoted as saying that in the *Advertiser* of 13 May 1983. Following the inquiry by, and the report from, the Casino Supervisory Authority, the Premier extended that timetable and, in the *News* of 22 February 1984, he was quoted as saying that he hoped that a casino operator would be chosen 'within a matter of weeks rather than months'.

That was 10 weeks ago. In the *Advertiser* of 29 February, he was quoted as saying that the Lotteries Commission would be asked to ensure that an operator for the casino was selected at the earliest possible date, and he said that he believed that the casino would operate by early next year. However, it is only this week that the Lotteries Commission has advertised for applicants to operate the casino to register their interest in writing.

The SPEAKER: Order! The Deputy Premier has his back to the Chair and is also between me and the member asking the question.

The Hon. MICHAEL WILSON: The appointment of a casino operator is likely to take some time, as the Government has said in newspaper notices that applicants should be willing to 'subject themselves and their associates to the closest scrutiny', and I agree with that requirement. It is on this basis that I ask the Premier whether he still holds to his timetable that the casino will operate by early next year.

The Hon. J.C. BANNON: I remain optimistic, although the timetable is very much in the hands of the Casino Supervisory Authority. To remind members of progress in this area, may I say that the Authority in its initial report determined the location of the casino but refrained from determining terms and conditions, stating that in certain areas legislative action should be taken. The Government took the view that within the framework of the enabling legislation passed by Parliament it should be possible for the Authority to determine terms and conditions to allow the establishment of the casino to proceed. In fact, the Authority in its report invited the Government, if the Government felt that this course should be followed, to follow such a course. So, the matter was referred back to them. Intensive work has been done since then in formulating regulations and general terms and conditions, while at the same time, as the honourable member has said, the Lotteries Commission has called for registration of interest for an operator.

As soon as those terms and conditions have been finalised, the appointment of the operator should proceed rapidly but, because the Government is in the hands of the Authority—and I do not wish to be seen to be either suggesting deadlines to the Authority or stampeding it in any way—I can only say that matters will accelerate once terms and conditions have been brought down. The Government still hopes for early construction and the opening of the casino, because the sooner it is in operation obviously the more benefits will accrue to South Australia.

CARAVAN ELECTRICITY CHARGES

Mr GREGORY: Can the Minister of Mines and Energy say whether the Government is planning to provide for permanent residents of caravan parks to be charged for electricity at the domestic tariff? I ask this question on behalf of the member for Mawson. Over the past few years, as a result of the recession, high home loan interest rates and the shortage of available rental accommodation, both public and private, many people have taken up long-term residence in caravan parks. In the Mawson District there is a caravan park with many long-term residents who have frequently raised with the honourable member the matter of the high cost of electricity to them because they cannot obtain a supply at the domestic tariff.

The honourable member understands that caravan park proprietors are billed at the S tariff, which involves a somewhat different rate structure, and consequently they are forced to pass on higher charges to long-term caravan park residents than they would have to pay if a domestic M tariff was available to them on an individual basis.

The Hon. R.G. PAYNE: I thank the member for Florey for raising the matter on behalf of the member for Mawson. I have been approached previously about this matter by colleagues from this side of the House. For example, the member for Brighton has spoken to me about this matter on more than one occasion. Also, I recall that the member

for Flinders has raised this matter with me as have constituents of mine, there being a caravan park of the type referred to in my electorate. I am happy to say that, although not exactly in terms of the honourable member's question, the Government is planning to make provision to enable permanent residents of caravan parks to receive electricity to be charged at the domestic tariff. Some time ago I took up this matter with ETSA, and I commend it for recognising the need presently existing in the community concerning people who quite often are on low incomes or disadvantaged, who are not able to afford a more conventional home of their own and who therefore live on a permanent or semi-permanent basis in a caravan park.

The honourable member pointed out that the S tariff, the bulk billing tariff, currently applies to caravan parks, whereas people living in houses are entitled to an M tariff. The arrangements I have discussed with ETSA (which I understand it is now willing to meet) will involve long-term residents in caravan parks having individual meters which will be read on a monthly basis. This may be of further assistance in that, because accounts will be rendered for shorter intervals of time, people may be better able to meet those accounts. It is important that caravan park owners operate in this manner. I would hope that that degree of co-operation will be forthcoming from caravan park owners. I am expecting ETSA to provide me with a detailed report, and I am confident that the assistance sought by the honourable member will be provided.

WATERWELL DRILLING

Mr ASHENDEN: Will the Minister of Mines and Energy give an assurance that the Drilling and Engineering Services Branch of his Department will not compete for work traditionally undertaken by private companies involved in waterwell drilling? The Department of Mines and Energy is advertising for waterwell drilling work for its Drilling and Engineering Services Branch. I have been provided with a copy of a very large advertisement placed in the press by the Department. Private companies operating in this field are seriously concerned about this. I also have a letter from the National Waterwell and Drilling Association clearly expressing its concern. I have been informed by that Association that its members are concerned that the Government is now soliciting work in the private field.

The letter points out that previously it had been accepted that the Department would do this type of work only for Government bodies and would not enter into private competition with private drillers. The letter further states that the Association is also concerned that, because permits to drill for underground water are handled by the Engineering and Water Supply Department, prior notice could be given to the Mines Department giving it an advantage over private drillers in seeking work. Drilling for water is very important to South Australia and, while the Department has undertaken valuable work for Government in the past, this move is likely to cause grave difficulties for private companies in an industry in which the work available is already limited and the price very marginal.

The Hon. R.G. PAYNE: First, I will not give that assurance, and I make no apology for that. It does not make any sense whatsoever for people employed in Government to be required to be paid salaries but not have work to do. I am sure that the honourable member would agree with that point if he gave some thought to it. In his explanation he referred to apparent agreements, as he put it, which are in existence as to how the market, as it were, might be split up between the Government and the private enterprise sector. I will look at that matter and bring down a report for him.

The Hon. E.R. Goldsworthy: Have you got the letter?

The Hon. R.G. PAYNE: Not in front of me, no.

The Hon. E.R. Goldsworthy: But you've definitely got it?

The SPEAKER: Order!

SCHOOLS AMALGAMATION

Mr MAX BROWN: Will the Minister of Education say whether he can foresee any emotional or education problems eventuating, particularly in relation to junior primary school-children, because of the Government's policy to amalgamate junior primary and primary schools? I refer to an article appearing in the City of Whyalla press yesterday, headed 'Amalgamation concern' and stating, in part:

> Parents and parents-to-be should be 'most concerned' about the proposed amalgamation of Hincks Avenue Primary and Junior Primary School . . .

The article continues:

> . . . children of 'tender years' were introduced to the school system by enrolment in smaller junior primary schools which had 'intimate, more personal' surroundings.

The author of the article states:

> I am not convinced that enrolment into a larger, more bureaucratic system at such a young age would be educationally or emotionally good for our children.

The article continues:

> The proposed amalgamation could also lead to the loss of teaching positions and jobs for support staff, with the result that fewer people would be available to meet children's needs.

The Hon. LYNN ARNOLD: There is no Government policy to amalgamate junior primary and primary schools, as a general policy. The policy is to examine each particular instance where there is, or where there may not be, a junior primary school on a primary school campus in order to determine the best mode of structure for the school. Since this Government came to power not only have there been cases of the disestablishment of junior primary schools, but there has been the case of the establishment of junior primary schools where the numbers warrant it. That is quite a change from the policy that previously existed where there seemed to be a constant rundown in the numbers of junior primary schools in the State.

The process of determining whether or not a junior primary should be disestablished or established on a primary school campus is based, first, on the size of the school. In some situations, the numbers of enrolments in junior primary schools have been so low that it has been quite an inefficient use of the teaching and educational resources available at that site, and we have to examine whether or not that is the best use of the resources available to address the needs of the children. Where a junior primary school is disestablished because of low numbers, inevitably those students are then enrolled in an R-7 school, which is itself quite small in numbers. So, we are not dealing with what I fear may be envisaged in the newspaper article as a megaschool—a very large school—where junior year students will be going into a very unfriendly environment. That is not the case.

Prior to my election to the Ministry, the situation with the disestablishment of junior primary schools was that we went to the junior primary school in question and said, 'We are going to have discussions with you about your disestablishment.' In other words, it was a foregone conclusion as to what was actually going to happen. I insisted when I became the Minister that that type of discussion should change totally. We should rather go to those schools and say, 'Look, there are problems. Your enrolments are declining. We would like to talk to you about the best structure

of your school in future. Please give us your viewpoints on this matter.'

After that period of views being expressed, the Department determined what it would recommend to me about the future of the school in question—whether it should be disestablished or remain as a junior primary school. Indeed, as a result of this process last year not all schools identified for disestablishment were finally disestablished. Some remained as junior primary schools for various reasons that came out of that process of talking with parents at the school. That will be the case here.

The Hon. D.J. Hopgood: Anti-disestablishmentarianism!

The Hon. LYNN ARNOLD: That might be the appropriate term for it. The other point that I make is that this year we have a number of schools the subject of discussion about disestablishment, and six the subject of whether we will establish a junior primary school on those sites. I emphasise to those schools that we want them to consider the educational opportunities that may be available, given the fact that they are relatively large schools, if they break up into what could be regarded as two sub-schools.

The question of educational advantage or disadvantage would vary from child to child, because certain children prefer a smaller educational environment and do better in it, while others cope well and flourish in a larger educational community. We believe that, on balance, where a junior primary school is disestablished it has ended up with students going into a fairly small school anyway, and it is not a particular problem.

I ask the honourable member to note that the Department—and I as Minister—will listen carefully to views expressed by parents at any junior primary school subject to those discussions, and that we will seriously consider the points they wish to make in an endeavour to make sure that the resources we have available are used to maximum educational effect for students in those schools.

PRESIDENT'S POWER

Mr GUNN: Can the Premier say whether the Government has yet filed proceedings in the Supreme Court in relation to the power of the President in another place? If not, when does the Government intend to do so? In a report to the *Advertiser*—

The SPEAKER: Order! I ask the honourable member for Eyre to resume his seat.

The Hon. J.C. BANNON: I rise on a point of order. I do not wish to gag a legitimate query of the member for Eyre, but I draw your attention, Sir, to Question on Notice 519, dealing with this matter.

The SPEAKER: Yes, I am most reluctant, as always, to stop any member from asking a question without notice, but it is quite clear that question 519 does cover the ground in totality. Therefore, I have to rule the question out of order.

Mr GUNN: I rise on a point of order. I have examined question 519. It is quite obvious that, because the proceedings of the House are about to come to a close, the question will not be answered. Therefore, I put to you, Sir, that my question is not out of order, and I am quite entitled to ask it because the House will not get an answer.

Members interjecting:

The SPEAKER: Order! We will not have this Parliament made a laughing stock. If the honourable member disagrees with me, he should do so in a substantive fashion. I have given a clear ruling, and have explained that I was reluctant to do so.

Mr GUNN: Can I rephrase the question, Sir?

The SPEAKER: No, I have ruled the question out of order. Unless the member wishes to disagree with me in a substantive way, I call the next question.

GLENELG TRAMS

Mr WHITTEN: Can the Minister of Transport outline the present plans for preserving the Glenelg trams? Recently I read with interest in the press that agreement had been reached between the State Transport Authority and the South Australian Jockey Club on the provision of land for a new tram depot at Morphettville. However, I am concerned that the trams will fall apart before the new depot can be built. It has been reported to me by some concerned people that the trams are deteriorating and could be unusable if they are allowed to deteriorate further.

The Hon. R.K. ABBOTT: The condition of the Glenelg trams has been of concern for some considerable time. They are old vehicles: they were built 54 years ago, and I suppose that it is only natural that we expect some deterioration in the condition of those old vehicles. I am advised that the timber framework on some trams has warped and, in some cases, this allows water to enter and so increases the rate of deterioration. These leaks during bad weather could cause difficulties with the electrical system and patching up seems to be no longer effective.

There are other problems with the reliability of the old mechanical equipment, and in the specifications of the braking system. The Government considered the alternative of complete replacement with new trams or a series of upgrading options and we have decided to spend a total of $5.5 million in the next three years to upgrade the 21 trams that are in regular service from Victoria Square to Glenelg. This work will involve restoration of body work, the reconditioning of bogies, and the replacement of essential mechanical and electrical equipment. This will ensure the continual usage of these trams for the next 10 years at least, and the Government can then consider further options with regard to replacing these trams after that period of time if that then becomes necessary.

DIRECT TRAVEL

Mr LEWIS: Will the Minister of Community Welfare ask the Minister of Consumer Affairs to investigate the circumstances surrounding the way in which 36 to 40 young people between the ages of 16 and 25 years, who are members of the Rural Youth Movement of South Australia, have been tricked out of about $16 000 or more in their dealings with a firm of travel agents called Direct Travel, and ascertain if there are ways in which this kind of thing can be averted in future? I could produce evidence that goes back to October last year about this whole sorry saga and the way in which individual members of the Rural Youth Movement first made contact with the firm and placed their bookings with it.

Suffice to say that statutory declarations in my possession lead me to the conclusion that the firm has been less than frank with the people with whom it has dealt about the way in which it undertook to make their bookings for a world tour, which is to commence in three weeks time or less or more, depending on whether they can find sufficient money now to make up the difference. In due course, after the individuals paid to that firm sums of money that tally up to something over $70 000, the firm failed to produce visas, tickets, and so, on by the deadlines that were progressively put back. At the same time it asked members of that study tour to pay higher and higher fares than those initially quoted. They find now that they do not have that infor-

mation, their travel documents, or part of their money, which the firm flatly refuses to refund to them.

The amount of deficit is about $16 000. I believe that, in spite of the fact that the Rural Youth Movement sought from AFTA a statement of accreditation about this firm and was told that, whilst the firm was not a member of AFTA, it was a credible organisation, these people have still lost their money.

The Hon. G.J. CRAFTER: Obviously, this matter needs to be attended to as a matter of urgency so that some remedy may be possible to enable these young people may embark on their overseas tour. I undertake to have this matter referred to the Minister of Consumer Affairs for his urgent investigation.

HOUSING TRUST

Mr HAMILTON: Can the Minister of Housing and Construction state whether the South Australian Housing Trust's building programme for 1983-84 is on target?

The Hon. T.H. HEMMINGS: The trust was provided with funds in 1983-84 to add 3 100 dwellings to its rental stock, and that was estimated to be the number of dwellings required to keep waiting times constant. That was the highest building programme since 1967. The additions were to comprise 2 700 completions and 400 acquisitions. The completions were to be as follows: design and tender 1 698, and design and construct 1 021. As at the end of February 1984, 1 614 houses were completed, 1 309 were under construction, and of those 1 105 will be completed by June 1984. Of the 400 stock purchase acquisitions to be made, 181 have been bought and the remainder will be purchased by June this year. I can tell the member for Albert Park that the Housing Trust will meet its 1983-84 target.

FLINDERS MEDICAL CENTRE

Mr EVANS: Can the Premier say what action the Government is to take to provide more and adequate car parking facilities at or near the Flinders Medical Centre? It has been an ongoing saga that parking facilities near the university and the medical centre have caused much embarrassment to the neighbouring community. That community has complained to me for years (and I believe to other local members) that cars park in their streets, sometimes in non-parking areas, thus causing more work for the Mitcham council, and making it an unpleasant environment for the residents. Also, representations have been made to me from people who wish to visit the Flinders Medical Centre who are not able to find adequate car parking spaces near enough to the centre, particularly in inclement weather.

More importantly, people who go there in an emergency, perhaps as back-up cars to someone who has been injured or taken ill in the family, find it difficult to find parking space quickly near that building. It has also been put to me that this matter has been before every Government in recent years, so I am not raising it as a matter of politics. I am asking the Premier what action the Government has taken to alleviate the serious problem that exists near the Flinders Medical Centre.

The Hon. J.C. BANNON: This is not a matter over which I have responsibility, and I will refer it for a report to my colleague the Minister of Health, who would probably be the appropriate Minister to deal with the matter. The question has certainly been around for a good many years. I can go back to the early 1970s when I was a member of the Council of the Sturt College of Advanced Education (as it was then), which was involved in a land exchange to free certain triangles of land for parking for the Flinders Medical Centre, the university, and for other purposes, all of which has taken a long time to sort out. I understand that the E & WS Department is doing further work there and a number of other things are happening. As I do not have detailed knowledge, I will obtain a report.

HERITAGE LIST

Mr GROOM: Can the Minister for Environment and Planning state the Government's attitude towards suggestions made by the Adelaide Residents Society that further buildings and areas of the parklands and squares which have important heritage value should be added to the proposed Heritage List?—My question arises out of an article in this morning's *Advertiser* written by Chris Russell and headed 'Heritage listing call on parklands, 150 houses'. The first paragraph of that article states:

> The Adelaide Residents Society wants nine 'entire precincts', including about 150 houses, added to a proposed city Heritage List.

Will the Minister indicate what is the Government's policy in this matter?

The Hon. D.J. HOPGOOD: In principle, I agree with the views expressed by members of the Adelaide Residents Society, but I do not think it would be proper for me at this stage to comment on the Society's recommendation as to the specific precincts that it wishes to have placed on the list. That is something which a properly constituted body should examine and on which recommendations should be made to the appropriate authority, be it the Lord Mayor's Committee or, outside the City of Adelaide, the State Heritage Committee. The Government certainly shares the view held by the Society that the proposed Heritage List should be truly representative of the full range of heritage items in the City of Adelaide, not simply the grander North Adelaide homes and terraces. There are important precincts, such as areas and streets of small cottages, that are indicative of the early living environment of Adelaide workers.

The revival of city living in part reflects the attractiveness and character of these areas. From time to time there has been debate about the appropriateness of the heritage legislation (for instance, whether it is strong enough), and only this session Parliament has passed an amendment to the City of Adelaide legislation to strengthen the heritage machinery. However, the statutory controls cannot apply where listing has not taken place, so the Government will take up the matter with the City of Adelaide requesting that, if possible, further items be covered by the list to give statutory protection under the legislation. The Government is anxious to have the city list settled and covered by legislative controls as soon as possible, and it shares the view of the Adelaide Residents Society that the list should be as comprehensive as possible. I thank the honourable member for his question.

THIRD PARTY INSURANCE

The Hon. D.C. BROWN: Does the Minister of Transport expect compulsory third party insurance premiums to rise this year? If he does, by how much does he expect them to rise and when will the increase be announced? Although the committee chaired by Mr Justice Sangster is responsible for recommending a premium rate to the Minister, the ultimate responsibility of accepting or not accepting that recommendation lies with the Minister and State Cabinet, and therefore it is up to State Cabinet to take responsibility for any increase that should occur.

The Hon. R.K. ABBOTT: I have only heard rumours that the State Government Insurance Commission intends soon to ask the Government to request the Insurance Premiums Committee to consider increasing the third party insurance premium. Nothing is before me on this matter and nothing has crossed my desk as yet. Therefore, I cannot say when increases are likely to be introduced, nor can I say how much such increases are likely to be or on what they will be based. The Government will consider the matter when it comes before me.

CREMATORIA PRACTICES

Mr TRAINER: Will the Minister of Community Welfare ask the Minister of Consumer Affairs to assure the public that cremations in South Australia are conducted in accordance with the strictest standards? Following a question I asked some weeks ago relating to crematoria, several concerned constituents have drawn to my attention a recent article in *Time* magazine containing disturbing allegations concerning cremation practices in California, and they have sought an assurance that similar practices are not followed in this State. The article in *Time* of 12 December 1983, under the heading 'Little Shop of Horrors,' refers to an assembly-line crematorium under the title of 'Harbor Lawn Mount Olive Mortuary'. The article states:

> To handle its backlog of bodies, former employees claim the mortuary crammed corpses five at a time into gas ovens built for one. The jumbled ashes were allegedly dumped into 30-gallon trash cans. Then, says Bob Kilburn, a funeral refrigeration-supply manufacturer who installed a cooler at Harbor Lawn three years ago, 'they'd scoop up ashes with a pail and fill 10 cardboard boxes, type up 10 labels and proceed to make 10 people'. In other words, the remains of Aunt Felicia might be liberally sprinkled with the ashes of someone else's cousin Harold or Uncle Fred. Says Kilburn, 'I guess that's called genetic engineering.' Relatives of the deceased are not amused. Charging fraud, some 300 outraged customers are each seeking $3 million in damages.

Among the defendants cited are John Dillon Flanagan and Charles Denning, who goes under the nickname of 'Colonel Cinders' of the industry. The public of South Australia would like an assurance that practices similar to those in California do not exist in South Australia, where I am sure the highest standards are maintained.

The Hon. G.J. CRAFTER: The honourable member has raised the matter of cremations a number of times in the House, and he has acquired an excellent reputation for caring for his constituents, whether they are alive or dead. I shall be pleased to ask my colleague to ensure that appropriate inquiries are made.

DRIVERS LICENCES

Mr MATHWIN: Has the Minister of Transport considered the possibility of having photographs of the holder included in drivers licences? If he has, will he say whether the Government intends to move to photo licences? Recently, a local daily paper contained a report from Sydney that photo licences for all New South Wales drivers and a ban on drink driving by P plate holders are recommended in a major traffic report tabled in the New South Wales Parliament. The article states:

> The Parliamentary Road Safety Committee, which recommended random breath testing, said the photo licences would be part of a major review of licences to support earlier road safety initiatives.

One of the major recommendations of the report was that photo licences be issued but that no records of photos be kept by the Department. In view of the recommendation made by the New South Wales committee, will the Minister comment on the suggestion that photo licences be issued?

The Hon. R.K. ABBOTT: The Government is willing to investigate the matter of having photographs included in drivers licences, but at present it is considering all the issues arising from the seminar conducted in March on the subject of road safety generally. My Department is researching various issues, and we are in the middle of that exercise at present. Some new road safety measures may be introduced. We would like to do that as a package in order to improve road safety in South Australia. The matter raised by the honourable member was discussed at some length at the seminar. We have papers relating to it, and we will consider it.

MENTALLY RETARDED

Mr GROOM: Will the Minister of Education outline Government policy on education opportunities for mentally retarded people over 20 years of age?

The Hon. LYNN ARNOLD: This is a very important area of education that has resulted in the change of Government policy since the election of the present Government. Prior to the election of the Government there was no automatic entitlement to on-going education for persons who were mentally retarded; once they had reached the age of 20 years; it very often happened that some of the people involved had certainly not even completed the learning curve of basic living skills, and it was possible that they could learn more in the basic living skills area over the next one, three, or maybe 10 years. Quite peremptorily their education was terminated at that point. There were limited opportunities available through the Department of Technical and Further Education for certain other types of course for those who are mentally retarded, which basically covered only about 10 per cent of those in the client population.

On coming to Government, the first thing I had done was a review of this matter by officers of the Education Department and the Department of Technical and Further Education, asking them to examine the ways in which we could consider educational rights of that section of the population. The term 'educational rights of that section of the population' is very important. The first impact of that review into the situation was to result in the removing of the arbitrary bar of the 20-year age limit following which students could no longer be educated within special schools. The situation that now applies is that, after consultation with guidance officers, the teachers in the special schools and with parents of the person concerned, there is a possibility that, having reached the age of 20, a person can now stay on in a special school, with the situation being subject to review every six months, and while they are there they are to receive the same entitlements that pertain to people under 20 years of age in the special schools. That decision has now resulted in some people being given that opportunity.

The other point I am particularly anxious about is in regard to the Department of Technical and Further Education and its offerings to mentally retarded people over the age of 20. I have indicated to the Department that we need to give this matter increased priority in the year ahead. Work is presently being undertaken in that regard. Some very good course work has been done at certain colleges within the State. I think four metropolitan and two country colleges of TAFE offer some courses to people who are mentally retarded. I would like to see that expanded so that we can get to more than 10 per cent of the client population. In fact, a couple of weeks ago I met with members of the South Australian Institute for the Developmentally Disabled at the annual general meeting, and I spoke to them about the present Government's policies in these areas. I very

much appreciated their views as to some of the most appropriate ways of providing educational services for people in this group.

It is certainly true that we need to examine the way in which we can deliver services. We need to examine the professional development opportunities for those teachers or lecturers who will be involved with this section of the population to ensure that those who are in fact developmentally disabled do get access to their educational rights. I shall finish on that point, namely, that indeed it is educational rights that we are talking about.

PARLIAMENTARY PRECINCTS

Mr LEWIS: I rise under Standing Order 160 on the question of privileges. I want to bring to the attention of members of the House my belief that my privileges and those of other members are unduly interfered with by the way in which members of the general public, whether they be friends or members of families of members of Parliament or staff of Ministers, have been invading the precincts of the Chamber, called the lobbies, to which members only are admitted. I would ask that during the recess a map be produced which shows where members of the general public may go during the periods when the House is sitting and not sitting, and where they may not go, so that not only members but also other people who are interested and who frequent Parliament House may apprise themselves of where they can go.

I find it particularly galling and distressing that, when I am trying to have a private conversation with another member of Parliament, the confidentiality of my conversation is abruptly violated without notice by a person quite unknown to me, who then claims to be a close friend of, a relative of, or a staffer for some other member of the place. I think the situation has got to the stage where it needs to be placed on record that I for one believe that we need to tidy up that area of our behaviour in order to ensure that no further misunderstandings arise.

The SPEAKER: I want to say two things. First, I point out that the Joint House Committee had this matter under scrutiny this lunchtime, and it has drawn up certain guidelines for the consideration of members and staff, as well as members of the public. That will cover the main areas that I think are in disputation. Secondly, the other areas fall under the jurisdiction of either the Speaker or my colleague elsewhere. Yes, I will give an undertaking to bring down an appropriate report. Because the House will not be sitting, I undertake to get a memo to the member within the next few days, and I will draw the matter to the attention of my colleague in another place.

SITTINGS AND BUSINESS

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday 5 June at 2 p.m.

I point out that this is a mythical date, as honourable members would be aware. However, certain matters of prorogation and Bills must be attended to, and I indicate at this stage that the date on which Parliament will reconvene will be 2 August.

Motion carried.

The SPEAKER: Call on the business of the day.

HIGHWAYS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1, lines 17 to 30 (clause 3)—Leave out paragraphs *(a)* and *(b)* and insert the following:

by striking out subparagraph (i) of paragraph *(m)* of subsection (1) and substituting the following subparagraph:

(i) allocating for the purposes of road safety services provided by the Police Department—

(a) an amount, in respect of the financial year commencing on the first day of July, 1983, of seven million seven hundred thousand dollars;

and

(b) an amount, in respect of each subsequent financial year, that has been prescribed by regulation;.

The Hon. R.K. ABBOTT: I move:

That the Legislative Council's amendment be agreed to.

In so doing, I point out that the Government accepts the opinion expressed in another place that the amount of contribution to the Police Department for the purposes of road safety services be not expressed as a percentage amount but rather as an allocated amount of money. I also indicate that I am not opposed to any future variations of this contribution being made by way of regulation rather than by way of Ministerial action notified in the *Gazette*. The Government supports the amendment from the other place.

The Hon. D.C. BROWN: I express some concern with the amendment. Honourable members will recall that, when the Bill was before the House, the Liberal Party expressed its opposition to it because of two measures contained in the Bill. One concerned the increasing of the percentage from 12 per cent to 15.4 per cent. The second concerned the provision to allow the Minister by way of notice in the *Government Gazette* to further vary that percentage after the next financial year. What concerns me considerably is that we have now learnt that the Minister was hoping to extract about $1.5 million or $1.7 million out of the Highways Fund for the current financial year, that is, 1983-84.

Perhaps the Minister would now confirm that and, if that is the case, why did not the Minister tell us that when the Bill was last before the House of Assembly? All of the debate was on the basis that the revenue would be collected as from next financial year (in other words, after 1 July), and that an additional $2 million would be collected in that financial year. I cannot recall any mention whatsoever that this would apply in the current financial year and in effect would be a retrospective payment (in what is now the tenth month) of $1.5 million out of the Highways Fund to cover this.

I find it disturbing that, at the end of the financial year, this Government apparently is so poorly prepared in its financial planning for the State that it is having to go to the Highways Fund to grab an extra $1.5 million to prop up its finances in one particular area. One would suspect that what has occurred is that the State Budget has blown out and that the State deficit would blow out, and that this is an attempt to keep that State deficit down to what was originally in the Budget. I am suprised and delighted that the Premier is here at this stage, as Treasurer; I hope that he is not about to leave.

The CHAIRMAN: Order!

The Hon. D.C. BROWN: I point out that the Premier happens to be Treasurer of this State as well and he is now departing the scene, especially when the financial mismanagement of the State is being discussed.

An honourable member interjecting:

The Hon. D.C. BROWN: The honourable member, out of his seat, lets out a tremendous groan but, if the State Government wishes to transfer this money from the High-

ways Fund to running the cost of the Police Department, it should have said so at the time of the State Budget, and certainly not at the end of the financial year slip through a measure and not make any reference to it.

As far as the second measure is concerned in the amendment, the Liberal Party will support that reluctantly. It is certainly better than no mention being made at all. Under that amendment, it would now be required that a regulation would have to be introduced by the Minister so that it can be clearly seen how much is intended to be transferred each year. I ask the Minister to confirm, in responding, that there will now be a separate line in the Budget, whereby there will be a clear indication at the beginning of the financial year how much money will be transferred from the Highways Fund to the Police Department. Will the Minister give that undertaking that there will be a line in the Budget and so therefore what we see as this rather unsavoury practice of doing it in retrospect at the end of the financial year will not occur in the future?

The Hon. R.K. ABBOTT: In response to the member for Davenport, I thought that I made it absolutely clear when we were in Committee on this measure before it was transmitted to another place that the Treasury had made that $1.5 million, the additional amount, available for this very measure.

The Hon. D.C. Brown: Why didn't you put it in your second reading speech?

The Hon. R.K. ABBOTT: I was looking through the *Hansard* but I could not pick it up quickly enough. I am pretty certain it is mentioned in there. I certainly referred to it when we were debating it. I mentioned that Treasury had made this amount available to the Highways Department to offset its contributions to the Police Department for road safety services without having any effect on any of the roadworks programmes during this current financial year. I made that absolutely clear. It was made clear in another place also.

With regard to this being a separate line in the Budget in the future, that is certainly my desire. I can give an undertaking that it is my intention to talk to my departmental people, the Highways Department, and also the Motor Vehicle Registration Division, who agree with the point of view that I have put forward. They would much prefer that a special line appear in the Budget setting out this contribution to save this annual argument.

I am amazed that the member for Davenport can be so hypocritical about this measure: when his Party was in Government, it put through the very same measure and that was also retrospective. I give that undertaking that I will talk to Treasury officials to see whether there can be a special line for this measure in the Budget, spelt out each year. I am sure that would overcome many of the problems we are confronted with.

Motion carried.

The Hon. D.C. BROWN: I rise on a point of order. Can I ask whether anyone called 'Aye'? I did not hear anyone call 'Aye' and I think that if no-one calls 'Aye' that one can not take it to have been passed.

The CHAIRMAN: Order! The Chair has pointed out to the honourable member for Davenport on several occasions that the Chair, and not the member for Davenport, has to be satisfied that it hears a motion or a vote. If he is suffering from some ear complaint that is not the problem of the Chair.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2), 1984

Adjourned debate on second reading.

(Continued from 9 May. Page 420.)

The Hon. D.C. WOTTON (Murray): The Bill before the House was introduced by my colleague the shadow Attorney-General in another place, Hon. Mr Griffin. The Liberal Party while in Government become aware of the deficiency of section 17 of the Police Offences Act and approved amendments to overcome it. A composite Bill to deal with various problems with the Police Offences Act was ready for introduction prior to the November 1982 election, but in consequence of that election it could not be introduced into the Parliament.

The Bill introduced by my colleague follows the proposal which the Liberal Government was ready to introduce to overcome major technical difficulties with the present section 17 without prejudicing the legitimate claims and rights of citizens with a *bona fide* right to occupancy or possession of premises. It should be noted that the amendment deals specifically with a person who is a trespasser. It deals with monetary provisions, the penalty of $100 under the Act having been fixed in 1953. Under the legislation introduced by Mr Griffin, it was to have been increased to $2 000, and the period of imprisonment of six months was to be increased to 12 months to reflect the seriousness with which the Liberal Party views the unauthorised occupancy or possession of a person's home or other property.

As pointed out in the second reading explanation, possession is not and should not be nine-tenths of the law. In the past few days amendments that were brought down by the Government have been passed and, as indicated by the Hon. Mr Griffin, while a Party is in Opposition it has to be grateful for small mercies. We recognise that, unless the Opposition was prepared to go along with the amendment proposed by the Government, it was likely that the Bill would not have passed in that place.

I will go into this in more detail, but the Bill is a vast improvement on the present Act, and I am sure that Mr Griffin is very pleased about that achievement. I am also pleased to see that section 17 is now retained and that the monetary penalty has increased, as I said earlier, from the present amount of $100 to $2 000, although the period of imprisonment remains at six months. As I pointed out earlier, that is far short of the provision in the original Bill but, nevertheless, we are prepared to accept that an increase in monetary penalty goes part of the way towards achieving the objective embodied in the original Bill brought down by Mr Griffin.

A number of amendments were brought down by the Attorney-General, and I have referred to those, but I doubt whether they are as powerful as the original provisions in the Bill. However, there is a reasonable prospect that the Bill now before us, taking into account the amendments from the other place, will address the problem with which we were attempting to deal in relation to squatting. There is no doubt that the ingredients of the offence under new section 17a will be established in those circumstances: namely, that there will be a person trespassing on premises, that the nature of the trespass will be such as to interfere with the enjoyment of the premises by the occupier and that the trespasser is asked to leave by an authorised person.

The only other major change in respect of our authorised person is in relation to educational institutions, schools and properties belonging to the Crown or an instrumentality of the Crown. I do not know about the experience of members opposite, but as a local member I am certainly aware of concerns expressed to me by people involved in schools in my area and by those representing school councils involving vandalism and the action that can be taken by police in this regard.

The Bill brought down by Mr Griffin referred to a member of the Police Force or such authorised person in the absence of any other 'person who has the administration, control,

or management of the premises, or a person acting on the authority of such a person'. I guess that the Bill now before us will require that, if the principal of a school, as the person who has the administration (quite appropriately), control or management of the school, wishes to have appropriate police surveillance after school hours, particularly in circumstances where the premises may be subject to vandalism or even arson (and we are certainly aware of concerns being expressed by those in authority about arson), he may request the police and give a general authority to police officers to act on his behalf in respect of the exercise of any power granted by new section 17a.

Of course, that will mean further administration requirements, that could concern those in authority, including principals of schools, etc., but ultimately the same sort of effect will occur as was suggested in the Bill introduced by Mr Griffin. Speaking to amendments that were brought down last evening in another place, my colleague indicated that he believed that it was necessary to eliminate the authority of the police but, again, recognising that the Bill could be unlikely to pass, he believed (as I do) that in the best interests of everyone the Bill (as amended) should pass and be monitored accordingly.

I assure members, and particularly the Government, that a future Liberal Government will watch very closely the administration of this legislation and its success or otherwise. I explained earlier that we as a Government were certainly made aware of the concerns of people in the community about the need for such legislation. It is regretted that the legislation has been watered down to some extent, but a future Liberal Government will certainly watch the position very closely.

The only other matter relates to new section 17b. Again, it is recognised that this will not necessarily preclude the police from taking action against intruders if an offence is being committed. This new section provides a mechanism for a member of the Police Force, who has reasonable grounds for believing that a person has entered or is present on premises for the purpose of committing an offence, to order that person to leave the premises. If that person does not leave the premises, an offence is committed. Provided that a member of the Police Force has reasonable grounds for holding that belief and the order is not complied with an offence is committed, notwithstanding that some other offence may also have been committed by the person who is on the premises.

In the interests of having some changes made to the present law relating to persons unlawfully on premises, and in the interests of combating the difficulties associated with squatting, the Opposition is certainly prepared to strongly support the Bill as it now comes down from the other place. In doing so, I would like to commend my colleague in another place, the shadow Attorney-General, for the work that he put into the preparation of this legislation. It is good legislation, and I am sure that, although we now have a watered down version, it will still mean a great deal and will be welcomed particularly by those in authority in public places, by those who own their own properties (particularly homes) and by the Police Force in this State generally. The Opposition certainly supports this measure.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of this measure as it comes into this House. As the member for Murray explained, it originated as a private member's measure in another place. Following substantial amendments by the Government in that place, it has now been accepted as a Government measure. It provides, in a way which I believe will be acceptable to the community, a mechanism for dealing with the problems to which the honourable member referred. I think it is obvious that the Bill as originally introduced went too far in making trespass a criminal offence. For that reason the amendment moved in the other place by the Attorney-General introduced the notion of interfering with enjoyment of premises by the occupiers, so that that would clearly cover the possibility of squatters on a rural property stopping the enjoyment of the premises of the occupier. This was explained in some detail in another place.

I point out that this matter must be handled with sensitivity, which I believe was the case involving persons in authority, including members of the Police Force, in this State, although it is accepted that the law has been inadequate in this area. We live in a community in which 28 000 people are on the Housing Trust waiting list. We know that several thousand young South Australians are homeless every day of the year. Vacant properties in the countryside and the city create a temptation for the homeless to occupy them. Therefore, this matter must be handled with some degree of sensitivity. We cannot just bring down heavy handed laws without also providing the appropriate social services.

It is pleasing to know that this Government has embarked on very substantial public housing programmes: indeed, the largest in the history of this State, and also at the Federal level there has been a substantial input into public housing programmes. The economy, as we all know, has received a substantial impetus as a result of the upturn in the building industry. It is hoped that as a consequence in the fullness of time there will not be a need for laws such as this, because people will have access to adequate housing. It is a fundamental right: it is no longer a privilege to have shelter for oneself, one's family, and one's dependants, and that is an essential goal of good Government. So, I thank the Opposition for its support for this measure.

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

PRISONERS (INTERSTATE TRANSFER) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 May. Page 4223.)

The Hon. D.C. WOTTON (Murray): The Opposition supports this measure, although I should make clear that we are concerned about the timing of this piece of legislation. I believe that it is unreasonable for the Government to expect an Opposition to deal with legislation that is brought down one day, dealt with in the Upper House on the same day, and in this place on the following day, particularly when it is the second to last day before the end of the session. It makes it difficult for consultation.

The present Government has indicated on a number of occasions that it supports totally the need for consultation. There have been many instances when it has been proved that that has not taken place, but the Opposition likes to have the opportunity, and it is only reasonable that we have the opportunity, to take matters that come before this House to those who are vitally interested and involved in that legislation to enable them to comment. However, that has not been the case in this situation, and I do not know why it has been rushed through in the last couple of days. It may be that someone has not got their act together, or the Department has not been on the ball, or whatever the case might be. However, it is very unsatisfactory.

The Opposition supports the legislation on the basis that, if this State is to be part of the national implementation of the prisoners' interstate transfer scheme on 1 July (and we understand that that is essential), then the principal Act has

to be amended. The Prisoners (Interstate Transfer) Act, 1982 was introduced into the Parliament during the term of the previous Liberal Government. The Hon. Mr Griffin (the then Attorney-General) introduced the legislation and did so with some pride in that the South Australian Parliament was the first to pass this legislation.

The Opposition supports the objective of the legislation, namely, to facilitate the interstate transfer of prisoners where it is in the interests of the prisoner that that should occur, remembering that the transfer can take place in both the sending State and the receiving State by Ministerial decision only. In the short time that I have had the responsibility of the Chief Secretary portfolio for the Liberal Party the desirability was brought to my notice on a number of occasions of enabling legislation that will allow prisoners, who for one reason or another, are imprisoned in another State away from family or any contact at all and who find that it would be much more convenient for everyone, including their family and in many cases particularly their family, if they could be transferred to another State.

This is what this legislation is doing. Because we introduced the legislation, the Opposition certainly wants to see South Australia be part of the national scheme when it comes into operation on 1 July, and that is why we are prepared to give favourable consideration to this Bill at such short notice.

The Bill seems to make some consequential amendments. The Chief Secretary is no longer now the Minister in charge of prisons. The Minister of Correctional Services is now in charge, and amendments were passed to the Prisons Act last year, that the Opposition certainly opposed with a great deal of strength, to eliminate the concept of conditional release and take into consideration the matter of non-parole periods. Again, the Opposition fought very hard indeed against that move that came down in December last year.

The Bill picks up by way of consequential amendments the amendments that were approved by Parliament in December and, as a result of that, the Opposition supports the Bill and indicates to the Government that we desire that South Australia be given the opportunity to participate in the interstate transfer scheme along with all other States in the Commonwealth as at 1 July. For that reason, we support the second reading. In saying that, I appreciate that it is not the opportunity to go into matters that were raised in this House in December (and indeed it would be inappropriate if that course were followed), but I briefly indicate my concern and that of the Liberal Party's in regard to the legislation that was dealt with in December. We indicated then that we envisaged massive problems with the new parole system.

I had discussions with many people who were expressing the same viewpoint and the same concern about the new parole provisions. On an on-going basis we were reminded continually that the legislation had come about as a result of much consultation and a discussion paper had been prepared by the then Chief Secretary, that was made available. We commended the Chief Secretary and the Government at that time for taking that action and making it available to the public of South Australia. Unfortunately, however, that is where the good part of the story finished, because in making it available I am quite sure that the Government had made up its mind where it was going in relation to parole a long time before the submissions started coming back. It is obvious, when one looks back over the introduction of that legislation and what has happened since, that the Government and the Minister at that time took no notice whatsoever of the majority of those who wished to make input in regard to that legislation.

On 15 December I wrote to the then Chief Secretary expressing my concern about the legislation, and particularly stating that I had been told that the Department of Correctional Services was already preparing parole release forms in anticipation of the proclamation of the then recent amendments to the Prisons Act. I made the Minister aware once again (and he should have been aware from the comments made during the Parliamentary debate that took place, particularly those made by members of the Opposition at that time) that we in Opposition were seriously concerned about the Government's decision to accept retrospectivity in the changes to the parole system that meant that some prisoners would be released much earlier than the sentencing judge intended.

We indicated at that time that we were of the opinion that our concern was shared by the wider community. I said that it was necessary for the public to be informed of exactly what the Government's intentions were in relation to that legislation and I therefore sought from the Minister answers to a number of questions. I asked whether it was a fact that up to 100 prisoners were to be paroled under the new arrangements before Christmas Day. The reply was forwarded on 9 March 1984. Of course, it was most convenient because at that stage a lot of the controversy surrounding the new parole system had dissipated and things had quietened down, so the Minister obviously thought that it was appropriate for some of the information to be provided.

The Hon. G.J. Crafter: How does this relate to the Bill?

The Hon. D.C. WOTTON: Because it relates very much to the parole provisions, and that is what we are enforcing in this legislation. I do not want to spend a lot of time debating this Bill but, if the Minister continues to interject, I will have to keep going longer: I am determined to get a few of these points into *Hansard* because they relate specifically to the subject we are discussing.

The reply to my question about the number of prisoners to be paroled before Christmas Day was that the Parole Board considered 111 cases at its meeting on 20 December 1983. The Board considered 111 cases in one day, and yet it was saying that it would be in no way be acting as a rubber stamp and that there would not be automatic release. It was able to deal with 111 cases in one meeting, and set conditions for the release on parole of 97 prisoners, who were released on 22 December 1983. I asked how many of those prisoners were minimum, medium and maximum security prisoners. I was told that of the prisoners released on parole six were high security, 25 were medium security, and 66 were low security.

I asked whether any of the maximum security prisoners were considered suitable for release and, if so, why they had not received a lesser security rating before that time. I was told that to reply adequately to that question it would be necessary to detail the circumstances in relation to each prisoner, and that that detail was provided. I am not going to go into all the detail that was given to me. The information that was given certainly did not satisfy me that the action being taken by the Government at that time was appropriate. In fact, it made me more concerned than ever about the provision of this legislation in relation to parole, but I think that point has been made clearly outside this place through the media.

I asked how many of those to be released whose non-parole period had expired had applications for parole rejected in the past, and the reply was, 50. I also asked how many of those to be released whose non-parole period had now expired had not so far received approval for their parole application. I was told that, of the remaining number, 28 had pending applications awaiting a hearing and 19 had never previously applied for parole. If we had had the information that was provided in that answer at the time of the debate in another place it would have given us a

great deal of ammunition in expressing the concern that we did as an Opposition in regard to the new provisions that were being brought down. Through the media we see the mistakes that have been made, those who have been released in error, and the general confusion that we have seen as a result of those changes being made to the parole legislation, and recognise the gravity of the situation that we now face in this State in regard to parole.

It is being said by some people that the parole system must be working because things have quietened down in our prisons. I do not believe that is the case at all. In fact, I am told that recently there has been much unrest in the prisons, and it will be only a matter of time before we see more major outbreaks in that area, and the old problems are going to be back with us. One has only to look at what has happened in other States, where they have brought down changes to the parole system, thinking that that would improve everything. They gave in to the prisoners and, in fact, the situation in some of those cases is far worse than it was before. It was only last week that we were told that the number of prisoners in South Australia had been reduced to about 620 from 764 in June last year. From the way that release was worded it would seem that that is something of which we as a State can be proud. I do not believe that anyone wants to see our prisons overflowing, and we should do everything we can to try and avoid that situation. The point I am making is that there is much concern about the way that the numbers have been reduced and I do not think for a moment that all our problems are over in regard to that matter.

Finally, I will be particularly interested in receiving the answers to a question that was asked in another place by my colleague Mr Griffin when he was seeking information from the Attorney-General in regard to the numbers of prisoners released prior to Christmas. He asked for details of the dates of imprisonment, non-parole periods, and the offences of each prisoner. There are a number of areas of concern, and I will be waiting anxiously for the answers to be provided by the Minister of Correctional Services in another place. The Opposition supports the legislation in regard to the transfer of prisoners but, at the same time, I remind the House and will continue to do so on every opportunity that I have of the expressions of concern that we brought into this place when the parole system was changed, and I do not think anything has proved that the provisions that we now have have improved the situation in this State in regard to the parole and the treatment of offenders.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of this Bill. I note the honourable member's comments about this matter being brought into the House in recent days for consideration. I can only say that the honourable member may suffer from some sort of short-term memory loss, because I can recall under his Government similar things happening. It occurs for particular reasons and, as he said, this is part of a national scheme and that scheme is to operate from 1 July. Obviously it would not have been introduced unless there was agreement between the Parties that this was a matter of importance and should be dealt with accordingly, and that involves all Governments in the interests of the community and those we have the statutory responsibility to care for.

The honourable member has given a long discourse about his Party's ideology in respect of the punitive element of our prison system. He is dominated by that factor, but he should consider all the other basic elements of the sentencing process, including rehabilitation and how it should be effected. That is a crucial factor taken into account by the Parole Board in considering matters. He says that the Judiciary should have the right to say when a person should be released in absolute terms, but that is a difficult task, and it is not my experience that members of the Judiciary want that sort of certainty in the sentencing process to say that in 20 years time a person shall be released from prison because it is in his interest and in the interests of the community.

It is not a matter of that precision: it is a matter of taking into account all the evidence available, and the Parole Board is the appropriate authority, and it is vested with those responsibilities, to determine when it is appropriate that a person should be released from prison in his own interests, in the interests of the family, and in the interests of the community. In this exercise we are trying to bring about uniformity in what occurs from State to State, and obviously that is desirable.

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

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 7, line 1 (clause 14)—Leave out 'A' and insert 'Subject to section 15, a'.

No. 2. Page 7, line 26 (clause 14)—After 'expense' insert 'but subject to the direction and supervision of the Minister'.

No. 3. Page 8, line 14 (clause 15)—Leave out 'A' and insert 'Subject to subsection (3a), a'.

No. 4. Page 8 (clause 15)—After line 16 insert new subsection as follows:

(3a) The Minister may grant a permit for dumping or loading for dumping wastes or other matter to which Annex I to the Convention applies if, in the opinion of the Minister, there is an emergency posing an unacceptable risk relating to human health and admitting no other feasible solution.

No. 5. Page 8, line 45 (clause 15)—After 'expense' insert 'but subject to the direction and supervision of the Minister'.

No. 6. Page 9, line 1 (clause 15)—After 'agreement,' insert 'but subject to the direction and supervision of the Minister,'.

No. 7. Page 14, line 42 (clause 27)—Leave out all words in this line and insert—

lies against—

(a) a refusal of the Minister to grant a permit under this Act;

or

(b) a decision of the Minister to vary, suspend or revoke a permit under this Act.

No. 8. Page 16, lines 42 and 43, and page 17, lines 1 and 2 (clause 33)—Leave out paragraph *(b)*.

The Hon. R.K. ABBOTT: I move:

That the Legislative Council's amendments be agreed to.

When this Bill was in Committee earlier, I gave the Opposition an undertaking that the Government would take up the points raised by the member for Torrens and have them considered in another place. That was done to the satisfaction of all Parties, with the result that these amendments are now before us. Some of the amendments are minor, relating to matters of administration, and are acceptable to the Government. I thank Opposition members, especially the member for Torrens, for their co-operation on this measure, which mirrors the Commonwealth legislation concerning the sea-dumping convention.

The Hon. MICHAEL WILSON: I thank the Government for listening to what was said in the debate here and in another place, and for agreeing to accept certain amendments. This legislation must mirror the Commonwealth legislation as closely as possible, but certain amendments moved in another place would have taken this legislation too far away from the Commonwealth legislation. That would have meant

that the Commonwealth legislation may have had to apply in certain instances, and we would not want that to happen.

I am especially pleased at the carrying of amendment No. 4, which brings the South Australian legislation into line with that of the Commonwealth and enables the Minister to grant a permit for the dumping at sea of Annex I substances, which are toxic and should not be dumped in any but the most serious circumstances. This amendment gives the Minister a chance to grant a permit for the dumping of such substances if there is an emergency that poses an unacceptable risk to human health and admits no other feasible solution. For instance, such an emergency would occur if a ship containing Annex I substances was on fire in port. Unless that ship was towed away and dumped, the port itself could be in danger. Such an emergency would require the Minister to issue a permit to dump these extremely toxic substances.

Amendment No. 7 is an extension of an amendment moved here and accepted by the Opposition and by the Government whereby the right of appeal was given against the decision of a Minister who refuses to grant a permit. In this case, the right of appeal has been widened, because it gives the right of appeal against a decision of the Minister to vary, suspend or revoke a permit. In this case the Upper House dotted the i's and crossed the t's, which was necessary because of an omission in this place. I commend the Government for accepting the amendments from another place, as the Bill is better for those amendments.

Motion carried.

The Hon. R.K. ABBOTT (Minister of Transport): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

[Sitting suspended from 4.9 to 5.20 p.m.]

PETROLEUM ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 20 to 23 (clause 3)—Leave out clause 3.

No. 2. Page 2, lines 11 to 14 (clause 6)—Leave out section 8a and insert new section as follows:

8a. A licence may be granted in respect of two or more separate areas of land only—

(a) if the licence is granted in renewal of a licence that applied in respect of two or more separate areas of land;

or

(b) if, in the opinion of the Minister, exceptional circumstances exist justifying the inclusion in the same licence of those separate areas.

No. 3. Page 2, lines 17 to 30 (clause 8)—Leave out paragraphs *(a)* and *(b)* and insert the following paragraphs:

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

It shall be a condition of a petroleum exploration licence during its initial term that the licensee must, in carrying out the exploratory operations required by the licence, expend not less than the following amounts—

(b) by inserting after subsection (1) the following subsection:

(1a) The Minister may, when granting a petroleum exploration licence—

(a) attach to the licence conditions prescribing the exploratory operations to be carried out by the licensee in each year of the term of the licence;

(b) vary the condition referred to in subsection (1).;

and

(c) by striking out subsections (3) and (4) and substituting the following subsection:

(3) On application by the licensee, the Minister may, at any time during the term of a licence, vary or revoke a condition of the licence (including the condition referred to in subsection (1)) or attach new conditions to the licence.

No. 4. Page 2 (clause 9)—After line 33 insert new subsection as follows:

(a1) The holder of a petroleum exploration licence may apply to the Minister for the renewal of the licence.

No. 5. Page 2, lines 34 and 35 (clause 9)—Leave out 'The holder of a petroleum exploration licence who applies for the renewal of his licence' and insert 'The applicant'.

No. 6. Page 3, lines 1 to 10 (clause 9)—Leave out these lines and insert:

and

(b) by striking out subsections (3), (4) and (5) and substituting the following subsections:

(3) If the licensee does not include in his application for renewal of a licence a description of the area or areas that he selects for excision pursuant to subsection (2) the Minister may select the area or areas to be excised.

(4) The area or areas to be excised shall be selected so as to satisfy the following requirements:

(a) the area or areas excised and the area retained shall be bounded by straight lines and, where the boundary does not coincide with the boundary of the area comprised in the existing licence, the boundary shall be comprised, as far as possible, of parallels of latitude and meridians of longitude or both parallels of latitude and meridians of longitude;

(b) where possible no point on a straight line that forms part of the boundary of an excised area or the retained area shall lie closer than ten minutes of latitude or ten minutes of longitude to any point on any other straight line that forms part of the boundary of that area except the straight lines with which that line forms a junction;

(c) where two or more areas are excised each of them shall comprise at least two thousand square kilometres.

(5) Subsection (4) shall not apply in relation to the renewal of petroleum exploration licences numbers 5 and 6 but the areas to be excised from those licences upon renewal shall be within an area that would have been excised, pursuant to this section, from an area that is the sum of the areas of each of those licences if a licence comprising that total area had been renewed pursuant to this section.

(5a) If the holders of petroleum exploration licences numbers 5 and 6 cannot agree on the areas to be excised from their licences the Minister may select the areas for excision pursuant to this section.

(5b) An application for the renewal of a licence under this section must be made not less than three months before the existing licence is due to expire.

No. 7. Page 3 (clause 9)—After line 18 insert new subsection as follows:

(8) Where, by virtue of subsection (7), the notional commencement of the renewed term of a licence is likely to precede the final determination of the application for renewal by three months or more the Minister shall, when determining the conditions with which the licensee must comply in the first year of the renewed term, take into account the reduced period during which the licensee will have to comply with those conditions.

No. 8. Page 3, lines 20 and 21 (clause 10)—Leave out paragraph *(a)* and insert the following paragraph:

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

After the renewal of a petroleum exploration licence for a second or subsequent term it shall be a condition of the licence that the licensee must, in carrying out the exploratory operations required by the licence, expend not less than the following amounts in each year of the term of the licence—.

No. 9. Page 3, lines 30 to 45 (clause 10)—Leave out these lines and insert:

(e) by inserting after subsection (1) the following subsections:

(1a) Subject to subsection (1b), the Minister may, when renewing a petroleum exploration licence—

(a) attach to the licence conditions prescribing the exploratory operations to be carried

out by the licensee in each year of the renewed term of the licence;

(b) vary the condition referred to in subsection (1).

(1b) Unless the Minister has the approval of the licensee concerned, he shall not—

(a) pursuant to subsection (1a), attach a condition to a licence that is inconsistent with an agreement subsisting between him and the licensee;

or

(b) vary the condition referred to in subsection (1) in a manner that is inconsistent with that agreement.;

and

(f) by striking out subsections (3) and (4) and substituting the following subsection:

(3) On application by the licensee, the Minister may, at any time during the renewed term of the licence, vary or revoke a condition of the licence (including the condition referred to in subsection (1)) or attach new conditions to the licence.

No. 10. Page 4, line 1 (clause 11)—Leave out 'sections are' and insert 'section is'.

No. 11. Page 4, lines 3 to 8 (clause 11)—Leave out section 18ab.

No. 12. Page 4, line 9 (clause 11)—Leave out '18ac. The licensee' and insert '18ab. The holder of a petroleum exploration licence'.

No. 13. Page 4, lines 27 to 29 (clause 13)—Leave out subsection (1a) and insert the following subsection:

(1a) A licence shall not be granted under subsection (1) if the quantity or quality of the petroleum is not sufficient to warrant production.

No. 14. Page 4, lines 34 and 35 (clause 14)—Leave out 'as determined by the Minister.'

The Hon. R.G. PAYNE: I move:

That the Legislative Council's amendments be agreed to.

I would like to explain the reason for considering the amendments *en bloc*. These amendments are the result of long and arduous consultation with the producers over a period of almost five months. The original amending Bill appeared in this Chamber in November of last year and, as a result of the intervention of the Chairman of Santos, Mr Carmichael, and an approach made to me and to the Premier, an agreement was reached that the amendments would not be proceeded with further at that time in the other place. It was believed that a period of three months would be a suitable time for consultation to take place in order to reach agreement on amendments to the Petroleum Act.

In the event, it has taken some five months to arrive at that position. To assist members in the other place in regard to consultation, I arranged for a briefing of members of that Chamber so that there would be a full understanding of the import of the amendments now before us and so that they could be dealt with expeditiously. It may not be understood that from 27 February this year the matter of the renewal of PELs (petroleum exploration licences) Nos 5 and 6 became in a sense ancillary to these amendments. The licence offer was made to the producers on the due date, that is, 27 February, and that document must be executed by 27 May in order to comply with the requirements of the Petroleum Act. The producers felt that, before committing themselves to renewal of the licences, clarification was needed in relation to the amendments. Probably the most time was spent on amendment No. 9, which relates to the insertion of new subsection (1a), which provides:

Subject to subsection (1b) the Minister may, when renewing a petroleum exploration licence—

(a) attach to the licence conditions prescribing the exploratory operations to be carried out by the licensee in each year of the renewed term of the licence.

Paragraph *(b)* and new subsection (1b) also apply to this matter, but the nitty-gritty provision is that which I have quoted. In the past, renewal of licences has, in the main, been based on a requirement over the five-year term of the licence for an expenditure programme to be carried out based on a relationship, specified in terms of the amount of money required to be spent during that five-year term, with an amount allocated per each square kilometre involved in the licence.

The Government feels (and felt) that the situation in the oil and gas scene has changed over the years, and that there is a need for work conditions to be attached to both a new licence and the renewal of a licence. This trend is not something that the Government suddenly thought up in South Australia. This approach occurs in all States but one, and that is about to be remedied. It has also featured heavily in the off-shore legislation which is under the control of the Commonwealth.

The producers had a feeling that there was some peremptory action, that this was sprung upon them last November, and I was not being critical when I pointed out that the projected negotiations took longer than the three months proposed (they actually took five months). The negotiations were a very useful exercise because the discussions that took place were attended on occasions by principals of the company and myself. I am sure that they would agree that there was a free exchange of views, and that a better understanding has developed between Santos Delhi (representing the producers in the area), my officers, and me than existed previously.

The amendments I now ask the Committee to approve adequately cover the State's interests in these matters, and they are fair in the interests of the producers. The amendments have been agreed by the producers, and I commend them for approval to this Committee.

The Hon. E.R. GOLDSWORTHY: The Minister handed me the amendments only a moment ago. I have read them once, and in some areas they are quite significant. The Minister acknowledged that the Bill came into the House without any consultation at all. I do not intend to rehash that debate: it got a little bit acrimonious. However, the Government was asking for it, because there had been no consultation whatsoever. I handed the Bill to the companies at a function on the day it was to be debated in Parliament. I am not surprised that the negotiations have taken five months and that agreement has just been reached. On behalf of the Opposition, I agree to accept the amendments. I do not profess to have come to grips with all the details of them, because they are not insignificant. It is approaching 6 o'clock, after which time I am incapable of grasping anything anyway, so I am informed.

The Hon. Ted Chapman: That was only a flippant remark of recent times.

The CHAIRMAN: Order!

The Hon. E.R. GOLDSWORTHY: He only has to say it again and he will get one in the eye, I can tell you.

The CHAIRMAN: Order!

The Hon. E.R. GOLDSWORTHY: I am assured by the companies concerned that they agree to the amendments. For that reason, the Opposition is prepared to support them. It is not a very satisfactory state of affairs, at the eleventh hour of this sitting, that we are considering a heap of amendments. It is as unsatisfactory as was the introduction of the Bill in the first instance; there was no time for the Opposition to come to terms with the Bill. The Opposition received it the day before it was debated. The companies with which we had to confer to obtain information received it from me on the day that the debate was to commence. Here we have, at this eleventh hour, a whole series of amendments which have to be taken at face value. Under those unsatisfactory circumstances, and because of the assurance from the companies, we are prepared to support the amendments.

Motion carried.

STATUTE LAW REVISION BILL, 1984

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill makes miscellaneous amendments to six Acts, namely, the Criminal Law Consolidation Act, the Education Act, the Motor Vehicles Act, the Police Offences Act, the Road Traffic Act, and the Stamp Duties Act. The amendments have been prepared under the supervision of the Commissioner of Statute Revision with a view to publication, in the near future, of consolidated texts of the Acts mentioned above. The purpose of the amendments is to remove obsolete material, to correct textual inconsistencies and to modernise obsolete and obscure forms of expression. This object is, of course, not always completely attainable within the limited scope of a Bill such as the present one. For example, the Criminal Law Consolidation Act derives many of its provisions from the criminal law of England of the early nineteenth century. The burden of obsolescence lies very heavily upon it and affects its structure. To remedy the basic malaise would require a much more radical solution than is possible within the limits of a Statute Law Revision Bill.

Because the amendments are in the nature of a textual revision of the Acts in question and make no, or only very minor, alterations to the substantive law of the State, I do not propose to enter into a detailed explanation of the amendments. I am confident that honourable members will find them largely, if not entirely, self-explanatory. If any questions do arise, I shall, of course, be happy to deal with them during the Committee stages of the Bill.

The Hon. D.C. BROWN (Davenport): The Liberal Party supports the Statute Law Revision Bill, which provides for the consolidation of six fairly important Acts in this State: the Criminal Law Consolidation Act, the Education Act, the Motor Vehicles Act, the Police Offences Act, the Road Traffic Act, and the Stamp Duties Act. It is only several weeks ago that I brought to the attention of the House the enormous difficulties that we have had in debating amendments to the Road Traffic Act because of the very large number of amendments made since it was last consolidated, and because a number of the amendments actually passed by Parliament over two years ago have not yet been proclaimed. As a result, it becomes almost a nightmare and almost an impossible task to consider further amendments when we are amending parts of a Bill which were deleted over two years ago but which were never proclaimed. Therefore, I certainly support the consolidation of these six Acts. It is a routine machinery matter, and I wish it a speedy passage through this House.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the honourable member for expressing the Opposition's support for this measure, which allows for certain amendments to be made to a wide ranging number of Bills pursuant to the ongoing Statute law revision that is occurring in this State. I thank the Opposition for its support of this measure, although it was introduced at a late stage in this session. It will enable this work to continue during the Parliamentary recess, and in that way the newly revised Statutes will be made available to the public at a much earlier stage.

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

Mr EVANS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

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

That Standing and Sessional orders be so far suspended so as to enable Orders of the Day, Other Business, Nos 4, 5, 11, 16 and 17, to be taken into consideration forthwith and the appropriate questions to be put forthwith without further delay.

Motion carried.

PREMIER'S DEPARTMENT DE-REGULATION UNIT

Adjourned debate on motion of Mr Gunn:

That the Premier immediately re-establish the De-Regulation Unit in the Premier's Department and that the unit immediately examine all Acts of Parliament, regulations, permits and licences with a view to reducing unnecessary Acts, regulations and controls and rationalising legislation.

(Continued from 30 November. Page 2142.)

Motion negatived.

PLANNING ACT

Adjourned debate on motion of Mr Blacker:

That the regulations under the Planning Act, 1982, relating to vegetation clearance, made on 12 May 1983 and laid on the Table of this House on 31 May 1983, be disallowed.

(Continued from 30 November. Page 2151.)

The House divided on the motion:

Ayes (15)—Mrs Adamson, Messrs Ashenden, Blacker (teller), D.C. Brown, Chapman, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Wilson, and Wotton.

Noes (18)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Klunder, Payne, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Allison, P.B. Arnold, Baker, Becker, Eastick, and Rodda. Noes—Mr Keneally, Ms Lenehan, Messrs Mayes, Peterson, Plunkett, and Slater.

Majority of 3 for the Noes.

Motion thus negatived.

IDENTITY CARDS

Adjourned debate on motion of Mr Evans:

That, in the opinion of this House, all Australian citizens over the age of 18 years should be issued with identity cards to give a greater opportunity to control tax evasion, exploitation of social security and welfare benefits, detect illegal immigrants and control under-age drinking in licensed premises.

(Continued from 16 November. Page 1861.)

The House divided on the motion:

Ayes (9)—Messrs Ashenden, Baker, Chapman, Evans (teller), Goldsworthy, Gunn, Lewis, Meier, and Oswald.

Noes (18)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter (teller), Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Klunder, Payne, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Allison, P.B. Arnold, Becker, Blacker, Eastick, and Rodda. Noes—Mr Keneally, Ms Lenehan, Messrs Mayes, Peterson, Plunkett, and Slater.

Majority of 9 for the Noes.
Motion thus negatived.

COMPULSORY UNIONISM

Adjourned debate on motion of Hon. E.R. Goldsworthy:

That this House condemns the Government for its policy of compulsory unionism under the guise of preference to unionists and requires the Government to withdraw all instructions designed to give effect to their compulsory unionism policy.

(Continued from 9 November. Page 1573.)

The House divided on the motion:

Ayes (15)—Mrs Adamson, Messrs Ashenden, Baker, D.C. Brown, Chapman, Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Wilson, and Wotton.

Noes (18)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Klunder, Payne, Trainer, Whitten, and Wright (teller).

Pairs—Ayes—Messrs Allison, P.B. Arnold, Becker, Blacker, Eastick, and Rodda. Noes—Mr Keneally, Ms Lenehan, Messrs Mayes, Peterson, Plunkett, and Slater.

Majority of 3 for the Noes.
Motion thus negatived.

NORTH-SOUTH TRANSPORT CORRIDOR

Adjourned debate on motion of Hon. D.C. Brown:

That this House condemns the decision of the Government to scrap the north-south transport corridor as the decision will cause major transport problems especially for the southern metropolitan region and furthermore this House calls on the Government not to sell or dispose of any land necessary for the construction of this corridor.

(Continued from 9 November. Page 1579.)

The House divided on the motion:

Ayes (15)—Mrs Adamson, Messrs Ashenden, Baker, D.C. Brown (teller), Chapman, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Wilson, and Wotton.

Noes (18)—Mr Abbott (teller), Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Klunder, Payne, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Allison, P.B. Arnold, Becker, Blacker, Eastick, and Rodda. Noes—Mr Keneally, Ms Lenehan, Messrs Mayes, Peterson, Plunkett, and Slater.

Majority of 3 for the Noes.
Motion thus negatived.

[*Sitting suspended from 6.3 to 9 p.m.*]

SUPPLY BILL (No. 1), 1984

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1984

At 11.35 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 3:

That the Legislative Council amend its amendment by leaving out the words 'third Saturday of October' and inserting in lieu thereof the words 'first Saturday of May' and that the House of Assembly agree thereto.

As to Amendment No. 4:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 5:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 6:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 8:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 9:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 10:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 11:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 27, proposed new section 49, lines 7 to 10 (clause 7)—Leave out all words in these lines and insert:

(a) an annual allowance for expenses (other than expenses referred to in paragraph *(b)*) incurred in performing the duties of his office; and

(b) reimbursement of expenses of a prescribed kind incurred in performing those duties.

and that the House of Assembly agree thereto.

As to Amendment No. 12:

That the Legislative Council amend its amendment by leaving out the words 'third Saturday of October' and inserting in lieu thereof the words 'first Saturday of May' and that the House of Assembly agree thereto.

As to Amendment No. 13:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 14:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 15:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 16:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 17:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 18:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 31, proposed new section 58, line 35 (clause 7)—Leave out paragraph *(b)* and insert:

(b) in the case of a municipal council, may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously by all members of the council.

(4a) A resolution under subsection (4) *(b)* shall not operate in relation to a meeting held after the conclusion of the periodical elections next following the making of the resolution.

and that the House of Assembly agree thereto.

As to Amendment No. 19:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 33, proposed new section 61, lines 9 and 10 (clause 7)—Leave out subclause (2) and insert subclauses as follow:

(2) In the case of a municipal council, meetings of a council committee may not be held before 5 p.m. unless the council committee resolves otherwise by a resolution supported unanimously by all members of the council committee.

(3) A resolution under subsection (2) shall not operate in relation to a meeting held after the conclusion of the periodical elections next following the making of the resolution.

and that the House of Assembly agree thereto.

As to Amendment No. 23:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 24:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 25:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 26:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 27:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 28:

That the Legislative Council amend its amendment by leaving out the words 'third Saturday of October in 1984, on the third Saturday of October in 1986, on the third Saturday of October in 1988' and inserting in lieu thereof the words 'first Saturday of May in 1985, on the first Saturday of May in 1987, on the first Saturday of May in 1989'

and that the House of Assembly agree thereto.

As to Amendment No. 29:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 30:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 31:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 32:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 33:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 35:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 37:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 41:

That the Legislative Council amend its amendment by inserting after subclause (1) of proposed new section 121a the following subclause:

(1a) A council may not determine that the method of voting set out in section 121 (3a) shall apply at elections for the council if the area of the council is divided into wards.

and that the House of Assembly agree thereto.

As to Amendment No. 42:

That the Legislative Council do not further insist on its amendment but make the following amendments in lieu thereof:

Page 68 proposed new section 149, line 8 (clause 7)—Leave out 'public' and insert 'council'.

Page 68 proposed new section 149, line 9 (clause 7)—Leave out all words in this line.

Page 68 proposed new section 150, lines 18 to 36 (clause 7)—Leave out subclauses (1) and (2) and insert the subclause as follows:

(1) A person shall not disclose to any other person any information furnished by a member of a council pursuant to this Part unless the disclosure—

(a) is necessary for the purposes of the preparation of the Register and statement under section 149; or

(b) is made at a meeting of the council or a council committee (not being an advisory committee) at a time at which an order is in force under section 62 excluding the public from attendance at the meeting.

Penalty: Ten thousand dollars or imprisonment for three months.

and that the House of Assembly agree thereto.

Consequential Amendment:

That the following consequential amendment be made to the Bill:

Page 33, proposed new section 62, after line 30 (clause 7)—Insert paragraph as follows:

(ha) matters relating to the contents of the Register or a statement prepared under Part VIII or any actual or possible conflict of interest of a member of the council;

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. G.F. KENEALLY: I move:

That the recommendations of the conference be agreed to.

The managers met at 9 a.m. and the conference ended at 9.10 p.m. The discussions were long and, as the Committee would expect, complicated. Before addressing myself to the amendments I want to pay one or two tributes. First, I would like to pay a tribute to the managers from both Houses who attended the conference. I believe that this is a detailed and complex piece of legislation, but it was clear that all managers had a desire, as far as they were able, to ensure that the legislation that has been so long awaited by local government came into effect.

It was this desire that resulted in the willingness of all Parties to make considerable compromises from what were to all Parties very fundamental positions. I want to pay a tribute not only to my own colleagues but to members of the Liberal Party and the Democrats. The result of our deliberations has been a Bill which will in a sense be a landmark for local government and which will serve local government well. Also, I want to pay a tribute to the officers of the Local Government Association, particularly Mr Des Ross, Chairman, and Mr Jim Hullick, Secretary-General. Mr Ross particularly has been very diligent and firm in his representations to the Government on a whole range of issues that were regarded as important to his Association. I believe that the compromises that were made in some of the more fundamental areas are as a result of those representations, particularly as the legislation before us does not have a public register and the district councils will not have the provision of meeting times applied to them.

I believe that those compromises have resulted from that diligent work of Mr Ross. I want to pay a tribute to him. Also, I want to pay a tribute to the Ministers who have been involved over the years in the preparation of this legislation that I inherited at a very late stage, particularly the Hon. Murray Hill and my colleague the Minister of Housing and Construction. In a sense I think that the Minister has indeed been unfortunate that the hard work he has put in since becoming a Minister was not able to be realised by his being able to have the legislation passed while he was Minister of Local Government. Nevertheless, I pay a tribute to him for the work that he has done.

There are a number of amendments and I will go through them quickly. Some are minor and some are major. I will deal with them *seriatim*. Amendment No. 1 will be dealt with later. It deals with the register of interests, and the Legislative Council did not further insist on that amendment. The Legislative Council made a number of concessions, as did the House of Assembly. One of the concessions made by the Legislative Council was that amendment No. 2, which would have provided the Minister with power to postpone an election, has no longer been insisted upon, so the *status quo* prevails there. The date of the local government elections has now been concluded, and it is to be on the first Saturday in May, a date that was strongly represented to all Parties by local government.

There was a desire by the Legislative Council that it should be the third Saturday in October, but the Legislative Council was willing to concede during the conference that the first Saturday in May was an appropriate date for the election. In regard to amendment No. 4, the House of Assembly agreed to not further insist that a judge should be the Chairperson of the Local Government Advisory Commission. We have accepted that a legal practitioner of

seven years standing should be the Chairman of that important body.

The House of Assembly has agreed to the Legislative Council's desire that the appointment of the United Trades and Labor Council and local government representatives on the Commission should be selected from a panel submitted by those organisations. It was our desire that we should accept the nomination of these two very responsible bodies but, in the event, for the sake of compromise, we accepted that the panel should be provided. This is in common with similar provisions in many other Acts. The Legislative Council insisted that the Minister should have the power to dismiss a defaulting council, in addition to being able to suspend that defaulting council. This was a matter which I, as Minister, did not seek, but nevertheless we accepted that amendment moved by another place.

There was considerable discussion about the term of office. It was the Government's view that it should be a three year term, bringing South Australia in line with the practice elsewhere. It was the view of the Legislative Council that a two year term of office was appropriate. The two year term of office was conceded, despite the fact that we held very strongly to the principle of a three year term, which I understand the Local Government Association did too. However, because it is absolutely essential that this legislation be implemented, so that local government can carry on with its business, we were prepared to accept a two year term.

There was considerable debate as to whether or not an allowance for expenses should be provided. The result of the conference was that an allowance for expenses should be provided, that is, expenses incurred by a member of local government performing the duties in an office of local government. It was also provided, because this was lacking in the Legislative Council's original amendment, that reimbursement of expenses of a prescribed kind, incurred in performing those duties, should be included. This covers additional expenses if, for instance, country councillors need to travel to Adelaide or Adelaide councillors need to travel to Canberra, and a number of other prescribed expenses which were agreed to. The Legislative Council insisted that all members of local government should be compelled to accept the expense allowance, and we did not further insist on our disagreement to that. That has been accepted. The Legislative Council also desired that the penalties under this Act should be increased from $5 000 to $10 000, although the period of imprisonment remains at three months, and the House of Assembly agreed with the Legislative Council on that matter.

The very important issue that took considerable time was meeting times and after many hours of discussion it was agreed that municipal councils should hold their meetings after 5 p.m. unless a unanimous decision by a full council, that is, all members of council, decided otherwise. There is a transition provision that allows for this decision to be made immediately on the proclamation of that section. Thereafter, that decision will be made at the first full council meeting with all council members present after the election. That provision of time does not apply to district councils, and the Government accepted the argument on difficulties that district councils have, although it holds the view that all local governments should meet at a time when all people have the greatest opportunity for representation on local government, but the Government accepted that amendment.

There is now a dual voting system, but the prime voting system is optional preferential, which will apply to all councils except those that do not have wards. There are at least five of those councils in South Australia. Councils which do not have wards will have the option to have optional preferential or proportional representation. If they apply to me as Minister for proportional representation and they are councils without wards, I have given an undertaking to the managers that that permission will be given.

The last important amendment was subject to the most extensive debate. At the finish, there was an agreement by the managers of both Houses that there should be a register of interest, and the debate was as to what form that should take. The Government felt that the register of interest for local government should be similar to that applying in the State House.

However, the compromise was that there should be a register of interests that is confidential to members of the council only, and for any breaches of that confidentiality a penalty of $10 000 or three months imprisonment would apply. I understand, although I cannot be certain, that this is very similar to the system that currently applies voluntarily within the Adelaide City Council. I do not want to be held firmly to that, but that is my understanding. It is not a system that would be new or radical, certainly in regard to the Adelaide City Council.

However, that provision was a matter of some debate, not a little of which centred around the penalty and what 'disclosure' means—whether it means disclosure by intent or by accident. The Parliamentary Counsel has advised that under that amendment, a person shall not disclose to any other person, and disclose does not mean accidentally. It would be interpreted by the court as being disclosure by intent. By that we understand that it is a much tighter provision. Anyone who was not aware of legalistic language would understand the extent of the amendment.

I am certainly recommending that we agree to the amendments that come to us from the Legislative Council, and I believe that this House can take some pride in the fact that in 1984 we at last have been able to provide the basis for a series of amending Bills that will bring local government right into the twenty-first century. We shall provide local government with the structure and the powers that we all agree it should have.

The Hon. B.C. EASTICK: As the Minister has so correctly said, it has been a long day—in fact, such a long day that at the commencement this morning, when the various issues were identified, there were many more issues on the not negotiable side than on the negotiable side. One would have had to wonder whether there was any chance of coming to a compromise at all. But compromise there has been, although not necessarily the end point that any of the participants would have wanted. I suggest it is not possible to say that the Government won, that the Opposition won, that the Local Government Association won, or that the individual councils won.

The Hon. G.F. Kenneally: Local government has.

The Hon. B.C. EASTICK: Local government overall has won, because the many favourable features of the measure will go into legislation and will be available to local government, as the Minister has said. However, regrettably, some issues will not be well received in local government, but I have no doubt that there will be a continuing involvement to fine tune and perhaps alter some of those areas.

I will identify the issues and the clauses that apply to them so that anyone following the debate closely can clearly identify them. As the Minister indicated, the issues were the register of interests, which was associated with amendments Nos 1 and 42 from the Legislative Council; and the date of election, which was involved with amendment No. 2 to a degree, No. 3, and then Nos 12 and 25 to 33.

Further issues were as follows: in relation to the Advisory Commission, its activities and those who would be party to it, clauses 4, 5 and 6; in relation to council default, clause 8; in relation to the term of office, clauses 9 and 10; in relation to allowances, clauses 11 and 13; in relation to penalties, clauses 14, 15, 16, 17, 18, 19, 23 and 24; and in

relation to the voting system, clauses 35, 37 and 41. As the Minister said, there were a number of requirements from each Party which were welded together to give the compromise situation that has now been presented to the House. The compromise, in some instances, was the withdrawal and variations by the Legislative Council of amendments it put forward.

In relation to the register of interests, the conference identified the seriousness with which the Legislative Council saw the leaking or indiscriminate knowledge that might come from a viewing of the register by demanding that it would only be available to people directly associated with local government and that the penalty would be increased to $10 000, with the alternative of three months imprisonment. I would like to believe, on behalf of local government and, more particularly, those who are in the practice of local government, that the Bill is totally able to give the element of protection that should apply to a person in local government and those to whom it extends. We must recognise it extends to a spouse and children under 18 years of age of the person who is in local government.

The Local Government Association and a great number of individual members of local government have indicated that this was a totally non-negotiable area. In the event it was proved not to be a measure that could be rejected outright because of the attitude of some of the managers. Hopefully, the compromise will be beneficial. The date of the election was considered and, although there was a clear indication that a number of local governing bodies would like to stay with the October date, eventually it was agreed the May date was worthy of trial.

I use the word 'trial' because although we are lauding the creation of a rewrite of the Act we should not, in any circumstances, run away with the view that it is necessarily totally static, that is, that the circumstances laid down by the rewrite will necessarily last for 50 years without being able to be moved or changed in any way. If circumstances dictate a need for change, while I hope it will not be continuous change as we have witnessed in more recent years with some 34 amendment Bills (some quite major) to the Act, then that change will be effected and it could be that the date in May will not be the date most beneficial, and alteration may be necessary.

I believe that the decisions reached by the conference concerning the Commission were wise. All members from all Parties and both Houses indicated that they wanted a Commission that would be functional and in a position to meet and make decisions in the quickest possible time, that is, that there was no conflict of interest by way of employment. The use of a judge in this area could well have been a conflict of interest in the sense that judicial activities could take precedence over those of the Commission and then the Commission and local government would suffer as a result.

Council default, which was suggested by the Hon. Mr Hill in another place, has been accepted by the Government. It was an amendment that was offered based on the knowledge and experience of administration of this area of the Statutes that the Hon. Mr Hill has had on two occasions—from 1968 to 1970 and again between 1979 and 1982.

The term of office was one of those where there was a considerable degree of conflict in the local government fraternity. In the end, we have a situation that is two years all in all out. It was considered by a number of councils and a number of individuals within those councils that four-year and three-year terms were too long a period of commitment and that two years was more realistic. Whilst all in all out is not a method of approach that I favour, at least it is there on trial, and it will be interesting to see how the councils accept this approach. It will take away the annual election situation, which has caused some concern. By being a two-year term rather than a three-year term it will keep the councils on their mettle the whole way through so that they will not be able to undertake any indiscriminate activities in the first 18 months and try to repair them during the latter 18 months. It is an attitude which has been expressed and which is covered by this change.

There has been a difference of opinion in respect of allowances. The Hon. Mr Milne in another place had an attitude that was unlike that put down by members of my Party. We had indicated an acceptance of a *bona fide* expense, but not necessarily a sitting fee. That is the basis on which the original allowance clause would have operated. The Government has come away from the sitting fee situation and there is a proposition that allowances will be regulated for. I say to all who are looking in on this debate on this issue that Parliament, to which the regulations will be directed, and the public generally will be very critical of the manner in which the local governing bodies utilise the funds that will be available to them in this area of allowances. From my experience with local government and from the attitude that has been expressed to me recently by a large number of local governing bodies, I believe that they will tend towards the minimum possible sum rather than the maximum possible sum.

Penalties have been greatly increased in a number of places where the Parliament has had a clearer indication of the seriousness of a number of these events. I only trust that members of the Judiciary, if they are called on to act in this area, will recognise that the Parliament has expressed in a very practical way the seriousness of the events that might occur, and that the courts will take proper cognisance of the penalties that are available to them.

Although a compromise has been accepted, there is a general impression amongst those who were at the conference that a challenge exists in respect of the voting pattern. It is recognised that optional preferential voting is not a fair method in its totality, that an element of error can creep in and that it may therefore prove to be advantageous to some and disadvantageous to others. There is a clear indication that the proportional representation basis which will be discriminately available to only some local governing bodies is much fairer. There has been a suggestion that the fairest way of the lot—and it is not canvassed here but it will be in local government circles in the period ahead—is the full preferential voting system, which is a very much fairer basis of determining a result than is first past the post or the optional preferential system.

I indicate the challenge situation because I believe that it is an area of debate which will be referred back to local government at all levels to consider, recognising that local government would want the fairest possible result available. I laud the work of the Hon. Mr Lucas in another place and the contributions made by a number of other members in the debate on that issue. I now refer to an area that I did not mention previously, namely, meetings of councils after 5 p.m. There is a distinct advantage to 88 of the councils in South Australia, where district councils will be in the position of making their own decision as to when they will meet.

Whilst the vast majority of the cities and municipalities (37 in all) meet now after 5 p.m., two seek to have council meetings and most of their committee meetings at a time other than after 5 p.m. This was one of the areas that the Local Government Association very clearly laid down was not negotiable; that Association stated that it would far rather have seen the loss of the Bill if this and the pecuniary interests provision were not satisfactorily resolved. In the decision of the managers to proceed with the passage of the Bill with the variations which have now been reported, there

is a clear recognition that the Parliament has let down the Local Government Association on the final attitude that it expressed in relation to those two measures.

Because the pecuniary interests provision will have been in place, I make no guarantees as to what a Liberal Government would do, but I make very clear to local government and members opposite that an issue from this point on in respect of local government is that a Liberal Government would seek to make available to local government the opportunity to decide its own meeting times, whether it involves district councils, which are now provided for, or cities and municipalities. We believe that that is the right of a tier of government or a partner in government which we recognise and we should therefore let local government know very clearly that it has not been deserted by members on this side in relation to that matter. The position at present is the best that is achievable. The overall benefits—

The CHAIRMAN: The honourable member's time has expired. However, the Chair will allow him to wind up if he wishes.

The Hon. B.C. EASTICK: With your indulgence, Mr Chairman, I am about to do that. We believe that the overall benefits of the measure are far more important to local government now than to be hung up on that one issue. However, we are quite committed to the course of action that I have just laid down on behalf of the Liberal Party.

Motion carried.

ADJOURNMENT

At 12.17 a.m. the House adjourned until Tuesday 5 June at 2 p.m.