HOUSE OF ASSEMBLY

Tuesday 14 May 1985

The DEPUTY SPEAKER (Mr Max Brown) took the Chair at 2 p.m. and read prayers.

PETITION: BELAIR-BRIDGEWATER RAIL SERVICE

A petition signed by 57 residents of South Australia praying that the House urge the Government to reject the proposal to discontinue the rail service between Belair and Bridgewater, rationalise existing services, and allow public comment before any further decisions are made to discontinue the service was presented by Mr S.G. Evans.

Petition received.

PETITION: DUDLEY PARK CEMETERY

A petition signed by 27 residents of Prospect praying that the House urge the Government not to approve the establishment of a crematorium at Dudley Park Cemetery was presented by the Hon. R.K. Abbott.

Petition received.

PETITION: WEST TORRENS PLANNING CONTROL

A petition signed by 130 residents of South Australia praying that the House urge the Government to reinstate all planning control to the city of West Torrens was presented by Mr Becker.

Petition received.

PETITIONS: LIQUOR LICENSING BILL

Petitions signed by 79 residents of South Australia praying that the House amend the Liquor Licensing Bill to allow clubs to purchase liquor from wholesale outlets and provide for the sale to members of packaged liquor for consumption elsewhere were presented by Messrs Blacker and Ingerson.

Petitions received.

PETITION: ANTI DISCRIMINATION BILL

A petition signed by 21 residents of South Australia praying that the House delete the words 'sexuality, marital status and pregnancy' from the Anti Discrimination Bill, 1984, and provide for the recognition of the primacy of marriage and parenthood was presented by Mr Blacker.

Petition received.

PETITION: FUEL EQUALISATION SCHEME

A petition signed by 263 residents of Eyre Peninsula praying that the House urge the Government to implement a State fuel equalisation scheme was presented by Mr Blacker.

Petition received.

QUESTIONS

The DEPUTY SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 448, 493, 505, 533, 534, 537, 544, 545, 550, and 569; and I direct that the following written answers to questions without notice be distributed and printed in *Hansard*.

COTTAGE HOMES RENTALS

In reply to **Mr GROOM** (6 December).

The Hon. G.J. CRAFTER: As the honourable member correctly stated, premises that are used as a house for aged or disabled persons by an eligible organisation within the meaning of the Aged or Disabled Persons Homes Act 1954 (Commonwealth) are exempt from the provisions of the Residential Tenancies Act. This exemption exists because of a recommendation of the Select Committee of the House of Assembly on the Residential Tenancies Bill, 1977. The Committee stated in its report, at paragraph 14:

> Several submissions were received from people representing organisations that provide accommodation for aged people in independent cottages, hostels and nursing homes. Such organisations undertake to look after aged persons for the remainder of their lives.
>
> Evidence was given that the relationship between these organisations and the aged people is not one of landlord and tenant in the usual sense and that if they were subject to the provisions of the Bill their operations would be severely hampered. The Committee agrees that this would be so and recommends that an amendment be made to exclude these organisations from the Bill.

If the exemption were removed it could, as the Committee reported, severely hamper the operations of these organisations. Aged Cottage Homes and similar organisations provide a valuable and effective service to many aged citizens and we must treat with circumspection any action which could affect the availability of such accommodation. This must be weighed against the Government's responsibility to protect the rights and interests of the aged, particularly their right to the quiet enjoyment of their accommodation.

In January 1985 the Minister of Consumer Affairs directed the formation of an interdepartmental working party to consider various issues relating to resident funded retirement villages. The Residential Tenancies Act and its application to organisations such as Aged Cottage Homes will also be considered by the working party.

DISABLED PERSONS

In reply to **Mrs APPLEBY** (21 February).

The Hon. J.C. BANNON: Discussions have been held between the Disability Adviser to the Premier, the Special Employment Initiatives Unit of the Department of Labour, the Disability Information and Resource Centre and Commonwealth officers on this subject. I am pleased to advise that the Special Employment Initiatives Unit has been directed to proceed with the production of such a pamphlet.

The pamphlet is planned to incorporate a promotion of positive aspects of employing people with disabilities as well as listing contacts for advice and/or avenues of Government assistance. It is particularly pleasing that the Commonwealth Government is also contributing. This is not only a good example of inter-government co-operation, but more importantly, means a 'one stop' information booklet.

Distribution will aim at small business, delicatessen owners, etc., as well as the smaller employer. This group appears to have been largely overlooked in other campaigns and also could be expected to provide opportunities for part-time employment.

POTATO MARKETING ACT

In reply to **Hon. TED CHAPMAN** (21 March).

The Hon. J.C. BANNON: My Government will not remit the court penalties imposed on all South Australians who have contravened the Potato Marketing Act. However, if any other cases are appealed, they will be referred to the Attorney-General who is responsible for considering remissions and will be considered on their individual merits.

PAPERS TABLED

By the Treasurer (Hon. J.C. Bannon):

Pursuant to Statute—

Land Tax Act, 1936—Regulations—Exemptions and Land held in Trust.

By the Chief Secretary (Hon. J.D. Wright)—

Pursuant to Statute—

Friendly Societies Act, 1919—Regulations—Insurance and Loan Limits.

By the Minister for Environment and Planning (Hon. D.J. Hopgood):

Pursuant to Statute—

Planning Act, 1982—Regulations—Development Control, West Torrens.

Crown Development Reports by S.A. Planning Commission on proposed—

Erection of Workshop, Naracoorte College of TAFE.
Public Toilets, Parachilna.
Quarry, Hundred of Randell.
Storage Shed, Long Street Primary School, Whyalla.
Siteworks, Port Neill Primary School.
Tram Depot, Glengowrie.
Land Division, Hallett Cove.
Erection of Classrooms—
Amata Primary School.
Flagstaff Hill Primary School.

By the Minister of Education (Hon. L.M.F. Arnold):

Pursuant to Statute—

Fisheries Act, 1982—Regulations—Fish Processors.
Woods and Forests, Department of—Report, 1983-84.

By the Minister of Tourism (Hon. G.F. Keneally):

Pursuant to Statute—

Controlled Substances Act, 1984—Regulations—
Prohibited Substances.
General Regulations.
Drugs of Dependence.
Prescription Drugs.
Declared Poisons.
Food and Drugs Act, 1908—Regulations—Artificial Sweetening Substances.
Narcotic and Psychotropic Drugs Act, 1934—Regulations—Repeal.

By the Minister of Community Welfare (Hon. G.J. Crafter):

By Command—

Advisory Council for Inter-Government Relations—Report for year ending 31 August 1984.

QUESTION TIME

TAXATION REFORM

Mr OLSEN: Will the Premier seek the support of the South Australian Trades and Labor Council for major tax reform and the need to ensure that wage movements must be discounted for the price effects of any shift towards an indirect tax? The tax reform debate continues to revolve around the position of the union movement. So far the ACTU has refused to give its support to the introduction of a broadly based consumption tax to allow significant reductions in personal income tax. When I asked the Premier last Tuesday whether he supported a consumption tax, he expressed some serious reservations. However, by Friday he had apparently firmed up his position, and the comments he made in a luncheon speech have been widely interpreted as supporting the view of the Federal Treasurer that there needs to be a consumption tax to allow reduction in personal income tax of up to 25 per cent.

The Federal Treasurer has also strongly argued that increases in the CPI resulting from the introduction of an indirect tax should be discounted for wage movement. That would be essential to avoid any inflationary spiral occurring as a result of any major tax reform. In view of the fact that the Premier has now decided to support the calls for a significant reduction in personal income tax to be funded by a consumption tax, is it to be assumed that he has also thought through the implications of such a move, including the potential impact of the CPI, if wage movements are not discounted? As the support of the union movement will be vital if the major tax reform is to be achieved without fuelling inflation, will the Premier seek the support of the South Australian Trades and Labor Council for the introduction of a consumption tax and the discounting from wages of the CPI increases which such tax would generate?

The Hon. J.C. BANNON: I think that the Leader of the Opposition has taken some liberties with interpreting the statement I made. I have made unequivocal statements about the reduction in personal income tax but, in relation to a replacement tax, the general consumption tax, and so on, these are obviously matters that have to be developed somewhat further than they have been. I point out that, as the tax summit is not to be held until July, the debate has a long way to go. Might I add that, contrary to what the Leader of the Opposition says—

The Hon. E.R. Goldsworthy interjecting:

The DEPUTY SPEAKER: Order!

The Hon. E.R. Goldsworthy: You want two bob each way.

The DEPUTY SPEAKER: Order! The honourable Deputy Leader will get something else as well as two bob each way in a moment.

The Hon. J.C. BANNON: Contrary to what the Leader of the Opposition has said, the whole issue does not revolve around the position of the trade union movement: the trade union movement is one element, admittedly an important element, but only one. I am not aware of the precise attitude taken by employer groups on this issue in terms of a particular stance. There are in fact a number of considerable differences—areas like capital gains tax, for instance—that some employer organisations have canvassed and supported. Others have rejected it.

The debate is a continuing one, and will culminate in the tax summit in July. It is vital that we ensure that rigid positions are not taken in order to take advantage of the opportunity the tax summit gives us, because it is an opportunity which, if missed, will condemn future generations of Australians to an inequitable tax system, because no Government, however secure its position, will have the guts to move in this area. Of course, there will be consultation with the trade union movement; its position is certainly an important one. Let me stress that again, but it is not the crucial or only one. The South Australian Government is preparing its submission, but we are going to make sure that, first, it is realistic and, secondly, that it is well thought through.

For instance, we must not simply adopt a certain proposition because it seems attractive without considering the problems that may occur. In the case of a general consumption tax, obviously that would have a major effect on the taxed incomes of people and we must consider what compensatory mechanisms should be brought in: whether it should be brought in on a one-off basis, on a phased in

basis, or by means of an adjustment to pensions, and so on. These are the questions that must be studied very closely, and that is exactly what is occurring at present. As I have said many times in this House, the debate on this is welcomed, but it will be in July when the decision will be taken.

EMPLOYMENT OPPORTUNITIES

Mrs APPLEBY: Can the Premier say whether there has been any improvement in employment opportunities in South Australia? According to the ANZ Bank job advertisement series, seasonally adjusted job vacancies in South Australia for the period November 1982 to February 1983 reached their lowest level since the series commenced in 1968. In view of this fact I am sure that all members would be interested to know whether the South Australian labour market is showing any signs of revival.

The Hon. J.C. BANNON: The honourable member has drawn particular attention to one of the indicators involved, that is, the job advertisement series, which relates to seasonally adjusted job vacancies. If one is talking about employment opportunities, I think that that is obviously a good indicator to look at. It indicates what the state of the labour market is and what the demand for labour is in certain categories. There is no doubt that the situation has improved significantly. During the 12 months from November 1982 to November 1983 the weekly job advertisements on the South Australian scale, which are measured through the *Advertiser*, averaged 800 a month. For April 1985, there was a total of 1 772 advertisements: that is a pretty good improvement. The April 1985 figures are the highest seasonally adjusted total figures since October 1975.

From April 1983 to April 1984 vacancies rose by a striking 55.2 per cent, and from April 1984 to April 1985 vacancies rose by a further 34 per cent. Therefore, in two years there has been an increase of about 108 per cent. Let us hope that that continues, because it indicates the state of labour demand. However, let me sound a word of warning: job vacancies have to be translated into persons who have the skills and who are able to take the jobs available. There is no question that there are sections of our labour market where there are jobs available but where there are not people with the adequate skills and qualifications to take advantage of them. This is where manpower planning and a whole series of measures become absolutely vital.

The nature of the job market and the structure of industry are changing. That means that different skills are needed, and, therefore, people must have the opportunity for training or retraining in order to be able to take advantage of available job opportunities. That is a responsibility that the private sector and State and Federal Governments share through their education training and other schemes. Those matters must be addressed. Job vacancies may increase considerably, but we must ensure that there are unemployed people able to take advantage of that. There are still far too many people who have been out of work for far too long and for whom these jobs that are advertised offer no opportunities whatsoever.

CASINO

The Hon. E.R. GOLDSWORTHY: Will the Premier confirm that a closed shop agreement has been established for employment in the casino under which all employees will be forced to join the Liquor Trades Employees Union? A training course for people who want to be employed as croupiers at the casino began yesterday. It is offered by Aitco Proprietary Limited, the company which will operate the casino. A newspaper advertisement about the course described it as an opportunity 'to establish a new career in the exciting gaming industry'. What the advertisement did not say is that those who are offered employment following the course must join the Liquor Trades Employees Union. This is another blatant case of compulsory unionism.

The DEPUTY SPEAKER: Order! The Deputy Leader is now beginning to debate.

The Hon. E.R. GOLDSWORTHY: Well, Mr Deputy Speaker, let me phrase that differently: is this another example of the Government's policy of compulsory unionism? The Government must have known about and encouraged the agreement to force casino employees to join the union because the Government, through the Superintendent of Licensed Premises, has been involved in determining the terms and conditions of employment, including a licence to be issued to each employee. In this case, people as young as 18 years could be affected, and there can be no justification for forcing people of that age (or indeed of any other age) to join a union when they have not had sufficient time and experience to judge for themselves the benefits or otherwise of such a course. Will the Premier say why the Liquor Trades Employees Union has been given the right to conscript young people in this way, and will the Government reverse this decision in view of the fact that it is contrary to the United Nations Declaration of Human Rights? As we know, there was a demonstration in front of Parliament House today in support of that very principle.

The Hon. J.C. BANNON: I am not aware of any specific directive that has been issued to Aitco by the Government. In fact, the Government's policy, as is well known, is one of preference to unionists, encouraging people to join the appropriate union—we make no apologies for that. The terms and conditions and the rates of pay under which people work are secured through the operations of an industrial organisation, and it is in the interests of employers and workers that those industrial organisations secure such agreements. In fact, the bigger the project, the more important that is. Many private employers in the media, in manufacturing industry and elsewhere insist on what we might term a closed shop or fairly strict preference, and they do that for very sound industrial reasons. I am just amazed, looking across the border at what is happening in Queensland—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: —and comparing that with the record of industrial harmony in this State, to hear the Opposition trying to whip up a frenzy around this—it appals me, because this is our strongest selling point overseas. This is one of the chief productivity areas in Australia.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: That is right. A Liberal Government under Thomas Playford certainly did not indulge in this kind of union bashing exercise. Sir Thomas would have been shocked to hear the way his successors are carrying on. It is absolute nonsense. I do not know what the employment policy in question is but, if it encourages people to become members of the appropriate organisation, I fully support it.

Members interjecting:

The DEPUTY SPEAKER: Order!

ROXBY DOWNS

Mr KLUNDER: Will the Minister of Mines and Energy explain to the House the Government's view of the development of the rail and road infra-structure at Roxby Downs?

I ask this question because of an article in this morning's paper which attributes to the General Manager of Australian National comments in relation to the infra-structure. The article states:

Dr Williams said AN had been disappointed that the State Government's indenture had not included a railway for the mine. The Government had given 'very little assistance or encouragement' to AN to be part of the infra-structure.

'The trucking industry will be provided with a first-class highway for which it will pay very little,' he said. 'However, our own studies show that, if the projected shipments from Roxby Downs are achieved, a railway would be economic. So we are looking very closely at justifying an operation in our own right.'

Will the Minister clarify the Government's position in this matter?

The Hon. R.G. PAYNE: I thank the honourable member for this question, which I think will afford me the opportunity to put the record straight on behalf of the previous Government and the previous Minister as well as the present Minister.

Members interjecting:

The Hon. R.G. PAYNE: I assume honourable members opposite would not be upset if I made that clear. It has always been anticipated that there will be a railway to serve Roxby Downs, if it achieves a sufficient—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. R.G. PAYNE: —level of production. It would certainly be economic at the planned level of production contemplated in the indenture, so there is no problem there. I think honourable members would understand that there could not have been in the Roxby indenture a clause that guaranteed construction of a railway, because the indenture is a matter between the State and the joint venturers. It certainly would not have been binding on a third party such as the Commonwealth authority, Australian National. So I do not think there would be any quarrel with that point, either.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: It might not hurt the former Minister to listen and have his memory refreshed on what was part of the previous agreement. The indenture does make provision for an easement for the railway when it is required. In clause 16 of the indenture the requirements and timing for a railway are questions for the joint venturers to pursue with Australian National. That is clearly set out in the indenture. Those requirements and their timing will depend on the timing and scale of the project. I am advised that the initial project addressed in the feasibility study would not justify a railway at this stage, but that at a further stage of development a railway would be justified.

When the honourable member asked the question initially he quoted some remarks in relation to the road. The road which is to service the new town and the project is to be funded on a 50/50 basis (and that is also covered in the indenture) by the joint venturers and the Government.

INTERSTATE TUGS

The Hon. MICHAEL WILSON: As Treasurer and Minister of State Development, will the Premier order an immediate investigation into the reasons why the Department of Marine and Harbors obtained a tug from New South Wales to tow two beacons from Port Adelaide into Spencer Gulf when local labour and five tugs were available at Port Adelaide to do the job at much less cost to taxpayers? This case involves not only further waste of taxpayers' money, but the export of that money to another State. It relates to the installation this month of the Plank Shoal and Western Shoal beacon structures in Spencer Gulf, off Whyalla.

No public tenders were called for the work. There was not even an invitation to tender. Instead, the Government hired a tug from Eden, in New South Wales, at an estimated cost of at least $150 000 plus hiring charges for a dredge and pile barge. I have been informed that there are five tugs in Port Adelaide able to do this work. Their owners pay significant sums of State taxation, rental and mooring fees to the Department of Marine and Harbors, and that only adds to the difficulty they are having in comprehending the Government's decision to hire a tug from a distant port. The former Government took a number of actions to encourage further activity and investment at Port Adelaide, but decisions like this, as well as wasting taxpayers' money, can only have the effect of discouraging further investment in the port, and therefore the creation of more much needed jobs in that area.

The Hon. J.C. BANNON: My Government has done a great number of things aimed at reinforcing and developing the Port of Adelaide. Perhaps the most notable recent example was the successful conclusion of the agreement to get a Japanese shipping service established. There are a number of other examples such as the decision in relation to building a second container crane. There are a number of other examples which demonstrate our commitment and support for the work of Marine and Harbors and the development of our port. I do not know the details of the case that has been put before the House by the honourable member. I will obviously have to obtain a report on that matter.

Members interjecting:

The DEPUTY SPEAKER: Order!

WEST LAKES PRIMARY SCHOOL

Mr HAMILTON: Is the Minister of Education in a position to advise the outcome of correspondence I forwarded to him last week in relation to the non-payment of grants to the West Lakes Primary School? The Minister would be aware that this matter has been in dispute for some time and that much correspondence has passed back and forth between the parties. I would therefore appreciate the Minister's giving an answer to this vexed question.

The Hon. LYNN ARNOLD: The issue at hand relates not so much to the non-payment of the grants as to the alleged payment of reduced grants compared with what was formerly advised to the West Lakes Shore Primary School. The history of this matter is that West Lakes Shore Primary School was one of a number of schools in South Australia invited to take part in discussions with respect to the establishment or disestablishment of junior primary schools. The enrolment at West Lakes Shore Primary School was such that it appeared likely that a junior primary school could be viable on that site. I approved the opening of discussions with them with a view to that taking place. In fact, the finality of that was that the school agreed to the establishment of a junior primary school, and that has since taken place. I commend the staff, parents and students of that school for the successful manner in which that transition period is apparently proceeding.

I must say that there has been a dispute over advice given to that school in the process of those discussions. When a junior primary school is established certain payments are made to the school for its establishment. Some payments are made to enable a new administrative centre to be set up. There is also a general purpose payment to the school. It is on that ground that there has been what may be termed a dispute. The earlier question I received from the school related to the fact that the school had been told that it would receive $700 to $800 per area and had subsequently

been advised (very late on) that the sum involved was not as much as that.

I initially answered the school saying that the advice it had been given, according to information I had received, was of a different order of magnitude. The school has since come back saying that that is not correct and has given evidence of the number of occasions on which the advice was given. There appears to be a disagreement between officers of the Department and the school. I think that it would be unfortunate if the importance of the establishment of this junior primary school at that school were muddied by a disagreement over a relatively small sum of money, because I believe that the establishment of junior primary schools is an exciting thing when the numbers can justify that happening, and I think that it deserves a good start. Accordingly, I have instructed officers of the Department that since there is a disagreement, and since we cannot fathom the basis of that disagreement and where the advice to the school from the Department came from, that the advice that they operated on throughout the discussions should be honoured, and accordingly the sums that they are quoting should be paid to the school.

STA DATA PROCESSING SECTION

The Hon. D.C. BROWN: Will the Minister of Transport say why he has authorised a number of moves for the data processing section of the State Transport Authority that will result in a blatant waste of about $70 000? Recently, the Minister of Transport authorised the spending of $70 000 to enable the data processing section of the STA to be relocated within the existing railway station building. This was to be a temporary move before the section was moved next year to the new State Transport Authority office building, which is to be on the south side of North Terrace.

After that $70 000 was spent, and just before the temporary move, it was decided to move the data processing section to a different building further west on North Terrace. This was still another temporary move, but involved establishing computer land lines and other computer facilities at some cost at that temporary location. The initial $70 000 has been wasted completely. This will mean that three different locations will have been fitted out for this data processing section within 18 months: first, the relocation site in the old railway station building on which $70 000 has been spent but which will never be used for data processing; secondly, the temporary site on North Terrace, which will be used for less than 12 months; and, thirdly, the new STA building to be completed next year.

The Hon. R.K. ABBOTT: I do not accept that this is a waste of taxpayers' money at all.

The Hon. D. C. Brown: You just spent $70 000; how was it used?

The Hon. R.K. ABBOTT: The inquiry into data processing can be utilised, in whatever establishment the State Transport Authority is involved, for its own convenience during the temporary move. The Authority indicated to me that this was essential for its operations, and I authorised that arrangement, to be applied in whatever establishment the Authority was located. I do not consider it a waste of taxpayers' money at all.

JAM MANUFACTURERS

Mr TRAINER: Will the Premier advise the House whether the Department of State Development has been instructed to provide assistance to South Australian jam manufacturers who may wish to sell their products to international airlines? Following an article by Randall Ashbourne in the *Sunday Mail* on 14 April, referring to imported jams being served by Qantas to its business class passengers when excellent local alternatives are available, I contacted the South Australian manager of Qantas, Mr Brian Kirkham. He advised me that locally produced jams are served to economy class passengers and that the only reason for imported jams being used for first class and business class passengers is the requirement for these high quality preserves to be in glass jars.

Members interjecting:

Mr TRAINER: I am sorry that the Opposition cannot take the question seriously and support South Australian companies. Unfortunately, no South Australian manufacturer, it seems, is willing to produce jars of the appropriate size.

The Hon. J.C. BANNON: This will go down in the annals as the great jam scam, as they say in the States. The article appeared in the *Sunday Mail* of 14 April and attributed comments to me about certain jams and other products on Qantas flights. In fact, the words attributed to me were not uttered by me, but certainly the subject was discussed. More importantly, I contacted my office and asked it to follow through with the matter. It appears that the reason for using imported jams on these flights was a requirement by Qantas for a particular size of jar—a particular product—which was not produced in Australia, as no manufacturer was willing to produce a jar of that size. Apparently the alternative would have been to import such jars if a manufacturer had wished to take advantage of the contract, but no-one had done so.

It was important that that matter was at least brought out. One company—Glen Ewin—as well as a number of other companies have contacted both me and the Department of State Development since the article appeared. I have asked the officers to give them all the assistance possible to ensure that South Australian companies are successful in securing these important contracts. There I think the matter can proceed, I hope productively, and I hope it will result in extra business for South Australia.

I wish to make one further point on this issue. Whilst I was overseas, my office received a letter from the member for Todd purporting to support a company in his electorate, a company which incidentally is well known to me; I enjoyed its sauce product only the other night. That company is well established in the market here in South Australia. Whilst I respect the right of the member for Todd in representing his district to raise something in support of a constituent, he did so in the most offensive, outrageous and partisan manner. In other words, he was not simply drawing to my attention the possibilities involved in this case: but he went on offensively to say that the article in the *Sunday Mail* was evidence that the Government had no interest in South Australian industry, in particular industry in the north-eastern suburbs. He did that—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.C. BANNON: —without checking whether the story was accurate, I presume to score cheap political points in his electorate. I have written to the company concerned as it wrote to me, and I have advised it that the resources of the Department of State Development will be made available to it.

I have also advised the company that the member for Todd's approach on its behalf was not exactly the sort of approach that would see it getting the kind of assistance for which it was looking. It is a major question of credibility when a member picks up this sort of issue in this offensive and grossly partisan political point scoring way instead of addressing himself centrally or directly to the issue involved

and trying to get some assistance or support. That kind of point scoring will not help economic development in South Australia, and it certainly will not help the credibility of the member concerned.

RENTAL ACCOMMODATION

The Hon. B.C. EASTICK: In view of the rapidly developing crisis in the availability of rental accommodation in Adelaide, will the Minister of Housing and Construction join the Opposition in strongly opposing any move for the introduction of a capital gains tax? A report by a national working party established by Commonwealth and State Housing Ministers has identified a decline to 2.2 per cent in the vacancy rate for rental accommodation in Adelaide. This was the level for February, and I believe that during March there was a further decline to 1.8 per cent.

This national report has also warned that the introduction of a capital gains tax would have a disastrous impact on rentals by further reducing the availabilty of rental accommodation. This continuing speculation about the introduction of such a tax was promoted, in particular, by the Labor Party through decisions such as the one made at the special ALP convention in March for an investigation into that form of taxation, and this has already had an enormous impact on rents and the supply of private housing in Adelaide.

I trust that the Minister can answer my specific question and rely on supplementary advice he has been receiving. In particular, this matter is affecting pensioners, unemployed and single parent families. In view of the need to encourage, rather than discourage, further investment in rental accommodation to ease this crisis, will the Minister, on behalf of the South Australian Government, renounce once and for all the introduction of a capital gains tax?

The Hon. T.H. HEMMINGS: The member for Light mentioned the advice I was receiving from this side of the House. It seems rather ironic that this is the first question he, as the spokesman for housing, has asked me this year. The only question I have received has come from the Young Liberals, so I suggest that the honourable member take a little more interest in the matter. If he wishes, I will make available to him my submission to the Housing Ministers Conference in Perth at which we discussed a capital gains tax. I made the point in my submission, which was supported not only by the Labor States but, surprise, surprise, by Queensland, that if the Federal Government introduced a capital gains tax it should not affect the family home.

Because of the problem in the private rental sector—and when the Young Liberals briefed the member for Light they gave him the facts—we have put forward a case seeking to ensure that the private rental market will not be affected, because we are trying to encourage people to build homes for that market, the rental for which low income earners can afford to pay. I will take up the points raised by the Young Liberals and give the member for Light a copy of my submission to the Ministers Conference in Perth.

SAFETY MEASURES

Mr MAYES: Will the Minister of Local Government contact all local authorities and request a full investigation and review of fire safety provisions and methods of crowd control for all metropolitan ovals and places of public entertainment? All members will probably be aware of the tragic fire at Bradford over the weekend in which many people were burnt or suffered serious injury as a consequence of a fire in a spectators stand. An article in today's *Advertiser*, headed 'Fire tragedy could happen here: expert', states:

> Sydney—The chances of Australia experiencing a fire tragedy similar to the one that struck the football ground at Bradford, England, at the weekend should not be dismissed, a fire protection expert warned yesterday.
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> Australia's excellent record in preventing tragedies through fire was being jeopardised by the lack of compliance with laws governing the installation of fire systems, according to the deputy chief executive of Fire Protection Inspection Services, Mr John Westmore.
>
> 'Too many fire protection and detection systems are not being installed in accordance with codes published by the Standards Association of Australia,' he said. 'In recent years many people have entered the fire protection industry with little knowledge of the codes for the installation of fire protection and detection systems. Unfortunately, the property owner knows little about these systems and believes when installed they should work.'

There is also the question of crowd control, which is a matter of importance, given what occurred at the weekend, and it is something that is very relevant in relation to what might occur here in South Australia.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. We are all very aware of the tragedy that occurred at Bradford and of the horrific television coverage seen by the citizens of South Australia over the past day or two. On behalf of the Parliament and all people of South Australia I can say that our sympathy and condolences go to the citizens of Bradford, and particularly to the families and relatives of people who were so tragically killed and injured in that fire. It is very likely that some of those people have relatives in South Australia and, of course, our condolences go to those relatives. I am sure that that fire brought home to all local government bodies and sporting organisations in South Australia which have pavilions, grandstands, etc., the need to ensure appropriate fire protection measures.

Provision is made within local government for fire safety committees, and each local government authority in South Australia should have one of those committees. I refer to the Fire Safety Committee chaired by a member of my department, a Mr Brown, and one of the members of that committee is a senior officer of the Metropolitan Fire Service. On its own initiative, or as a result of a request from a local government authority, that committee can inspect public buildings, sporting pavilions, etc., to ascertain whether or not there are any fire risks apparent, and it can recommend actions that need to be taken to rectify any apparent problems.

Local government approval for the construction of any grandstand, pavilion, etc., would have to include consideration of fire protection measures, as well as stipulating that the types of materials used were not flammable but were steel or concrete, for example. However, a number of older grandstands in South Australia were constructed of wood, although I have been told that the type of hardwood used in South Australia has more slow-burning properties initially than has the timber used in Europe and the United Kingdom.

Both local councils and sporting organisations would now be very much aware of the need for appropriate fire protection measures (if they were not aware of this prior to last weekend). The honourable member can be assured that as Minister of Local Government, with a responsibility in this area of fire protection, I will be taking up this matter with each of the local government authorities in South Australia.

I will also discuss the matter with the Minister of Emergency Services so that advice can be obtained from the Metropolitan Fire Service. When the grandstand at the Morphettville racecourse was destroyed, the Marion council had a major contribution in the reconstruction and replanning: that could be seen as an example of what should or could

be done. I am sure that everyone acknowledges that, as old grandstands and pavilions are replaced and as materials change, fire protection equipment must be more appropriate. Nevertheless, we must be aware of the problem that exists. The Department of Local Government and I are aware of this matter but, because the honourable member asked what is an appropriate time, I will take up the issue, as he suggests, and bring back a report.

KINDERGARTENS

Mr LEWIS: Will the Minister of Education say how many pre-schools in South Australia have playground facilities and sandpits, in which children play, that are contaminated by sheep dung and urine? This question arises from the concern of people in the communities of Geranium and Coomandook in their continuing struggle to obtain appropriate facilities for their pre-school children. A letter from the Secretary of the Coomandook and Districts Kindergarten points out that there are many problems and it states:

> The majority of children travel by school bus, then have to be transferred to another bus to be transported to kindy. These children are sometimes forgotten. Our Director has to carry confidential documents home with her as there is nowhere to store them. The room we use is approximately 18 ft square and is completely lacking in space and storage. We have great problems during the year with both flies and mice. Our facilities border a farming property, and there have been sheep grazing on the premises used by the kindergarten. Not only is it unhygienic but what child should have to play in the droppings left by livestock?—

especially as, in this instance, they resemble the colour and shape of a popular confectionary. It is also stated that a gate has to be kept closed to prevent sheep from entering the kindergarten building, but it blocks access to the toilet facilities to which the children must go. The children are unable to open the gate and require parental assistance to get to and from that toilet. I could go on. This matter is a great problem to people in those districts, and many in that area think that the reasons given by the Government for its not having provided adequate facilities are indeed fishy.

The Hon. LYNN ARNOLD: The honourable member asked how many pre-schools in South Australia have sandpits that contain sheep dung and urine. One of the points we have been trying to make is that this is not a Government of excessive regulation and administration, so I advise that there is not a survey form that goes out to schools asking, 'Do you have sheep dung and urine in your sandpit?' Therefore, I cannot give an answer. My guess is that there would be very few indeed—so that is the answer to the question.

However, other matters raised in the honourable member's explanation to the question have not been answered, so I will canvass those matters although they were not specific questions. The matters to which the honourable member refers to that extent have very often been undertaken by the kindergarten or pre-school committee as minor works. Such committees have attended to their yards. I do not have children in a pre-school now, but my children recently attended pre-school and I am about to have other children in a pre-school, so I know that the maintenance of the yard is very much an activity for parents. We have helped willingly when the time was available.

That is the system that applies and has applied for many years in other pre-schools of this State. I would suggest that if the honourable member is really so concerned about that, and if that is the full nature of the problem, perhaps he can offer his assistance to help the parents of that community do something to keep the sheep out of the sandpit. Whilst it was not asked by the honourable member, the real problem is that of pre-school facilities themselves. I have already advised the honourable member through earlier correspondence that this, as well as being of concern to him, is also a matter of concern to us, and although it was not referred to in the question today, as I said in the House last week, we are indeed examining that as best we can with the resources we have available. The matter is under consideration in the 1985-86 Budget and, as we match the available resources against the commitments that have been put against that matter, I will advise the honourable member of the result of that as soon as possible.

Although this does not refer to the honourable member's question today, it has a lot to do with the meeting of the needs referred to by him in his earlier question and with the priorities as they have been submitted to the Government by the Kindergarten Union. These are priorities we have to listen to. Of course, the Children's Service Office changes quite a lot of that, and I believe we will be able to meet the needs of these communities within the medium term, although I hope we can meet them within the short term. As to his question, which did not refer to capital works, I suggest that he works with the parents' committee and does what he can to keep the sheep out of the sandpit.

SEAVIEW WINERY

Ms LENEHAN: Will the Premier initiate discussions with the directors of Penfolds Wines to clarify the future of the Seaview Winery at Reynella? I ask this question following an article in the *Advertiser* on Friday 10 May, under the heading 'Penfolds calls halt to new champagne project'. The article states:

> Penfolds Wines wasted no time in asserting authority over its new Seaview subsidiary by yesterday ordering a halt to Seaview's $16 million champagne expansion programme at Reynella.

Since the appearance of this article, I have been contacted by the Noarlunga council and it expressed its concern at the implications of such a decision for the southern area of Adelaide: for example, there would be a potential loss of about 150 jobs, which the project was to generate. I am also told that in excess of $1 million has already been invested in the site. Further, the implications for tourism in the southern area are a important consideration in determining the future of the Seaview Winery at Reynella.

The Hon. J.C. BANNON: Yes, not only will I initiate discussions, but some discussions have already been held. As that article in the *Advertiser* referred to by the honourable member points out, the takeover by Penfolds of Allied Vintners wine operations has caused it to reassess the champagne cellar project at Reynella. I think there are two questions to be raised. The first is: what would be the fate of the champagne cellar project? As I understand it, there is no intention on the part of Penfolds to cancel such an ongoing development. The question is: where will it be most conveniently located? The Managing Director of Adelaide Steamship, Mr Spalvins, was reported as saying:

> Penfolds and Kaiser Stuhl are located beside each other at Nuriootpa in the Barossa Valley, and it is very likely that the Seaview expansion would be relocated there.

I understand detailed studies are being undertaken at the moment and, in the interim, work has been halted on the Reynella site.

The second question is: what will be done with that site if the development does not proceed at that location? Again, this is a decision Penfolds will have to make in the light of what planning and other restrictions there are on the site and what possibilities there are for future development. Again, it is premature to say what that will be, but the Department of State Development in particular will be discussing how it can assist in looking at options.

I think that it is worth mentioning in relation to the Southern Vales area and the district with which the honourable member is concerned that, while the discontinuance of this project, if it occurs, will obviously take some element of development and tourist potential out of the area, there are a number of other developments that will not be affected. In particular, I was happy to notice in the past few days that the Hardy company announced a major expansion and redevelopment in that area, so there is no question that the Southern Vales has an enormous and ongoing tourist and wine-making potential and that that will not be affected by whatever changes are made to this project.

WINE REGION PAMPHLETS

The Hon. JENNIFER ADAMSON: Can the Minister of Tourism explain to the House why there is no promotional material in South Australia House in London dealing with the wine regions of South Australia, despite the fact that wine tours are a high priority with the United Kingdom tourism market and that United Kingdom travel agents are seeking such material? This morning, at a seminar arranged by the Department of Tourism to inform South Australian operators about the United Kingdom market, the audience was told by a staff member of the Agent-General's Office that the only wine pamphlets available to the Agent-General are some three year old pamphlets left over and provided by the Australian Wine and Brandy Board when it vacated its London office.

In view of the projected $250 000 expenditure in promoting South Australian wine regions in the Eastern States, it would appear that the Government has funds available for wine promotion but is choosing not to use them or other available material in the important United Kingdom market. In light of the Government's professed concern for wine promotion, I believe that the House deserves an explanation of the situation in London as outlined by a member of the Agent-General's staff.

The Hon. G.F. KENEALLY: It is drawing a long bow, indeed, to say that because the Government has announced a $250 000 programme promoting South Australian winelands to start in September of this year part of that money ought to have been spent in providing brochures in England some two or three months ago.

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: It is interesting that the honourable member should raise this question. I understand that there are brochures in Australia House, but I will certainly have that checked and seek the date of them. In South Australia (and the honourable member ought to know this) we have a policy of co-operative advertising. The South Australian Government's role is not to do the advertising for all the wine producers or the wine areas, but to co-operate with the regions that want to promote their areas. We will help the regions do that, so we need some initiatives to flow from the regions to the South Australian Government, and we will support the promotions of their areas.

The Hon. Jennifer Adamson interjecting:

The Hon. G.F. KENEALLY: I am happy to look at any matter that the honourable member raises with me. Sometimes she has a legitimate point and sometimes she does not, but I always check such matters, and will do so this time. The seminar that the honourable member attended is one that was put on by the State Government through the Department of Tourism to educate (if you wish) the industry in South Australia to the needs of the United Kingdom and European markets.

I thank the honourable member for the opportunity to express my concern and disappointment at the response we had from the tourism industry in South Australia. For instance, through the Department of Tourism we promote 2 000 South Australian tour operators through brochure material, but only 21 of those tour operators attended the seminar this morning. The numbers present were greater than that, but only 21 of those 2 000 tour operators that we promote in South Australia attended the seminar. We are involved in a number of instances in assistance in funding brochure material. The same applies to the wine areas and the wine regions. I have had several discussions with people within the wine industry, and we talked about joint promotions, etc. We are prepared to talk to them to ascertain what is the best way to promote their wares both nationally and internationally.

I will look at the question raised by the honourable member, but I point out to her that recently I had the opportunity to promote wine in the western United States of America and Japan. The Department enthusiastically is following through that promotion work. We do the same in the UK and Europe, and not only does the selling of wine help the industry in South Australia but, more particularly, the selling of the feeling of wine as part of South Australia helps the State. We are not only the festival State but also the wine State. It is part of our promotion. We are doing this enthusiastically and well and will continue to do it well. The honourable member has the message that we will look at the one point she raises to ascertain whether there is any relevance in her inquiry.

TRAVEL AGENCIES

Mr FERGUSON: Will the Minister of Tourism inform the House whether the Government now favours the introduction of State legislation to regulate travel agencies? The Federal Minister for Recreation, Sport and Tourism (Mr John Brown) has announced that the Federal Government has revised its position and decided to leave the remaining work on legislation for tourism regulation to the States. Many South Australian tourists have faced problems in recent years because of the collapse of travel agencies. Although airlines and other people have been prepared to honour payment for tickets that have been issued, many South Australian people have lost moneys paid in advance for tickets when tickets have not been issued. It has been put to me that, with every collapse of a travel agency, confidence in the tourist industry is reduced and, in any event, South Australian consumers should have protection by regulation against any loss that may occur.

The Hon. G.F. KENEALLY: The last points raised by the honourable member are very valid indeed. The view expressed to him that the collapse of travel agencies means that the tourism industry suffers a loss of confidence is absolutely correct, and I believe that clients or customers of travel agencies are entitled to protection.

It came as a considerable shock to me—as I am sure it did to my colleagues—when the Federal Minister for Tourism (Mr Brown) said that the Federal Government was no longer going ahead with the preparation of co-operative schemes for uniform travel agency regulations throughout Australia. In 1984, at a meeting of Ministers of Tourism and Ministers of Consumer Affairs, the Federal Minister made a strong case for a uniform code throughout Australia for the protection of consumers and for the better running of the travel industry, certainly to create more confidence in the industry by the consumer at large.

A lot of work had been undertaken by Ministers of Consumer Affairs. It was a consumer matter so, whilst the Ministers of Tourism had a close and vital interest, it was left to Ministers of Consumer Affairs to prepare and draw

up legislation with input from the tourism industry. It was a shock for us to find that the Minister at this late stage has changed his mind. I assure the honourable member and the House that the Minister of Consumer Affairs in South Australia has expressed the degree of that shock in his communications with the Federal Minister.

We have also been contacted as a State Government by AFTA (the Australian Federation of Travel Agents). The Minister of Consumer Affairs is now preparing a paper on the registration of travel agents in South Australia as we have to go ahead by ourselves. We will be doing so in co-operation with the industry. The sooner we are able to provide a base for protection of consumers to ensure confidence in the travel industry in South Australia, the better it will be, not only for the industry itself but for those people who will rely upon Government and industry regulations to ensure that consumers get a better deal. I will be following the matter through with my colleague and, if I have anything further to report, I will advise the honourable member.

KINGSTON TAFE COLLEGE

Mr MATHWIN: Will the Minister of Education advise why he has transferred yet another course away from the Kingston College of Further Education in Majors Road, O'Halloran Hill, thus blatantly discriminating against the people of the south yet again, first, by removing a pre-vocational electrical course from that college and now with the removal of this course? A number of constituents have approached me. One wrote enclosing a letter which was addressed to the students of the business studies programme and which stated:

> This college has been informed by the Department of TAFE through its Regional Superintendent that it will have transferred one of its business studies lecturers at the end of Semester I . . . a programme which has been consistently demanded for the past five years.
>
> Accordingly, we regret having to inform you that we will have to reduce our offering in the following subject areas financial accounting I (2 classes), financial accounting II (1 class), and either business law II . . .
>
> I suggest that you contact neighbouring colleges at Panorama (8 km north) or Noarlunga (15 km south) as early as possible as they, like us, will have their own ongoing students to service.

The Minister would know and understand that there were this year at least 120 applications for this course. The person being transferred away is one of the best lecturers in the business. The Minister would also know that there are seven or eight colleges to the north of the city and only three to the south—the discrimination is fairly obvious. The Minister will also recall that, when he closed the Brighton college and asked for amalgamation between that college and the Kingston College of Further Education, he promised that the students of the south would be better serviced.

The Hon. LYNN ARNOLD: A number of points were made by the honourable member. As to the first matter regarding the business studies programme, I will certainly have the matter examined to determine the need perceived by the transfer of the business studies lecturer from the Kingston college. It has been a practice of the Department of TAFE for a very long time—and will be so for a long time, because it is a natural matter in the staffing of departments such as TAFE—that the moving of staff around from college to college is to meet relative needs existing between those colleges. That is not something changed by any fiat of this Government from the previous Government except that the situation is generally a better resourced one under this Government. The honourable member will know that there were transfers of staff for a long time and the principle of that has not changed. I will certainly investigate the matter with respect to business studies.

In other comments the honourable member totally and blithely ignored information given to him on the electrical pre-vocational course earlier this year. He made no mention of the fact that I had given the undertaking to start mid year, nor why it was stopped in the first place. He is attempting to have the House believe that it was a staff situation—an arbitrary staff movement—when, in fact, the genesis of that matter was clearly explained to him. It has a lot to do with the ICTC's standards of the pre-vocational course with respect to machinery available to those undertaking the course. That was pointed out to the honourable member on an earlier occasion, but he chooses not to recall that. He has failures of memory that quite alarm me.

If he looks at my earlier reply in the House on this matter, and if he takes the trouble to contact the college itself, he will be aware that the course is restarting once suitable arrangements have been made with respect to machinery to meet the requirements of ICTC. That matter is well and truly closed. As to the other matter, the honourable member has on some occasions attempted to put the proposition that I am or this Government is discriminating against the south with respect to TAFE facilities. A figure was plucked out of the air to copmpare how many TAFE facilities exist in the northern area and in the southern area. This Government has been arguing for the suitable provision of TAFE facilities where the need exists in the State, be it metropolitan, country, northern or southern. We will continue to follow that approach.

We have supported the development of courses at Kingston and Noarlunga. Again, the honourable member raises the furphy of the amalgamation of O'Halloran Hill college and Brighton college, as if in some way this was deliberately designed to be a worsening of TAFE provision for people in the southern area. In fact, it was designed to be an improvement of TAFE servicing within that area and was as a result of significant discussions within the local community with those involved in both colleges.

The honourable member was jumping up and down saying that the Government was to close the Brighton college. He did not have the honesty to admit what the topic really was: an amalgamation of two campuses, Brighton with O'Halloran Hill. That is precisely what has happened: amalgamation has taken place. We have received approval for it to be referred to as the Kingston college. It is now operating quite successfully. The honourable member could do much more to serve the needs of his constituents with respect to their desires for TAFE education by taking a more constructive and positive approach to this matter, doing a little more homework and stating the facts as they really are, rather than attempting to re-raise furphies that have been put to rest. With respect to business studies, I will have that matter investigated and will come down with a report for the honourable member later on this matter.

SELECT COMMITTEE OF INQUIRY INTO STEAMTOWN PETERBOROUGH RAILWAY PRESERVATION SOCIETY INCORPORATED

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the Select Committee of Inquiry into Steamtown Peterborough Railway Preservation Society Incorporated have leave to sit during the sittings of the House today.

Motion carried.

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

ELECTORAL BILL

Second reading.

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 inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill represents the most important and comprehensive overhaul of the State's electoral laws in over 50 years. It seeks to effect a number of long overdue reforms, making it easier for an elector to cast a vote in a State election, and at the same time it effects a number of administrative improvements which became necessary because of anomalies caused by successive amendments to the original 1929 Act and recent changes to the Commonwealth Electoral Act. The present Electoral Act was first passed in 1929 and has been the subject of no fewer than 22 separate subsequent amending Acts—amending Acts that have varied greatly in both their nature and extent. As well, a number of important matters have been specifically dealt with by detailed regulations promulgated pursuant to the original Act which are now incorporated into this revised Act.

What presently obtains, therefore, is an unsatisfactory pastiche of measures that lie scattered throughout the Statute book and other sources. The principal objective behind this comprehensive revision of the Electoral Act is to make it as easy and as simple as possible for South Australian electors to enrol and to cast an effective vote. The Bill seeks to be simple and straightforward—simple to read and understand, simple to administer and simple to comply with. All unnecessary impediments and obstacles to an elector seeking an entitlement to vote and exercising that entitlement have been removed. The provision in this Bill would ensure that in casting a vote an elector would have a greater likelihood of that vote being formal than has been the case in the past. The likelihood of votes being informal in both Legislative Council elections and House of Assembly elections is considerably reduced.

The Government considers this healthy for a democracy because it puts the future of the State exactly where it should be—in the hands of the people. A significant initiative in this Bill and one which is likely to be adopted by other States and the Commonwealth is the simplified method of voting for electors who cannot attend polling booths on the day of the election in their enrolled district.

All they will now be required to do is to certify that they will be unable to attend and they will be issued with a ballot paper. This can be done by post and most significantly at the office of any Returning Officer or Assistant Returning Officer appointed for that purpose.

This and other initiatives in the Bill derive from three major sources. The first is the report of the Electoral Commissioner on the conduct of the 1982 election: the second is the substantially revised Commonwealth Electoral Act which was amended following a joint Select Committee report of the Federal Parliament, and the third was the policy of the Australian Labor Party in respect of elections which was announced during the 1982 State election.

In his report to the Government in March 1983 on the Parliamentary elections and referendum of 6 November 1982, the Electoral Commissioner (Mr A. K. Becker) made the following trenchant observations:

> . . .My concern is that the (present) system is extremely fragile and not well equipped to cope with late 20th century pressures. The Electoral Act which is the blue print for the conduct of elections is essentially a 19th century document which has been amended so often that it is becoming difficult, even for the Crown Solicitor to interpret.
>
> It is my view that the Act needs to be substantially overhauled to provide an electoral system which cannot be frustrated by the idiosyncratic problems that occur in all large scale operations. In addition, such a document should be capable of interpretation by all involved in the electoral process. Unfortunately in this regard the current Act leaves a lot to be desired.

The Electoral Commissioner highlighted major areas requiring attention. They were:

(i) amending the Electoral Act to remove ambiguities and provide better facilities for staff and the electorate;

(ii) improving administration and extending training programmes and educational facilities for staff in the electorate;

(iii) improving support services for Returning Officers;

(iv) upgrading the roll maintenance system;

(v) instituting a continuing research programme to identify deficiencies.

Following the release of this report the Government approved the establishment of a Working Party, chaired by the Electoral Commissioner, to prepare drafting instructions for a new Electoral Act.

In considering the contents and format of a new Act the Working Party examined recent changes to the Commonwealth Electoral Act, the Electoral Commissioner's Report and A.L.P. policy for the purpose of advancing solutions to a variety of electoral and organisational problems.

Some of the matters which have now been enacted in the Commonwealth sphere and now included in this Bill, are:

(i) the facility of provisional enrolment for those aged 17 years;

(ii) the suppression of addresses of electors in certain cases related to their safety (e.g. members of the Judiciary);

(iii) the provision of the facility of mobile polling booths for remote areas of the State; and

(iv) registration of political parties—to enable political affiliation to appear on the ballot paper.

The policy of the Australian Labor Party announced at the time of the last election was to amend the Electoral Act to:

(i) improve the admissibility to scrutiny of certain ballot papers;

(ii) simplify the electoral process;

(iii) address the 'donkey vote' issue by having positions on the ballot paper determined by lot and allowing for the political affiliations of candidates to be printed on the ballot paper.

The Working Party formulated 37 major recommendations which provided the basis for more detailed instructions to Parliamentary Counsel for the preparation of the present Bill. The present Bill is therefore a vehicle for substantial reforms; it also seeks to deal with the many administrative criticisms and difficulties made and dealt with by the Electoral Commissioner in his report.

An example of one such difficulty was raised by the Working Party when it noted that:

> Administratively the Electoral Act is extremely difficult to manage. The vestigial remains of long forgotten practices cloud the more recent innovations. For example, there has not been a separate (Legislative) Council roll for more than 10 years; yet procedures for maintenance are set out in full. Sub-divisions and polling places were logically grouped together when there was but one polling place per sub-division.
>
> That situation changed at the turn of the century. Sub-divisions today are relevant only in respect of overlapping boundaries of State and Commonwealth electorates and there only for enrolment purposes.

This new Bill, then, has the following major features:

(i) It provides for party or ticket voting in Legislative Council elections as an alternative to electors voting for candidates.

At the November 1982 election over 10 per cent of voters in the Legislative Council election voted informally because of confusion with the ballot paper and the requirements of the voting method. Some voters had voted with crosses and ticks, some had not filled in the required number of spaces, but the largest number of informal votes were as a result of electors putting more than one figure one (1) on the ballot paper.

The voter confusion sent the informal vote in the Legislative Council from 4.4 per cent in 1979 to 10.1 per cent in the 1982 election. This level of effective disenfranchisement is not acceptable. It amounts to up to three House of Assembly electorates having no say in the composition of the Council.

The system proposed in this Bill allows the electors the choice of voting for candidates or voting for groups of candidates. In other words it combines the existing system with the system which operated previously and it is up to the electors to decide how they will cast their vote.

It is the same system which applied in the Senate Election late last year which saw the level of informality drop from 8.8 per cent to about 5.4 per cent.

The method entails the parties or political groupings registering their how-to-vote card or cards indicating how the votes of a group or a party are to be distributed.

If the elector chooses to vote for a party or group of candidates and that party or group has lodged a registered voting ticket with the Electoral Commissioner, the vote will be distributed in accordance with that ticket.

If, however, the voter wishes to use his own discretion and vote for candidates he must vote for all candidates. Some allowances will be made for genuine omissions—for example, a number missing in a sequence. The Council system of voting will now be full preferential, but the voter will have the option of voting for a group or for individual candidates.

(ii) The full preferential system which exists for the House of Assembly at the moment is maintained. As under the existing law, electors will be required to express a preference for every candidate in an election. However, changes have been made to the rules governing the determination of the validity of votes during the scrutiny to ensure that where an intention to express a vote for a candidate is clear, then the vote may be rendered valid by virtue of a registered voting ticket lodged with the Electoral Commissioner.

(iii) It is proposed that common names and party affiliation be permitted on the ballot paper so that the elector has as much information as possible about who is contesting an election when casting his or her vote. The Bill provides for a registration mechanism to allow this to happen. Allowance is also made for common names to be permitted as well, e.g., 'Ted Smith'.

Registration is necessary to ensure that there is no improper or unauthorized use of the names of established political parties by candidates who 'pirate' them and use them without authority. Registration also relieves the Electoral Commissioner from having to determine whether candidates have authority to use the name of a political party or grouping. The provisions allow for a candidate who has the consent of a registered political party or grouping to have the full name of that party or grouping printed on the ballot paper against their name; the provisions also allow for an unendorsed candidate to use the word 'independent' provided that it is used with no more than six other words, is not frivolous or obscene and is not the name of another political party or grouping. This provision, however, would not exclude the use of terms such as 'Independent Labor' or 'Independent Liberal'.

However, it is not possible to have an independent party; one is either an independent or a member of a party.

Provision is also made for photographs to be included where appropriate—for example when two candidates have the same name.

The Bill also contains provisions for the position of candidates' names on the ballot paper to be determined by lot rather than by the current alphabetical system.

(iv) The Bill ensures that electors have adequate time to get their voting entitlement in order prior to an election by:

- allowing for the provisional enrolment of 17 year olds;
- specifying a minimum period of 7 days between the issuing of a writ for an election and the closing of the rolls.

(v) By far the most significant reform in the actual polling procedure is the simplification of the current system for people unable to attend polling booths on polling day in their enrolled districts.

The tangled web of administrative arrangements applying to the present various forms of certificate voting which are subject to various interpretations and complications and which make administration unnecessarily difficult and cumbersome, are simplified.

The distinction between absent votes, postal votes, institutional votes, registered postal votes, electoral visitor votes and section votes, are all removed. In its place is a simple, streamlined system of declaration of voting whereby an elector declares that he or she is unable to attend a polling booth on polling day.

Electors can seek a declaration vote in person or in writing. A simple declaration to a Returning Officer or an officer appointed for the purpose from an elector for example, sick at home, will be sufficient for a ballot paper to be forwarded. This system will make voting in institutions and hospitals much easier. Electors visiting relatives or working away from the electorate will similarly be able to vote much more quickly by signing a declaration form.

South Australia led the country with the electoral visitor programme and this new provision will similarly prove to be a model for the Commonwealth and other States and will be welcomed by thousands of electors who for a variety of legitimate reasons cannot get to a polling booth or polling booth in the right area on polling day.

(vi) Other provisions in the Bill address anachronisms and anomalies, for example:

- qualification for enrolment—as to which neither the Constitution Act nor the Electoral Act, 1929, has anything to say even though they do address the question of entitlement to vote;
- removal of the anachronisms between the electoral district and subdivisions;
- removal of the need to have a separate Legislative Council roll.

(vii) The Bill also addresses the question of electoral rolls and allows for the suppression of addresses where it can be shown that the safety of people might be put at risk.

(viii) The Bill tightens the law regarding inaccurate and misleading electoral advertising as well as substantially increasing penalties for a whole range of conduct that the present Act prescribed.

(ix) The deposit for persons wishing to contest elections will be set by regulation in line with inflation as at present. However, that deposit will be redeemable if a candidate wins 4 per cent of all the primary votes cast. This is similar to the provision now contained in the Commonwealth Electoral Act.

More generally the Act deals with the administration and conduct of elections and seeks to clarify the responsibilities

of the Electoral Commissioner, simplify the language of the principal Act of South Australia's democratic process, improve facilities for electors, extend their range of choice and provide for better co-ordination with Commonwealth electoral authorities.

The Bill ensures that electors can more easily claim and then exercise their voting entitlement. It removes unnecessary obstacles to the exercise of a voter's intention and it effects a greater degree of consistency between the system of voting at the Commonwealth and the State level.

The Bill represents a major reform of South Australia's electoral laws and should endure the demands placed on it for the foreseeable future. I commend the Bill to the House.

Clauses 1 and 2 are formal. Clause 3 provides for the repeal of the Electoral Act, 1929. Clause 4 contains the definitions that are required for the purposes of the new Act. Clause 5 provides for the appointment of the Electoral Commissioner and the Deputy Electoral Commissioner. These are statutory officers outside the Public Service. Clause 6 provides for acting appointments to the office of Electoral Commissioner and Deputy Electoral Commissioner. Clause 7 deals with the terms and conditions of office of the Electoral Commissioner and the Deputy Electoral Commissioner.

Clause 8 sets out the general powers and responsibilities of the Electoral Commissioner. Clause 9 provides for the delegation of powers and functions by the Electoral Commissioner. Clause 10 sets out the duties of the Deputy Electoral Commissioner. Clauses 11 and 12 provide for the appointment of the Electoral Commissioner's staff. Clause 13 provides that no candidate for election, or person holding an offical position in a political Party, shall be appointed as an officer of the Electoral Commissioner's staff. Clause 14 recognizes the division of the State into electoral districts in accordance with the Constitution Act.

Clause 15 provides for the division of electoral districts into electoral subdivisions. An electoral subdivision may be declared, in appropriate cases, to be a remote subdivision. Clauses 16 and 17 deal with the appointment and duties of district returning officers. Clause 18 provides for the appointment and abolition of polling places. Clause 19 provides for the district and subdivisional rolls.

Clause 20 deals with the information to be included in an electoral roll. Clause 21 provides for suppression of the address of an elector from a roll where publication of the address would endanger the elector or some other person. Clause 22 provides for alteration of rolls where new subdivisions are created or existing subdivisions are altered. Clause 23 provides for the updating and revision of the information contained in the rolls. Clause 24 provides that the rolls may be kept by computer. Clause 25 provides for the printing of the rolls. Clause 26 provides that copies of the latest prints of the rolls are to be kept available for public inpsection at various public offices. They are also to be available for purchase.

Clause 27 enables the Electoral Commissioner to acquire the information that he needs to maintain the rolls in an up-to-date form. Clause 28 recognizes the Commonwealth/State agreement under which officers of the State and the Commonwealth collaborate in jointly maintaining the rolls. Clause 29 sets out the qualifications for enrolment. Subclause (1) sets out the qualifications substantially as they appear at present in the Constitution Act. Subclause (2) provides for provisional enrolment of persons who have attained seventeen years of age but have not yet had their 18th birthday. Subclause (4) deals with the enrolment of prisoners. Clauses 30 and 31 deal with the making and registration of claims for enrolment. Clause 32 imposes an obligation on an elector to notify the appropriate electoral registrar of a change of address. Clause 33 provides for the making of objections to enrolment of persons alleged not to be entitled to be enrolled in a particular subdivision.

Clause 34 provides that an elector is to be given a reasonable opportunity to answer an objection made to his enrolment (other than a frivolous objection, which the registrar is empowered to reject without reference to the elector). Clause 35 provides for the determination of objections by the electoral registrar. Clause 36 contains a number of definitions required for the purposes of the new provisions relating to registration of political Parties. Clause 37 establishes the entitlement of an eligible political Party to registration. Clause 38 requires the Electoral Commissioner to maintain a public register of registered political Parties. Clause 39 deals with the manner in which an application for registration of a political Party is to be made.

Clause 40 deals with the order in which applications are to be determined by the Electoral Commissioner. Clause 41 requires public notice to be given of applications for registration and provides for objections. Clause 42 sets out the criteria to be applied by the Electoral Commissioner in determining an application for registration of a political Party. Clause 43 deals with alteration of the register. Clauses 44, 45 and 46 provide for deregistration of political Parties in certain circumstances. These circumstances are as follows:

(a) where the Party voluntarily seeks deregistration;
(b) where the Party ceases to exist;
(c) where the membership of the Party falls below 150;
(d) where no candidate has been endorsed by the Party at the last two general elections; or
(e) where registration was obtained fraudulently.

Clause 47 provides for the issue of writs for elections by the Governor, or, in the case of a by-election for a House of Assembly district, by the Speaker. Clause 48 provides that the writ must fix (subject to certain limitations set out in subclauses (3), (4) and (5)) the time for close of the rolls, nomination day, polling day and the day for return of the writ. At a general election for the House of Assembly a single writ may be issued for elections in all districts. Clause 49 provides that, in order to meet difficulties that may have arisen in the conduct of an election, the time allowed by the writ for the various steps in an election may be extended. Clause 50 provides for the issue of a writ for a supplementary election where an election fails. Clause 51 provides for the nomination of candidates in an election. Clause 52 deals with qualification of candidates. No-one is eligible for nomination unless he is an elector. A person is not entitled to be, at the same time, a candidate in more than one election.

Clause 53 sets out the manner in which a nomination is to be made. Clause 54 provides for the declaration of nominations. A nomination may be rejected if the name under which a candidate is nominated is obscene, frivolous or appears to have been assumed for an ulterior purpose. Clause 55 provides that where the number of candidates does not exceed the number of vacancies to be filled, the candidate or candidates may be declared elected without proceeding to polling. Clause 56 provides that where two or more candidates die before polling day in a Legislative Council election, the election fails. If any candidate in a House of Assembly election dies, the election fails. Clause 57 provides for the return of a candidate's deposit where he is elected, or receives a specified proportion of the vote on polling day.

Clause 58 deals with the grouping of names on ballot papers for use in Legislative Council elections. Clause 59 deals with the order in which the groups and names of individual candidates are to be arranged in Legislative Council ballot papers. Clause 60 deals with the arrangement of names on a ballot paper for the House of Assembly. Clause 61 provides that ballot papers must be in a pre-

scribed form. Clause 62 provides for the printing of the names of political Parties opposite the names of candidates endorsed by those Parties. Clause 63 provides for the lodgement of voting tickets by individual candidates and groups.

Clause 64 provides that, if the Electoral Commissioner so decides, photographs of candidates are to be printed on ballot papers. Clause 65 imposes on each district returning officer a duty to ensure that polling booths are properly established at each polling place within his district and properly equipped and staffed on polling day. Clause 66 provides for the display of how-to-vote cards and voting tickets in polling booths. Clause 67 provides for the appointment of scrutineers. Clause 68 requires the Electoral Commissioner to supply the returning officer for a district in which an election is to be held with a certified list of electors. Clause 69 deals with entitlement to vote. Clause 70 provides that an elector is not to be disqualified from voting by an error or omission in the roll. Clause 71 provides that an elector may vote either by making an ordinary or a declaration vote. Subclause (2) provides for the circumstances in which a declaration vote may be exercised.

Clause 72 sets out the questions that are to be put to an elector who appears before an officer and claims to vote. Clause 73 deals with the issue and authentication of voting papers. Clause 74 deals with the issue of declaration voting papers by post and provides for the keeping of a register of declaration votes. Clause 75 provides for the issue of fresh voting papers to a person who satisfies the issuing officer that papers previously issued have been inadvertently spoiled. Clause 76 requires a voter to indicate, by consecutive numbers, an order of preference in relation to all candidates. However, in a Legislative Council election, the voter may record his vote by placing the number 1 in a voting ticket square. A tick or cross is deemed equivalent to the number 1. Clause 77 provides for polling at static and mobile polling booths. In the case of voting at mobile polling booths in remote subdivisions, public notice is to be given of the times and places at which the booth will be open for polling.

Clause 78 deals with the issue of ballot papers at polling booths. Clause 79 provides for the voter to mark his vote in private. Clause 80 provides for assistance to certain voters. Clause 81 provides that where declaration voting papers have been issued by post to an elector, he shall not be entitled to vote at a polling booth unless he delivers up the declaration voting papers, or makes a declaration to the effect that the declaration voting papers have not been received. Clause 82 sets out the manner in which a declaration vote is to be exercised. Clause 83 provides for declaration voting before electoral visitors at declared institutions.

Clause 84 provides for the forwarding of declaration ballot papers to the appropriate returning officers at the close of the poll. Clause 85 makes voting compulsory and deals with the procedure to be followed by the Electoral Commissioner in relation to electors who appear to have failed in their duty to register a vote. Clause 86 empowers a presiding officer to appoint a suitable person to act in his absence. Clause 87 deals with the security of ballot boxes. Clause 88 provides for the adjournment of polling where unforseen circumstances arise making it impracticable to proceed with the poll. Clause 89 provides that the result of an election is to be ascertained by scrunity. Clause 90 provides that all proceedings at the scrunity are to be open to inspection by the scrutineers and deals with the marking of ballot papers to which an objection is taken at the scrunity.

Clause 91 provides for the preliminary scrutiny of declartation ballot papers. Clause 92 deals with the interpretation of Legislative Council ballot papers where the voter has exercised an option to vote in accordance with a voting ticket. Clause 93 deals with the interpretation of House of Assembly ballot papers where the voter fails to express a complete order of preference and voting tickets have been registered by the candidates. Clause 94 deals with the circumstances in which a ballot paper is to be rejected as informal. Clause 95 deals with the scrutiny of ballot papers in a Legislative Council election. The clause sets out in detail the method of counting and the procedure of excluding candidates from the count. Clause 96 deals with the scrutiny and counting of votes in a House of Assembly election. Clause 97 provides for a recount of ballot papers in certain circumstances.

Clauses 98 and 99 provide for the declaration of the results of an election and the return of the writs. Clause 100 sets out various categories of administrative decisions that are subject to review under Part XII. Clause 101 provides for a review either by the Electoral Commissioner or by a local court of full jurisdiction. Clause 102 provides for the manner in which the result of an election may be disputed. Clause 103 constitutes the Supreme Court as a court of disputed returns for the purposes of the new Act.

Clause 104 makes certain requirements with which a petition disputing the result of an election must comply. Clause 105 provides that the Electoral Commissioner is to be the respondent to a petition disputing the result of an election. Clause 106 provides that the court is to be bound by good conscience and the substantial merits of each case. It is not to be bound by the rules of evidence. Clause 107 sets out the nature of the orders that the court is empowered to make. It deals also with the grounds on which an election may be avoided. Clause 108 provides that decisions of the court are to be final and conclusive. Clause 109 makes it an offence to commit electoral bribery.

Clause 110 makes it an offence to exercise violence or undue influence in an attempt to sway the outcome of an election. Clause 111 makes it an offence to hinder or interfere with the free exercise of rights and duties conferred or imposed by the new Act. Clause 112 requires the name of a person who authorized an electoral advertisement to be shown in the advertisement. Clause 113 makes it an offence to publish inaccurate and misleading electoral advertisements. Clause 114 requires an electoral advertisement to be clearly designated as such.

Clause 115 requires that where electoral commentaries are published, the name and address of a person who takes responsibility for the publication should also be published. Clause 116 prohibits a candidate from taking part in the conduct of an election and from personally soliciting votes on polling day. Clause 117 deals with the question of who may be present in the polling booth during polling. Clause 118 provides for the removal from a polling booth of a person who disobeys a direction of the presiding officer or who otherwise misconducts himself in the booth. Clause 119 makes it an offence for a person to attempt by dishonest means to ascertain how an elector voted. Clause 120 prohibits political solicitation by officers and scrutineers.

Clause 121 makes it an offence for a person to exhibit in a polling booth unauthorized material as to how a voter should vote. Clause 122 deals with the duties of persons who witness electoral papers. Clause 123 makes it an offence for a person to attempt to exercise a vote to which he is not entitled and deals with various kinds of dishonest conduct by an elector in relation to voting. Clause 124 restricts political canvassing in the vicinity of polling booths. Clause 125 makes it an offence for a person to distribute or publish electoral material suggesting that a voter should vote otherwise than in the manner prescribed in clause 76. Clause 126 makes it an offence for a person to whom electoral papers have been entrusted to fail to transmit them to the appropriate officer.

Clause 127 makes it an offence to forge electoral papers or to utter forged electoral papers. Clause 128 makes it an offence to forge an official mark or to have instruments capable of being used to forge an official mark. Clause 129 requires an employer to allow his employee reasonable leave of absence in order to vote. Clause 130 deals with the signing of electoral papers. It provides for the making of a mark by a person who is incapable of signing his name. Clause 131 empowers the Supreme Court to grant injunctions restraining breaches of the Act.

Clause 132 disqualifies a person who is convicted of bribery or undue influence from sitting, or being elected, as a member of Parliament within two years of the date of the conviction. Clause 133 provides for service by post on the Electoral Commissioner. Clause 134 provides for the preservation of ballot papers and other election materials until the election can no longer be challenged.

Clause 135 provides that where a person commits an offence on behalf, and with the connivance, of another, that other person is also guilty of an offence and liable to the same penalty. Clause 136 provides that offences constituted by the Act are, except where otherwise provided, to be summary offences. Clause 137 exempts declarations made for the purposes of the new Act from stamp duty. Clause 138 is a regulation making power. The regulations may authorize the use of voting machines for the purposes of elections.

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

LIFTS AND CRANES BILL

Adjourned debate on second reading.

(Continued from 9 May. Page 4118.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): The Opposition supports this Bill. It is very similar to a measure which was before the House not very long ago, and which sought to introduce a couple of new concepts in relation to inspection of boilers and pressure vessels. This Bill largely goes down the same track in that it seeks to institute new procedures for the registration and inspection of lifts and cranes. However, the procedures are not radical. First, an expert report is sought in relation to engineering details of a new crane or lift. As was pointed out in an earlier debate, considerable engineering expertise and resources are required to check the safety of these new structures, and it is considered reasonable that the proponents who wish to erect these new cranes or lifts should furnish an expert report on the engineering details of the structure. We agreed with that principle in relation to the early measure and see no reason for disagreeing with it on this occasion.

The Bill deals with cranes that are imported. As was explained in the second reading explanation, there has been an increase in the number of cranes coming particularly from Japan and America; that of course is a sign of the times. Unfortunately, we are not as competitive in manufacturing in Australia as we want to be, largely due to the depredations of the trade union movement, but that is another issue.

The fact is that there is an increase in the number of cranes being imported. The Bill seeks that they be registered if they conform with the requirements of the Standards Association of Australia, and there is nothing wrong with that. The inspection of lifts is carried out annually at the moment by inspectors from the Department. The Bill seeks to extend that to once every two years with a report being furnished in the off-year by a competent employee in relation to the safety of the lift. The Bill binds the Crown (that is an important provision) and also provides for recognition of certificates of competency by other States.

The Hon. P.B. Arnold: I wonder why the Crown was not bound in relation to safety of dams?

The DEPUTY SPEAKER: Order! The honourable member for Chaffey is not making a speech.

The Hon. E.R. GOLDSWORTHY: The honourable member has made a very sensible interjection. In 15 years of trying I have not yet been able to fathom the cerebral processes of the Labor Party: it escapes me.

Mr Trainer: That's hardly surprising, seeing you can't cope with your own cerebral processes.

The Hon. E.R. GOLDSWORTHY: The honourable member would be the last person in the House to make that observation. He must be the most confused member—

The DEPUTY SPEAKER: Order! He should be the last person to interject.

The Hon. E.R. GOLDSWORTHY: I agree, in view of his track record in relation to confusion in this place. I have long given up trying to read the collective mind of the Labor Party. There are so many factions and schools of thought within it.

The DEPUTY SPEAKER: Order! I hope that the honourable member will come back to the Bill.

The Hon. E.R. GOLDSWORTHY: There are so many factions within the Labor Party: one has only to look at the tax debate. We have the socialist left in the process of dividing into two more groups—

The DEPUTY SPEAKER: Order! The Chair will not allow the Deputy Leader to carry on in that vein. He will come back to the Bill.

The Hon. E.R. GOLDSWORTHY: I will pass over the six or eight Parties within a Party within the Labor Party and come back to the Bill. It was a very sensible interjection.

All in all, the Bill seems to be quite satisfactory. I see no reason to extend the debate. The Act was introduced in about 1962, and rewritten and revised in the early 1970s or maybe earlier, from memory. There has been no major review of the Act and its operation for 10 or 12 years in the extremely important area of industrial safety, which is topical at the moment. We support the Bill. I am happy to accommodate the Deputy Premier in his wish to have this matter expedited. He seems to have trouble with the new manager of the House. He does not understand plain English. He has to send me a note to tell us we will transpose two Bills.

The Hon. J.D. Wright interjecting:

The Hon. E.R. GOLDSWORTHY: We are happy to expedite the passage of this Bill and to transpose two Bills in the programme. I even had to get a letter from the new manager to tell me that fact, which seems quite extraordinary. However, we support the Bill.

The Hon. J.D. WRIGHT (Deputy Premier): I thank the Opposition for its support of the Bill, which is an excellent measure such as only I would bring in, and one could well imagine that. I am a little sorry that the Deputy Leader deviated from the Bill when he talked about socialism and eight separate Parties within the Party, because that is not in the legislation. We could have had a very simple time putting this Bill through, because it is very progressive legislation.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Powers of inspectors.'

Mr BAKER: Recently on two occasions a large crane has fallen on building sites in Adelaide. The most recent incident occurred at the ASER development site, and this could have

involved loss of life. I am unsure of the actual circumstances because details were not provided in the press at the time, but I understand that had workmen been under the cranes they could have been placed at extreme risk. It was most fortunate that there were no serious consequences. Will the Minister say whether both those accidents were investigated thoroughly and, if so, what was the report back to the Minister on the circumstances of the cranes crashing? It is to be hoped that those circumstances can be avoided in the future.

The Hon. J.D. WRIGHT: Every accident involving the Department of Labour is inspected very thoroughly, efficiently and effectively. I consider that the inspection staff in the Department has no peer in Australia. I agree with the member for Mitcham that in the circumstances there could have been tragedy, and thank God there was not. The report back to me was that the owners of the cranes had failed to keep them in a proper condition to ensure safety. That was the reason given for those accidents.

Mr BAKER: What action has the Minister initiated as a result of those reports, and what further inspectorial methods will be necessary to ensure that similar circumstances do not occur again?

The Hon. J.D. WRIGHT: I do not initiate the action to be taken arising from that sort of negligence unless a request from the Director of the Department is made for me to do so. The Director has the responsibility to initiate any action in that regard. The Bill sets out the matters to which the honourable member has referred. The Government believes that the new method adopted in this legislation is a safer way of covering this matter, as it guarantees that a certificate must be issued to vouch that the crane is in a safe condition.

I suppose that the test of time will determine what happens in the future, but this seems to be the modern way of ensuring a safer method in relation to inspecting cranes. I am not in a position to give absolute guarantees to the honourable member, and I do not think that he would expect them. I believe that the Government is correct in its method of ensuring that cranes, hoists and lifts, etc., are in a safe condition for workers to use. The onus has now clearly been placed on the owner of the equipment to ensure that a certificate of safety has been issued. An opportunity will also exist for an inspector to undertake inspections. I believe that those precautions should be sufficient, although if they are not the Government will consider any other necessary action.

Clause passed.

Clause 10—'Approval of design and construction.'

Mr MEIER: Subclause (1) provides:

> A person shall not construct, modify or install a crane, hoist or lift otherwise than in accordance with the approval of the Chief Inspector. Penalty: $10 000.

The Minister would be aware that over the past two years I have expressed reservations about the strictness of safety rules that apply. This is another example of where a fine of $10 000 could possibly put a struggling business out of operation. To what extent will a crane be deemed to have been modified? A new motor may be put on a crane which may not have the same horsepower as the crane previously had. Is that a modification, and does the owner have to get the Chief Inspector's permission? If a person wants to strengthen the upright apparatus of a gig to improve the crane, does that person have to get the permission of the Chief Inspector to do so? Further, if one wanted to add weights or lateral supports to make the crane more stable, it appears that one would have to get permission to do so. One can imagine that the smaller engineering firms might well undertake some of these modifications in what they consider to be the interests of safety, and yet they will be subject to a $10 000 fine.

The next clause provides a penalty about which I would express reservations, but rather than speaking on that perhaps I could just indicate that we are getting to the stage where people in business are subject to these phenomenal fines whereas people who steal cars, for example (and some time ago it was reported to me that in one week alone in a rural area some 14 vehicles were stolen), often receive only minimal punishment. This clause applies a $10 000 fine to any person who modifies a crane while other offences in society attract penalties of only $500 or perhaps $1 000. Does the Minister have any comment on whether this provision is going a little overboard?

The Hon. J.D. WRIGHT: The penalty rates have been agreed by the Industrial Relations Advisory Council. Employer organisations, as well as employee organisations, have considered these matters, and no doubt employers within the industry concerned will consider them as well. These provisions certainly would have been circulated. So, I do not think that we are going overboard. As this is an area where absolute safety must be considered, I think it is very necessary to apply appropriate penalties, although I suppose that we could argue about what is or is not appropriate. The honourable member referred to lesser penalties applying to other offences, and he referred to motor vehicles; however, I do not think that that has any great relevance to this argument. Here we are dealing with a situation where a person may not have control over what happens to a certain piece of machinery but who then may find that because of a modification the machinery is not considered to be safe.

I am not saying that it will not be safe, but where it is not safe it is our resonsibility as legislators to ensure that workers in whatever capacity—whether on cranes, on trucks, in motor cars or on motor bikes—are protected in that appropriate penalties are laid down and will apply to any employer if he does not comply with the legislation. In direct answer to the honourable member. I do not believe that the penalty is too high: it is appropriate for the circumstances. I would much rather see the penalty err on the side of being too high than too low. In those circumstances, even if the honourable member wants to dispute with me that this penalty is too high, I would have to say that it is about right, but only time will tell. The penalties have been well thought out, well researched and agreed by those who will be directly affected, that is, the employer and employee organisations. They have all had their say in relation to the penalties.

Mr MEIER: Is the $10 000 penalty a maximum penalty? Does the Bill contain an appeal mechanism whereby the owner of a crane who feels he is being unjustly accused of modifying a crane can appeal?

The Hon. J.D. WRIGHT: It is normal where penalties are provided to include an appeal mechanism. This clause provides appeal rights, and I believe that there should be appeal rights, because one does not know the circumstances in the first place. According to my information, there could be an appeal to the Supreme Court under the Justices Act, so a person who feels he has been badly done by has the right to appeal. The sum of $10 000 is a maximum penalty: a lesser penalty could be imposed.

Clause passed.

Clauses 11 to 16 passed.

Clause 17—'Accidents involving cranes, hoists or lifts.'

The Hon. E.R. GOLDSWORTHY: What mechanism has the Government provided to make known to crane operators their obligations? I am prompted to seek that information, because I note that within 24 hours owners of a crane, hoist or lift must forward a written report in relation to any accident. By what mechanism will the Government inform the numerous people involved in this industry, or does the

Government assume that it is the responsibility of owners to find out what happens in Parliament?

The Hon. J.D. WRIGHT: As I said, there has been a great deal of consultation.

The Hon. E.R. Goldsworthy: Yes, but owner/drivers would not have a clue what you are up to.

The Hon. J.D. WRIGHT: That is not true. It goes even further than that. IRAC reports to the employer organisations, which, to the best of my knowledge, carry out very well their responsibilities in relation to changes of Acts, award provisions and conditions. That would apply to members of the Chamber or the Employers Federation.

The Hon. E.R. Goldsworthy: That's the problem; a lot of them are not members.

The Hon. J.D. WRIGHT: I do not suppose we can reach out and get everyone: that would be virtually impossible. There are only three inspectors, so because of lack of staff it is not possible for us to get around and notify everyone. We believe that we can honour our obligations under the Bill and that the position which the Bill seeks to achieve will be accomplished every two years. If it is not possible for employer organisations to notify their affiliates about the amendments, I would consider sending out a letter to registered employers. That is the only way in which we can trace them. If employers are not registered, we would not know that they exist. Some employer organisations may not be affiliated or registered, but I would think that in most cases they would be registered with both organisations. This is a reasonable question, and we will take cognisance of it to see whether we can inform everyone.

Clause passed.

Clauses 18 and 19 passed.

Clause 20—'Offences by bodies corporate.'

The Hon. E.R. GOLDSWORTHY: As I understand this clause, if there is negligence on a building site—if, say, a crane topples over—the board of the company is liable. Is that correct?

The Hon. J.D. WRIGHT: My note simply says that this clause provides for matters associated with offences against the Act. It is all embracing in regard to infringements under the Act.

The Hon. E.R. GOLDSWORTHY: Clause 20 provides:

> Where a body corporate is guilty of an offence against this Act, every member of the governing body of the body corporate shall be guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the member could not by the exercise of reasonable diligence have prevented the commission of that offence.

In the case of a public company, the governing body is the board. Not only the foreman in charge or a person working on the job but also every member of the board would be liable to a penalty. Most boards have a membership of eight to 10, so multipying the penalty of $20 000 by eight or 10 we see that the penalties are fairly substantial.

The Hon. J.D. WRIGHT: My information is that that is a standard clause, which appears in some 15 to 20 Acts. There is no departure from normal procedures. Any person on the governing body would be liable for prosecution.

Clause passed.

Remaining clauses (21 to 25) and title passed.

Bill read a third time and passed.

REMUNERATION BILL

Consideration in Committee of the Legislative Council's amendment:

Page 6 (clause 23)—Leave out the clause and insert new clause 23 as follows:

23. (1) The following provisions apply, subject to this section, in relation to the salaries of members of the judiciary:

(a) as from the 1st day of October 1984—

(i) the salary of the Chief Justice of the supreme court shall be 95% of the average of the salaries of the Chief Justice of the Supreme Court of New South Wales, the Chief Justice of the Supreme Court of Victoria, the Chief Justice of the Supreme Court of Queensland and the Chief Justice of the Supreme Court of Western Australia as at the 1st day of October 1984;

(ii) the salary of a puisne Judge of the Supreme Court shall be 95% of the average of the salaries of a puisne Judge of the Supreme Court of New South Wales, a puisne Judge of the Supreme Court of Victoria, a puisne Judge of the Supreme Court of Queensland and a puisne Judge of the Supreme Court of Western Australia as at the 1st day of October, 1984;

(iii) the salary of a Master of the Supreme Court shall be 85% of the salary of a puisne Judge of the Supreme Court;

(iv) the salary of the President of the Industrial Court shall be the same as for a puisne Judge of the Supreme Court;

(v) the salary of a Judge of the Industrial Court (other than the President) shall be 85% of the salary of a puisne Judge of the Supreme Court;

(vi) the salary of the Senior District Court Judge shall be the same as for a puisne Judge of the Supreme Court;

(vii) the salary of a District Court Judge (other than the Senior Judge) shall be 85% of the salary of a puisne Judge of the Supreme Court;

(viii) the respective salaries of the Chief Magistrate, the Deputy Chief Magistrate, the Supervising Magistrates, the Senior Magistrates, the Stipendiary Magistrates, the Supervising Industrial Magistrate, and the Industrial Magistrates shall be increased by 4.4 per cent;

(b) as from the 6th day of April, 1985, the salaries referred to in paragraph *(a)* shall be increased by 2.6 per cent;

(c) for the purposes of any other statutory provisions governing the remuneration of members of the judiciary, the salaries fixed by the foregoing provisions of this subsection shall be deemed to have been fixed by determination of the Tribunal;
and

(d) any salary to be fixed by the Tribunal in relation to a member of the judiciary not mentioned in paragraph *(a)* shall be fixed as an appropriate proportion of the salary of a member of the judiciary who is mentioned in that paragraph.

(2) Notwithstanding any other provision of this Act, while this section remains in force, no determination shall be made by the Tribunal affecting the salary payable to—

(a) a Minister of the Crown;

(b) a member or officer of the Parliament;
or

(c) a member of the judiciary—

(i) occupying a judicial office referred to in subsection (1) *(a)*;
or

(ii) in respect of whose salary a determination has been made in accordance with subsection (1) *(d)*,

except in accordance with subsection (3).

(3) Subject to section 22, where a general variation of remuneration payable to employees under awards is made by order of the Full Commission under section 36 of the Industrial Conciliation and Arbitration Act, 1972, the Tribunal shall make a corresponding variation of the salaries payable to—

(a) Ministers of the Crown;

(b) members and officers of the Parliament;
and

(c) members of the judiciary whose remuneration is subject to determination by the Tribunal under this Act,

with effect from the same date as is fixed by the order of the Full Commission.

(4) This section does not affect the power of the Tribunal to make a determination affecting remuneration other than salaries.

(5) This section shall expire on a date to be fixed by proclamation.

(6) The Governor shall not make a proclamation for the purposes of subsection (5) unless satisfied—

(a) that the principles of wage fixation as adopted by the Full Commission in its decision published and dated

the eleventh day of October, 1983, no longer apply; and

(b) that no other principles, guidelines or conditions apply by virtue of a decision or declaration of the Full Commission that are of substantially similar effect to the principles referred to in paragraph *(a)*.

(7) In this section—

"the Full Commission" means the Industrial Commission of South Australia sitting as the Full Commission.

The Hon. J.D. WRIGHT: I move:

That the Legislative Council's amendment be agreed to with the following amendment:

Proposed clause 23—

Leave out paragraph *(c)* of subclause (1).

Leave out subclauses (2) and (3) and insert subclauses as follows:

(2) Subject to section 22, where a general variation of remuneration payable to employees under awards is made by order of the Full Commission under section 36 of the Industrial Conciliation and Arbitration Act, 1972, there shall be a corresponding variation in the salaries payable to—

(a) Ministers of the Crown;

(b) members and officers of the Parliament;

(c) members of the judiciary whose remuneration is subject to determination by the Tribunal under this Act;

(d) officers whose remuneration is subject to determination by the Tribunal under this Act.

(3) For the purposes of other statutory provisions governing remuneration, salaries fixed under the foregoing provisions of this section shall be deemed to have been fixed by determination of the Tribunal.

(3a) Notwithstanding any other provision of this Act, while this section remains in force, no determination of salary shall be made by the Tribunal except—

(a) in relation to a member of the judiciary referred to in subsection (1)*(d)*;

or

(b) in respect of an office or position for which there is no determination of salary currently in force under this or any other Act.

The amendments passed by the Legislative Council relate to clause 23. Members will recall that this clause, in the form in which it was passed by the House, limited the powers of the Tribunal in regard to fixing salaries for members of Parliament. Essentially, it picked up the present provision of section 5aa of the Parliamentary Salaries and Allowance Act, which was a provision passed by Parliament earlier last year.

As a consequence of Parliament's decision to phase in the 18.9 per cent salary increases awarded to members of Parliament by the Parliamentary Salaries Tribunal, it provided that, from that point, the Parliamentary Salaries Tribunal could only award CPI increases arising out of national wage decisions: in other words, last year's 18.9 per cent increase as established as providing members of Parliament with wage guidelines, a fair and equitable base for the ongoing application of indexation.

Clause 23 of the Remuneration Bill as originally passed by the House had the effect of preventing the new Remuneration Tribunal, as does section 5aa of the Parliamentary Salaries and Allowance Act in relation to the Parliamentary Salaries Tribunal, from awarding to members of Parliament anything other than the strict terms of any State flow on of the national wage case for as long as the existing wage indexation system applies. Debate in the Upper House centred around clause 23 and, in particular, the issue of whether or not judges and magistrates should also be brought within the restrictive terms of clause 23.

The Government's concern has been that, unlike members of Parliament, judges and magistrates have not had an equitable base set out for their salaries under the current wage indexation arrangements. Accepting that one of the Government's original intentions with this Bill had been thwarted, that is, the intention of having an independent tribunal determine fairly and objectively an equitable base for judges and magistrates for the ongoing application of indexation, and accepting the fact that the judiciary and magistracy must have an equitable base if clause 23 is to be applied to them, the Government has had no option but to take steps to determine such an equitable base and make provision for the legislation itself.

What the Government has agreed to first for judges is to include them within the clause 23 restrictions and, at the same time, provide them with an equitable base by applying the 95 per cent formula, which was devised by a working party set up by the previous Government in 1981. Basically, this formula provides for salaries of Supreme Court judges to be set on 1 October each year at 95 per cent of the average for salaries of the Supreme Court judges in other mainland States; the salaries for judges in other courts to be set proportionately. This 95 per cent formula has been incorporated in the Bill now before the Committee. In effect, the Bill provides that the application of the formula will provide judges with an equitable base for the purposes of the current national wage guidelines, so now judges, along with members of Parliament, are included in clause 23, restricting the Tribunal to awarding only national wage case CPI flow-ons for as long as the centralised wage indexation system is operating.

Magistrates have presented a separate problem. An issue with the magistrates is that, like judges, they have never been provided with what can arguably be called an equitable base. They were never included in the 95 per cent formula, for the simple reason that their salaries were regulated by an award of the State Industrial Commission until 1 March 1984, when the new Magistrates Act, for all practical purposes, took them outside of the Public Service and deprived them of their industrial award coverage.

What is now proposed for magistrates is to include them in the clause 23 restrictions, along with judges and members of Parliament, whilst at the same time, like those other groups, also providing them with an equitable base, albeit of a different nature, for the purposes of the wage guidelines.

What the Legislative Council has now done for magistrates is to provide them with an increase in line with the 3.8 per cent decision of the State Industrial Commission in January 1984 applicable to administrative and clerical officers of the State Public Service. The 3.8 per cent increase subsequently flowed on to executive officers in the Public Service and hence to a number of statutory office holders.

However, an additional 0.6 per cent has been added to this figure due to one further factor peculiar to magistrates only. When they were previously, for all relevant purposes, part of the Public Service, they enjoyed the benefit of leave loading. That leave loading was worth about $350 per annum, which figure is the plateau for leave loading in the Public Service generally. That $350 is taken on a percentage of a mid-range magistrate's salary to, say, $55 000 per annum. The result was about 0.6 per cent. Therefore, in order to adhere to the Government's undertaking to magistrates at the time of their removal from the Public Service that they would be neither better off nor worse off under the new arrangement, the Government has seen fit to incorporate the value of the leave loading in the magistrate's salaries for all time, thus preventing magistrates from coming to the Tribunal in future and claiming leave loading on the basis of something they previously had.

The Government is therefore of the view that a 4.4 per cent increase for magistrates is not an unreasonable equitable base in the circumstances, and will allow clause 23 restrictions to also be applied to magistrates. I commend the amendments to the Committee.

The ACTING CHAIRMAN (Mr Ferguson): If the member for Light is in agreement, we will take the first two together on page one and then take the other two thereafter, otherwise they will have to be put separately. Is the member for Light happy with that course?

The Hon. B.C. EASTICK: May I ask for an explanation as to what you identify as being the first two?

The ACTING CHAIRMAN: If you take the first sheet and we look at the proposed clause 23, there are really two propositions. The first one is to leave out paragraph (c) of subclause (1), and the second proposition is to leave out subclauses (2) and (3) and insert the subclauses as mentioned. If you are in agreement, we will put those first two together; if not, I will put them separately.

The Hon. B.C. EASTICK: No, I am quite happy that the two of them go together.

The Hon. J.D. WRIGHT: I suppose the simplest way of moving the amendments is to move the amendments standing in my name, and give an explanation for them. The first matter to look at is the position of indexation. At present the Bill provides, in respect of each group, that the Tribunal sit after each national wage case for the purpose of flowing on national wage case movements. The Bill remains in this form against unnecessary adverse publicity resulting on each occasion. In my view, it is preferable for the Bill to provide for automatic adjustments for CPI movements following national and State wage cases without any requirement for the Tribunal to sit at all. This would probably only require the responsible Minister publishing the new salaries in the *Gazette* after the relevant State wage case decision.

What we are trying to avoid is repetition of what happened a couple of weeks ago when the *News* ran a front page story about the size of the increase judges were going to receive. I think I should remind the Committee that judges' salaries have been behind in South Australia for quite some time. Whose fault that is I am not prepared to comment on, but they are a long way behind and, even now with the 95 per cent formula that the Legislative Council has applied, figures available indicate that judges will still be a long way behind other States. In order to overcome having to make an application to the Tribunal for expenses, allowances, and other matters, it seems good sense that the Bill carries an automatic indexation to enable a flow-on.

The other amendment concerns the inclusion of statutory office holders and heads of Government departments, jurisdictional restrictions. I am also concerned at the likely reaction in the Lower House to statutory office holders and heads of Government departments being the only groups to be excluded from the jurisdictional limitation on the Tribunal to award only CPI/national wage case flow-ons during the life of the present indexation system. In my opinion, no valid reason exists for statutory office holders and heads of departments to be the only groups to be allowed free and unrestricted access to the Tribunal on salary matters during the course of the current indexation system.

They should be brought within the limitation, and no need exists to set an equitable base for such a group as with judges and magistrates, because statutory office holders and heads of Government departments intended to be covered by the legislation have received their 3.8 per cent adjustment following a similar increase in the State Public Service administration of clerical officers in early 1984. Clearly the position is to leave statutory office holders, heads of departments and the like outside restrictions placed on Parliamentarians, magistrates, and judges, that could be giving an advantage to a selected group within Government which, in my view, do not have any excessive rights to those enjoyed by those people holding similar office and in circumstances where that group already has had its adjustment for some time. Judges and magistrates have not enjoyed that adjustment.

There are two further amendments as well as those provided by the Legislative Council that I believe will give adequate protection to the position so far as keeping wage indexation strictly in accordance with guidelines, whilst at the same time not necessitating applications before the Tribunal. One can well imagine the sort of publicity that would result each time Parliamentarians, judges, or magistrates have to go before the Tribunal. It is an attempt to make the indexation totally automatic.

The Hon. B.C. EASTICK: During the course of debate on this issue a common thread was evident between both the Government and the Opposition, namely, that there was to be a regularity or consistency, and that there should be no discrimination between one group of people in the employ of the State, if I can say that members of Parliament are employees of the State in that general sense, as are the judges, albeit that the Judiciary and members of Parliament have a slightly different relationship than that which applies to daily-paid or salaried officers, be they permanent or full time. The argument went on for some time because of the injection into the legislation of discrimination in favour of one section of the community over another.

We pointed out very clearly that the Government was in possession of methods or actions that it could take that would have sorted out the difficulty of the Judiciary had it been willing to undertake that course of action. Certainly, from the time of any catch-up—whether determined as we suggested by way of the Tribunal making a decision based on the fact that judges had not received justice in the past or otherwise—there ought to be a consistency of application of the theory of what was being done by way of remuneration to everybody within the public sector. I believe that the information or amendments forwarded to us by the Legislative Council went a long way to achieving that result.

Having said that, I am not averse to the variation that the Government now seeks to inject into the amendments that we received from the Upper House. I have not been able to detect that they dramatically alter the purpose, and they do indeed give a little more clarity to some aspects of the issue. That being the case, the Opposition would be quite prepared to support them. I say that against the background that the nature of the amendments forwarded to us by another House are relatively complex and evolved over a long period as a result of much debate and back-room discussion. No argument exists about that, and I do not in any way want to draw the wrong inference from backroom discussions.

Those discussions were held to achieve a result and, as best as we can determine, that result was acceptable in the main to both the Opposition and the Government. I set that scene so that when the Government's further set of amendments go back for the consideration of the other place, it may well be that they will see in the decision that the Deputy Premier is seeking to introduce some variation on an arrangement entered into or some diminution or benefit flowing on to one group or another different from the discussions held.

I cannot see it, although I recognise that the Minister has pointed out quite correctly that senior public servants are now within the same scheme of things, and that gives it the element of regularity to which I refer. On this basis, we support the amendment, fully recognising that if there are variations on these amendments to be reported back to the House by another place, we would welcome the opportunity of some discussion on the thrust of those variations (if there are to be variations) before standing up to debate them. I think the Minister will appreciate that the first I saw of this set of amendments to the amendments was less than five minutes before this Bill came before the House. I am not overly critical of that, but I suggest that, if we are placed in the position of having to look at yet a further set of amendments, it should be done with some consideration

before they are placed on the floor of the House. We support the Minister's action.

Motion carried.

Clause 22:

The Hon. J.D. WRIGHT: I move:

Page 6, lines 3 to 5—Leave out 'no determination shall be made by the Tribunal reducing the salary of a member of the judiciary' and insert 'no reduction shall be made under this Act in the salary payable to a member of the Judiciary'.

The ACTING CHAIRMAN: These are consequential amendments?

The Hon. J.D. WRIGHT: That is so. There is a need for this amendment, because already in the Justices Act there is provision that one cannot reduce judges' salaries once they have been determined. It probably will not eventuate but, in the unlikely circumstances whereby the wage indexation system in this country continues and it does get to a minus CPI, and it was decided to reduce salaries and wages in Australia, it is necessary to have that provision covered so that we are at least consistent with the Justices Act. Maybe other people would like to have similar provisions in their own awards and determinations of tribunals. Nevertheless, it is a tidying up matter, consistent with that which currently applies in the Justices Act.

The Hon. B.C. EASTICK: This clause was the subject of a great deal of discussion when this Bill was in this place and was also cross referenced to the other supportive piece of legislation that was with it. The Minister threw down the gauntlet that we could change the subsequent Act if we were prepared to give him a series of amendments which related, and gave an undertaking regarding the over caution that existed by this provision appearing in this Bill, whilst it was already present in the Supreme Court Act, Electoral Commissioners and the Highways Acts: five or six key positions of the State already have that protection.

I am not aware at the moment whether the Minister has sought in another place to vary the other piece of legislation so that we do not have a duplication in the various Acts of this protection. The end result will be the same. I will not delay the further passage of the Bill, but there was a fairly clear undertaking that the duplication that existed would not be allowed to persist. If we have not achieved that at this stage, I am happy to say that I hope that that duplication soon will be effectively removed. In my view, it makes a nonsense of the legislation that it be duplicated in a series of Acts in this way, but I have no truck with the amendment that the Minister has put to the Committee. One could say (and I am almost inclined to suggest) that we should delete this clause altogether, because it is provided for elsewhere. However, in the hope that the Minister has something in mind for the alternate Act, we will support his amendment.

Motion carried.

Clause 24:

The Hon. J.D. WRIGHT: Clause 24 guaranteed that the Remuneration Tribunal would have to meet within four months of the commencement of the Act. As the Act will now read, there will be no need for the Salaries Tribunal to meet other than in relation to side issues, but certainly not in relation to salaries. There is now no further need for clause 24 to appear in the new legislation. Therefore, I move:

That clause 24 be deleted.

Motion carried.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4005.)

The Hon. D.C. WOTTON (Murray): The Opposition supports this legislation. I will go into more detail when the Minister is in the House, but during the term of the previous Government and while I was Minister it was intended that some of this legislation be brought in. I am somewhat concerned that we are so far down the track, yet some of the changes to the legislation are just seeing the light. I have had a number of discussions with those who have responsible positions within the City of Adelaide and who have expressed concern in that they had hoped legislation would have been introduced earlier. However, that is by the by. The legislation is now here, and so is the Minister.

The Opposition supports the Bill, but we have some reservations, to which I will refer shortly. I see a need for clarification in regard to all developments, whether proposed, commenced or completed, being considered by the council or the commission. I also see the need for an increase in penalties for undertaking development contrary to the Act.

Although there are examples, I do not intend this afternoon to cite cases which indicate that there is a requirement for this provision to be in the legislation and for substantially increased penalties. I support the Bill in that it amends the City of Adelaide Development Control Act to clarify the sorts of conditions that can be attached to planning approval. The legislation also provides that a Minister or a prescribed instrumentality or agency of the Crown wishing to undertake development must first advise the City of Adelaide Planning Commission and consider any submissions that it wishes to make before the development can be proceeded with. I totally support that. I do not see why the situation should be different in the City of Adelaide to that in any other part of the State, and this amendment brings the legislation into line with the Planning Act, 1982.

The Bill provides that environmental impact statement procedures may apply to development of major social, economic or environmental importance in the City of Adelaide. I am aware that discussions have occurred over a very long period of time. I can recall having had discussions with those responsible in the City of Adelaide, at the time the Planning Act of 1982 was being drafted, in relation to the necessity to bring the City of Adelaide into line. Therefore, I support this provision. At the appropriate time I shall ask the Minister some questions in relation to this matter.

I now refer to the areas about which I have some concern, and this relates to the repeal of section 42 of the Act—the 'existing use' provisions. The Minister and the House would be aware of the concern that the Opposition has expressed about the repeal of section 56(1)(a) of the Planning Act. I do not intend to go through all that again: the Opposition has made its position fairly clear. I know that the Minister will say that it was the 1982 Planning Act that first did away with that provision, but a number of examples have been given to me indicating that there should be some provision for the continuation of existing use, and I have given serious consideration to returning to the provision that we had under the old Planning and Development Act. Again, I have some questions of the Minister about that. The Minister might be able to indicate, when he replies to the second reading debate, just to what extent there has been consultation with interested bodies in regard to this legislation.

I have made some attempt to speak with organisations such as the Real Estate Institute, and it has certainly expressed concern. I wonder whether there has been consultation with BOMA, for example. I would hope that there has been consultation, and I hope that the Minister will be able to indicate the attitude of various organisations to this amendment. Concern has been expressed to me by people who have purchased a property and who have then been confronted with the possibility of a development taking

place next door of a commercial type, or whatever, being able to expand without some control on it. This is a very difficult area, and I can appreciate the problems and concerns that people have in this regard.

However, those people setting up a commercial enterprise or undertaking a development want some certainty about being able to expand to some extent. I am talking not about doubling or tripling the size of a development, but about the need for some certainty in relation to expansion, and of course there have been ramifications in some areas where a business has been established but, on wishing to expand, has found that it is unable to do so. I can understand the problems that arise from that situation.

I presume that the situation now is that if an industry or commercial enterprise wishes to expand it will have to seek the approval of the City of Adelaide Planning Commission, and that it will be in the lap of the Commission as to whether or not an enterprise will be able to expand. I can understand the problems that have come out of the judicial interpretation of the relevant section, and I shall seek clarification of certain matters from the Minister later.

The Bill also seeks to incorporate in the Act a number of new provisions based on the provisions in the Planning Act 1982, including civil enforcement proceedings, land management agreements and control of advertisements. Representations have been made to me in regard to the control of advertisements. Questions will have to be asked of the Minister during the Committee stage in relation to that matter. Overall, the Opposition supports the legislation. As I said earlier, we considered a number of provisions in the Bill during the latter part of the previous Government's term of office. The Opposition does not have a great number of problems with the matters that were not considered at that time. Therefore, the Opposition supports the legislation.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I could have picked up the points made by the honourable member in Committee, but since he has invited me to comment on a number of matters it seems only courteous that I should do so now. In relation to section 42, I simply make the general point that the City of Adelaide Development Control Act controls changes to land use, as does the Planning Act. This seems to be something which sections of the industry, and indeed some of the people who operate within the relevant jurisdictions, have difficulty in coming to grips with. But I think that probably the High Court judgment in relation to section 56(1)*(a)* and *(b)* of the Planning Act indicates the problems that the Legislature can get into where there is really surplus verbiage in the legislation. Someone once said that the courts find work for idle words to do, and that seems to be what in fact occurred in that case. What were intended to be a couple of declaratory clauses were not read in that way by Their Honours.

I think the principle is one that would be generally supported in relation to these matters, and that is that existing use rights must be protected, and they are protected by the very fabric and substance of both pieces of legislation in that that legislation controls changes of land use and not land use itself. The further principle is that where someone proposes to undertake a change of land use, reading on from the existing situation, they should have to go to a development control authority somewhere to get permission for that to occur.

They are the two principles that should apply. The first is that which protects the landowner and his or her expectation that the land use that has been there for some time will continue. The second is there, of course, to protect the honourable member, me and everybody else in South Australia so that, if there is an agreed set of principles as to the way development should proceed in a particular locality, a person should not be able to merely use the continued occupancy of that area to be able to frustrate those principles; that, indeed, there should have to be an application for approval for that change in land use. They are the broad principles.

I do not think that the honourable member disagrees with me in any way in relation to that. The question is how does one best secure those broad principles. Legislators before us attempted to secure them in a particular way. We now know from reading the decisions of the courts that that way has difficulties, and we believe that we are able to resolve those difficulties in the way that we now have before this House without doing damage to those basic principles.

The second matter is the one about consultation. I am not able to read the honourable member a specific list of organisations that have been involved in what has been a long consultative process. As the honourable member has indicated, some of the material in this legislation was already being kicked around when he was Minister.

The Hon. D.C. Wotton: I was referring particularly to existing use.

The Hon. D.J. HOPGOOD: That has been the subject of a good deal of debate and there is some disagreement on this matter in the community. The Government is as firm as it can be that our interpretation of what both pieces of legislation refer to is correct. Part of the problem in relation to this particular matter is that the interpretation placed on this matter seems to depend on which lawyer a particular organisation—be it BOMA, the Real Estate Institute or whatever other organisation—goes to.

The amendments relating to the general legislation have been in the course of preparation for over three years. There has been extensive consultation on the part of both the Government and the city, because they have been partners with us in the drafting of the legislation, which I commend to the House.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3a—'Interpretation.'

Mr M.J. EVANS: I move:

Page 1, after line 30—Insert new clause as follows:

3a. Section 4 of the principal Act is amended by inserting after the definition of development the following definition:

'environmental impact statement', in relation to a development means a statement of—

(a) the expected effects of the development upon the environment;

(b) the conditions (if any) that should be observed in order to avoid or satisfactorily manage and control any potentially adverse effects of the development upon the environment;

(c) the economic, social or other consequences of carrying the development into effect;

and

(d) any other particulars in relation to the development required—

(i) by regulation;

or

(ii) by the Minister:

Later clauses in the Bill clearly contemplate a provision by which the Minister or the Government, depending on whether or not my later amendments are accepted, will be able to require an environmental impact statement to be made. Considerable weight and importance are attached to environmental impact statements, and it is critical that the precise definition we attribute to the EIS statement is understood by everyone concerned, including those who seek to develop property and are required by legislation to produce an EIS statement.

I believe it is most important that a definition of 'environmental impact statement', identical in terms to that

contained in the Planning Act, be inserted in this Bill so that there will be no doubt in anyone's mind about what is required by an EIS. It is possible as the Bill stands, given that social, economic or environmental importance is separated into three distinct categories, that an environmental impact statement under the CADC Act might well be read down to exclude matters of economic or social importance and to focus exclusively on environmental questions. I believe members will agree that, in fact, it is critical that environmental impact statements should focus on the totality of the issues at stake and not just one particular aspect of that, however important it might be. In order to ensure that the full question is considered and the totality of the matter reviewed, it is important that the same definition of EIS as appearing in the Planning Act should appear in the CADC Act to ensure continuity and to ensure that people are fully aware of their responsibilities under the Act. I commend the new clause to the Committee.

The Hon. D.J. HOPGOOD: I urge the Committee to support this new clause. I have had an opportunity to examine it and my advice is that if this matter arose in the courts they would probably adopt the definition appearing in the Planning Act as being pertinent to the Act we are presently amending. I have no quarrel with the proposition that writes that self same definition into this legislation in view of the departure we are now taking to write environmental impact assessment provisions into the Act. The Government is happy to accept the new clause.

New clause inserted.

Clauses 4 to 9 passed.

Clause 10—'Insertion of new Part IVA.'

The Hon. D.C. WOTTON: I do not have the exact wording of the Minister's second reading explanation, but I noticed that in relation to environmental impact statements he said something along the lines that, since the commencement of the Planning Act in 1982, EIS procedures have applied throughout the State except in the City of Adelaide, that it is considered desirable that similar provisions also apply to the city and that it is anticipated that this provision will be used only in circumstances where proposed developments are of major importance to the State. He went on to say that experience in administration of the Planning Act, 1982, had demonstrated that a parallel provision in that Act had been used only once since the commencement of the Act. Will the Minister give the Committee details of that instance?

The Hon. D.J. HOPGOOD: There was an error in the second reading explanation relating to this matter. In fact, there has been no use of section 50. I apologise to the Committee for the fact that that inadvertently misleading information was given to the House.

Mr M.J. EVANS: I move:

Page 5, line 26—Leave out 'The Minister' and insert 'The Governor'.

If members refer to relevant provisions of the Planning Act they will find that, in fact, two separate provisions refer to this particular part of the City of Adelaide Planning Act: they are sections 49 and 50, which are, in fact, two separate divisions under the Planning Act, one granting the Minister the power to require environmental impact statements and one granting the Government the power to remove an application or applications of a particular kind from the planning system and requiring them to receive approval by the Government through the mechanism of an EIS.

The Committee has now included a substantial definition of environmental impact statement in this Bill. I believe, however, that because this proposed new section 26a and related sections incorporate both those provisions of the Planning Act it is important that we pick up the higher authority of the two divisions of the Planning Act, which would be the Government. I have no particular concern that the Minister would abuse this provision, because I think that he has shown commendable restraint in the use of this power. As he has said, there has been no case where it has been required.

I think that a power of this nature should be exercised sparingly. However, because of its importance, and because of the inherent problems that could occur in the community if too many applications were removed from the planning system and the way in which it would deprive the council and the Commission of their inherent right to consider and approve applications, I believe that it is important that we pick up the wording of the strongest provision in the Planning Act, which requires that the Governor form the opinion that a proposed development is of major social, economic or environmental importance.

For that reason, I commend to the Committee the removal of the word 'Minister' and the inclusion of the word 'Governor'. That will enable the Governor to move through Executive Council, placing the matter at that level rather than at the Minister's discretion. Although I have no concern about the activities of the Minister or past Ministers, it is important that we pick up the appropriate provision of the Planning Act.

I also draw the attention of the Committee to the fact that there is a slight change in definition from the Planning Act in that this clause allows the Governor to remove an application rather than specify a class of application or applications in a particular area. That may not be an important distinction in legal terms; legal advice may be that the two are equivalent. However, because of the specific nature of this clause, it is important that the Governor as Executive Council exercises this power. I commend the amendments to the Committee. They are contingent on each other.

The Hon. D.J. HOPGOOD: The Government accepts these amendments and urges them on the Committee. Such a power would not be used by a Minister except by reference to Cabinet. There would be a difference of three or four days between the Minister's and the Governor's being able to exercise the power. On reflection, it is perhaps a wise precaution that the Governor rather than the Minister gets the guernsey, so I commend the amendments to the Committee.

Amendment carried; clause as amended passed.

Clauses 11 to 13 passed.

Clause 14—'Insertion of new sections 39d and 39e.'

The Hon. D.C. WOTTON: As I said previously, some concern has been expressed about advertising signs. The Bill is a little confusing. Are we talking about retrospectivity? Does the City of Adelaide have the power to state, where a sign has been erected for the past 25 years, 'Sorry, we don't like the look of that, and it will have to be removed'? Is it retrospective?

The Hon. D.J. HOPGOOD: The intention is that the provision be exactly the same as the provision in the Planning Act. The local government authority (in this case the City of Adelaide) would be responsible and, yes, there is an element of retrospectivity.

The Hon. D.C. WOTTON: I have some concerns about that. Perhaps we will have to take that matter further in another place. Will the Minister define 'unsightly'? Great merit is given to the word 'unsightly' in the Bill.

The Hon. D.J. HOPGOOD: There is no actual definition in the Bill. This matter eventually would be determined by the courts, I think. An appeal mechanism is available and the courts obviously would determine on the basis of reasonableness, which, of course, is the basis upon which the courts normally determine these matters. There is a degree of accord among people as to what would be seen as an unsightly advertisement.

The Hon. D.C. WOTTON: How does this fit in with the SDP? I do not believe that it has yet been approved. Perhaps it is in the process of being approved.

The Hon. D.J. Hopgood: Under the Planning Act?

The Hon. D.C. WOTTON: Yes, I realise that. I know that there is no relationship with the Planning Act, but I wonder how the provisions of this Bill fit in with the requirements of the SDP.

The Hon. D.J. HOPGOOD: Quite clearly, given this power the City of Adelaide would bring down a set of principles which it would apply. In other words, the council would attempt to bring a degree of predictability into the whole matter by a set of principles that first would be debated publicly and then applied publicly where in the opinion of the council it was necessary for such application to occur. I would not want the Committee to get the idea that overnight the council will simply mount a series of guerilla raids on commercial establishments around town.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: Well, I would be a little surprised, given the continuing constitution of the City of Adelaide and the people who have just been elected, if commerce was treated in that way. In fact, I understand that over the years there has been a good deal of discussion with retailers about advertising, and I think there is a degree of agreement between the City of Adelaide and local business houses as to what is seen as reasonable or unreasonable in relation to advertising hoardings generally. I know that there has been a good deal of discussion within Government.

One recalls the famous victory when the STA pulled down its signs from the railway station. That was following consultation and, perhaps because of the heightened environmental atmosphere in which we live, that sort of thing was no longer seen as appropriate. I believe that the council will bring in a set of principles following discussion with local business houses and then under the powers available here those principles will be applied.

Clause passed.

Remaining clauses (15 and 16) and title passed.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL (No. 2) (1985)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 4)—After line 4 insert new paragraphs as follows:

(ba) by striking out from subparagraph (i) of paragraph *(b)* of the definition of "division" in subsection (1) the passage of "five years" where twice occurring and substituting, in each case, the passage "six years".

(bb) by inserting after subparagraph (i) of paragraph *(b)* of the definition of "division" in subsection (1) the following subparagraphs:

(ia) the granting of a lease or licence or any dealing with a lease or licence or an agreement to grant a lease or licence if the lease, licence, dealing or agreement is subject to the written approval of the South Australian Planning Commission;

(ib) a contract for the sale and purchase of part of an allotment if the contract is subject to the granting of planning authorization required by this Act in relation to the division of the allotment contemplated by the contract;

No. 2. Page 2 (clause 4)—After line 14 insert new paragraph as follows:

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

(1a) The South Australian Planning Commission may attach such conditions as it thinks fit to its approval of a lease, licence, dealing or agreement referred to in paragraph *(b)* (ia) of the definition of "division" in subsection (1).

No. 3. Page 3—After line 13 insert new clause 8a as follows:

8a. *Amendment of s. 12—Advisory functions of Commission.* Section 12 of the principal Act is amended by inserting after paragraph *(a)* the following paragraph:

(ab) may, of its own motion or at the request of the Minister, make recommendations as to regulations that should be made under this Act;

No. 4. Page 7, lines 29 to 31 (clause 22)—Leave out paragraph *(b)*.

No. 5. Page 8, lines 32 to 37 (clause 24)—Leave out paragraph *(b)*.

No. 6. Page 10, line 9 (clause 26)—Leave out "one month" and insert "two months".

No. 7. Page 11, lines 4 to 6 (clause 27)—Leave out "and the consent shall operate subject to any variation or new condition imposed under this paragraph".

No. 8. Page 11 (clause 27)—After line 6 insert new subsection as follows:

(9) The variation of a condition, or new condition attached to a consent, pursuant to subsection (8) *(b)* shall not operate—

(a) until the expiration of two months after the day on which a person who is entitled to appeal against the decision has received notice of it;

or

(b) where an appeal is instituted within that time—

(i) until the appeal is dismissed, struck out or withdrawn;

or

(ii) until the questions raised by the appeal have been finally determined.

No. 9. Page 11 (clause 29)—After line 44 insert new subsection as follows:

(1a) Where a planning authority decides to vary a condition or attach a new condition to consent to a development in relation to which an environmental impact statement has been prepared, the person who enjoys the benefit of the consent may, within two months of the day on which he receives notice of the decision, or such longer period as may be allowed by the Tribunal, appeal to the Tribunal against the decision.

Amendments Nos 1 and 2:

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendments Nos. 1 and 2 be disagreed to and that the following amendment be substituted:

Clause 4, page 2, line 4—Insert new paragraph as follows:

(ba) by striking out from subsection (1) the definition of 'division' and substituting the following definition:

'division' of an allotment means—

(a) the division, subdivision or re-subdivision of the allotment;

(b) the grant or acceptance of a lease or licence or the making of an agreement for a lease or licence—

(i) by virtue of which a person becomes, or may become, entitled to possession or occupation of part only of an allotment—

(A) That comprises a dwelling and curtilage;

or

(B) on which there is no building that is suitable, and is used, for human occupation;

(ii) the term of which exceeds six years or such longer term as may be prescribed or in respect of which a right or option of renewal or extention exists under which the lease, licence or agreement may operate by virtue or renewal or extension for a total period exceeding six years or such longer period as may be prescribed.

and

(iii) that is not a lease or licence or an agreement for a lease or licence referred to in paragraph *(d)*;

(c) the grant or acceptance of a lease or licence or the making of an agreement for a lease or licence of a class prescribed by regulation;

or

(d) the occupation of part only of an allotment by a person who has entered into a lease, licence or an agreement for a lease or licence referred to in paragraph *(b)*(i) and (ii) or paragraph *(c)* under which he is entitled to occupy that part of the allotment subject to prior planning authorization under this Act,

and the verb 'to divide' has a corresponding meaning.

These matters are complex and I will have to crave the indulgence of the Committee to attempt as clear and as full an explanation as I can. As to the gravamen of this matter, the amendments of the Legislative Council had the effect of making the Planning Commission the approving authority for leases instead of the local council. I do not believe that is what the Legislative Council had in mind. The original intention of the Legislative Council was to overcome a technical problem in relation to lease controls. At present the Act provides that planning approval is required for the entering into of a lease agreement over a portion of an allotment.

The Legislative Council sought an amendment to provide that only the taking possession of a part of an allotment be subject to control, thus enabling a contract for lease to be entered into and planning approval granted subsequent to the making of the agreement, but prior to giving effect to the agreement. I think the Legislative Council had a point, because we could get ourselves into a situation where a person was in breach of the legislation merely by entering into the agreement, because the planning approval would, at that stage, not have been available to that person.

I believe that a different approach can secure the same result, hence my further amendment. It is understood that people in another place now see the use of the term 'human occupation' in the proposed paragraph *(ba)(b)*(i)(B) as the best way of distinguishing major structures, shops, offices from minor structures such as fences and windmills.

The Hon. D.C. Wotton: Do you think you ought to scrap it all and start again?

The Hon. D.J. HOPGOOD: I do not know that that is possible, but I hope it will get simpler for members as we proceed. This is important. There is no wish to control leases of shops and offices, but we desire to control the leasing of vacant land in order to ensure that land division controls are not bypassed by long term leases. We must ensure that vacant land lease controls are not avoided by erection of minor structures such as fences or windmills.

I point out that the term 'human occupation' is taken from the development control regulations, where it has been used without any difficulty for the last 2½ years since the bringing down of the regulations under the new Act. I draw attention to page 2 of the sheet of amendments, subclause *(d)*, which provides:

The occupation of part only of an allotment by a person who has entered into a lease, licence or an agreement for a lease or licence referred to in paragraph *(b)* (i) (ii) or paragraph *(c)* under which he is entitled to occupy that part of the allotment subject to prior planning authorisation under this Act, and the verb 'to divide' has a corresponding meaning.

There has been extensive discussion with members in another place, with the draftsman, and with other people in order to obtain a wording that would incorporate the matters that we are looking at here. I believe that, if the Committee is prepared to recommend that this be further processed back to another place, it is likely that the position will be accepted. I hope that the explanation is sufficient for members, and I therefore urge that the Committee reject amendments 1 and 2 of the Legislative Council and insert in lieu thereof the amendments that I have listed under my name, clause 4, page 2, after line 4 and then as drafted.

The Hon. D.C. WOTTON: The Opposition supports the amendment. I am aware that my colleague in another place, the Hon. Mr Griffin, raised a number of queries in relation to this complex matter. He raised the concerns and uncertainties that resulted from discussions he had with a prominent Adelaide legal practitioner, particularly regarding the matter of inflexibility. I am aware of the discussions that have taken place between officers of the Department and my colleague in another place. I do not suggest that I understand all the ramifications and complexities that are associated with this issue, but having been informed of the discussions that have taken place and the agreement that has been reached between those in the Upper House and the practitioners who will be responsible for practising the law, I am totally satisfied that the amendment should be supported. I thus support the amendment.

Motion carried.

Amendment No. 3:

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendment No. 3 be agreed to.

This House legislated to take away the requirement that amendments to regulations had to be by way of recommendation from the Planning Commission. The Legislative Council has amended that to provide that the Planning Commission nonetheless can still recommend changes to regulations to the Minister without binding him to those regulations. That seems to be not unreasonable to me and I urge the acceptance of the amendment to the Committee.

Motion carried.

Amendment No. 4:

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendment No. 4 be agreed to with the following additional amendment:

New clause—Page 7, after line 31—Insert new clause as follows:

22a. The following section is inserted after section 42 of the principal Act:

42a. (1) The Governor may, by regulation, define terms used in the Development Plan.

(2) Where, at the commencement of subsection (1), the Development Control Regulations, 1982, purportedly define a term used in the Development Plan, that term, where used in the context to which the definition purportedly applies, shall be interpreted in accordance with that definition until the definition is amended, replaced or revoked by regulation under subsection (1).

(3) The Governor shall not make a regulation under subsection (1) unless the Chairman of the Advisory Committee has certified that the procedures required by subsection (5) have been complied with in relation to that regulation.

(4) An allegation, in legal proceedings, that the certificate required by subsection (3) was issued on a particular day shall, in the absence of proof to the contrary, be sufficient proof of that fact.

(5) Before regulations are made under this section—

(a) the Advisory Committee must cause to be published in the *Gazette* and a newspaper circulating generally throughout the State an advertisement—

(i) setting out the text of the proposed regulations;

(ii) inviting interested persons to make written submissions to the Committee in relation to the regulations within a period specified in the advertisement (being not less than fourteen days from the date of publication of the advertisement);

and

(iii) appointing a place and time for the public hearing referred to in paragraph *(b)*;

(b) at the time and place appointed for that purpose in the advertisement the Advisory Committee, or a sub-committee appointed by the Advisory Committee, must hold a public hearing at which any interested person may speak in favour of, or in opposition to, the proposed regulations;

(c) the Advisory Committee must make recommendations to the Minister in relation to the proposed regulations and shall forward with those recommendations copies of any written submissions made to the Committee in relation to the proposed regulations.

In relation to this amendment, the Council has moved to provide that regulations be subject to the same public consultative process as applies to supplementary development plans. The Government urges the acceptance of that amendment, but it is necessary to add a further amendment to ensure the validity of the definitions. I would urge both the acceptance of the amendment and the consequential further amendment to the Committee.

The Hon. D.C. WOTTON: I indicate that the Opposition supports both amendments.

Motion carried.

Amendments Nos 5 to 9:

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendments Nos 5 to 9 be agreed to.

These amendments have the effect of preventing the Minister from recovering costs from the printing of a supplementary development plan on behalf of local government. I am not prepared to argue further on that and recommend acceptance.

The Hon. D.C. WOTTON: The Opposition supports the amendment. I have had the opportunity to read the debate that transpired in another place. Many of the amendments were moved by my colleagues, with a couple being moved by the Hon. Mr Milne and supported by my colleagues in another place. They make sense and improve the legislation in my opinion. Therefore, they should be supported.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 4 was adopted:

Because it does not allow for the proper functioning of the Act.

PLANNING ACT AMENDMENT BILL (No. 3) (1985)

Adjourned debate on second reading.

(Continued from from 8 May. Page 4004.)

The Hon. D.C. WOTTON (Murray): The Opposition is in a very good frame of mind this afternoon and supports this legislation also. I certainly recognise again the complexities of this area and the to-ing and fro-ing as far as what the tribunal would have us believe at one stage and then what the Land and Valuation Division of the Supreme Court would have us believe. Much emphasis has been placed on this provision in recent times, the latest being only last month when the Land and Valuation Division of the Supreme Court re-established the view it had put forward earlier that the third party must show public importance to warrant leave to continue an appeal. Again, we have indicated in a policy announcement the changes that we would make in regard to third party appeal. It is not my intention to attempt through this Bill to amend the Planning Act to take into account that policy. We will have the opportunity to do that in Government shortly.

As I indicated earlier, I will be treating it as a high priority. I am not throwing off at the Minister at this stage, because I understand the complexities of the legislation before us. It concerns me that we seem to be having amending legislation coming in in dribs and drabs. If we look at the index on the Bill file we note that five planning Bills have been introduced so far this session. That gives me some concern. I concur that this is a special situation revolving around this Bill, but it is getting a bit like the Local Government Act with the number of Bills that keep floating in on a regular basis. It is not necessary for me to go into a lot of detail with this Bill before us other than to say that we support it, and that I can see some necessity in the Bills passing both Houses as quickly as possible.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank the honourable member for his support, but I wish to comment on one point. I share his concern at the amendments to planning legislation that have come forward from time to time. This must be the third one this session as it is No. 3 and that is the way we normally do things. One could have been expected as it related to the investigations of the committee which I set up soon after coming to Government to review the Act. The Bill before us perhaps illustrates exactly the point that I want to get to, namely, that ultimately in the planning area we are putting ourselves in the hands of judges. If the courts bring down a decision requiring action by the Legislature, we have to act. I am aware that one of the concerns that people had with the old Planning and Development Act was the number of times that it had been amended, but again it simply relates to the fact that from time to time we get decisions from the courts in relation to matters not previously addressed and it is up to the Legislature to resolve those matters. So, I have no doubt that this will occur again.

There will be other matters upon which judicial decisions will be made requiring further resolution by the Legislature. The only way out of that is to have a scheme of legislation on which there are no rights of appeal and in that way we are not putting ourselves in the hands of judges. I do not believe that the concensus of the community is in favour of such legislation as people do look to have avenues of appeal in such matters. I commend the legislation to the House.

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

URBAN LAND TRUST ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 16 (clause 3)—After 'amended' insert—

'—

(a)'.

No. 2. Page 1, line 17 (clause 3)—Leave out 'paragraph' and insert 'paragraphs'.

No. 3. Page 1 (clause 3)—After line 20 insert:—

(ca) one shall be a person who in the opinion of the Minister has appropriate knowledge and experience of commercial finance;

and

(b) by striking out from paragraph *(d)* of subsection (1) the passage 'two shall be officers' and substituting the passage 'one shall be an officer'.

No. 4. Page 2, lines 27 and 28 (clause 5)—Leave out paragraph *(b)* and insert paragraph as follows—

(b) the planning of a desirable physical and social environment.

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendments be agreed to.

I recommend that the Committee accept the amendments. They raise two issues: one was brought forward in another place by the Hon. Mr Gilfillan and the other by the Hon. Mr Milne. The first relates to membership of the Board of the Urban Land Trust. An opinion was given that sufficient flexibility existed in the present Act to enable the Minister to appoint a person having knowledge and experience in the development of community services from one of the two Government representatives on the Urban Land Trust. It was therefore believed in another place that it was essential for a representative of the Urban Land Trust to have appropriate knowledge and experience in commercial finance. In order to satisfy both these specific requirements and maintain numbers on the Urban Land Trust at five, it was agreed to reduce the two representatives of Government to one.

The effect of this is to enable such an appointment to be made, though it means that the Government does not have, of right, two representatives although, of course, it is possible for there to be two people on the Urban Land Trust who are obviously seen as, in effect, Government appointees.

The other matter related to clause *(b)*, which talked about the creation of a sound physical and social environment in any new urban areas developed with its (namely, the Urban Land Trust's) assistance. There was a suggestion that a better wording would be:

The planning of a desirable physical and social environment.

I am not too sure exactly what the difference is between those two sets of verbiage, but seeing that the people in the other place were happy with the revised verbiage I really think I can do no other than to recommend it to the Committee.

The Hon. D.C. WOTTON: I am pleased that in this Chamber the Minister and the Government have now agreed to the necessity to have someone with financial expertise on the Board. The Minister would recall that that is an amendment I moved in this place and that the Government could not accept. At that stage I was most dissatisfied with the reasons given by the Minister as to why the Government could not accept that amendment. The Minister has not indicated any reasons why he has had a change of heart, but the fact is that it has now happened.

The Hon. D.J. Hopgood: Having your cake and eating it too.

The Hon. D.C. WOTTON: It is not a matter of having your cake and eating it too.

The Hon. D.J. Hopgood: Everyone's happy now.

The Hon. D.C. WOTTON: We are all happy, but it would have saved a lot of trouble if the Government had accepted the amendment in the first place when it was brought into this House. I am pleased that the Government has accepted that amendment. It is not appropriate that I should go into other matters at this stage, but I wish that it had been as sympathetic with some of the other matters to which we referred. However, I give my full support to the amendment.

Motion carried.

STATE SUPPLY BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 7, lines 27 and 28 (clause 22)—Leave out subclause (3) and insert subclause as follows:

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament within fourteen sitting days of that House after his receipt of the report.

No. 2. Page 7, lines 34 and 35 (clause 23)—Leave out subclause (3) and insert subclause as follows:

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament within fourteen sitting days of that House after his receipt of the report.

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendments be agreed to.

The effect of the amendments is that the Minister shall cause a copy of the report to be laid before each House of Parliament within 14 sitting days of receipt of the report. So, consequentially, the same verbiage applies to page 7, lines 34 and 35. This seems a reasonable amendment, and I urge it on the Committee.

The Hon. D.C. WOTTON: The Opposition supports the amendments.

Motion carried.

STATUTES AMENDMENT (COURTS) BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4009.)

The Hon. H. ALLISON (Mount Gambier): I support the second reading of the Bill in order to facilitate amendments that we will move during the Committee stages. Two major issues are dealt with in the Bill before us: the first concerns the jurisdiction of the intermediate court —the District Court in South Australia; and the second concerns the capacity for District Court and Industrial Court judges to be appointed as acting judges of the Supreme Court. The third issue, which affects Supreme Court judges who will be able to officiate in the lower courts, is not really of major concern since we have no doubt whatsoever about the capacity of those judges.

Historically, the intermediate court was established in South Australia in the early 1970s with the intention of relieving pressure on the Supreme Court. It recognised that the amount of litigation had steadily increased and that there was a need for an intermediate court between the local courts of limited jurisdiction (or the magistrates courts) and the Supreme Court itself, so the District Court or Local Court of Full Jurisdiction was established. In 1982 we note that the jurisdiction was limited to $20 000. However, in 1981 legislation had been introduced, to be effective from 1982, to increase this litigation (the jurisdiction) from $20 000 to $60 000 for personal injury claims and to $40 000 for all other claims—other tortious acts or breaches of contract, etc.

We now see in the present Bill that an increase is proposed in the District Court jurisdiction from $60 000 to $150 000 for personal injury and rising from $40 000 to $100 000 for all other claims. This is really a massive increase and we will seek to amend clause 5 to allow only for a reasonable escalation for the CPI adjustment.

The jurisdiction in equivalent interstate courts varies from $40 000 to $100 000. While in the second reading explanation the Minister said that this legislation was to put South Australia's jurisdiction in the District Court more in keeping with that interstate, the Opposition points out that the provision goes to a far more excessive figure than that which applies interstate and that once again South Australia will be a trail-blazer in having the highest jurisdiction in Australia for an intermediate court.

The Opposition sees no pressing need for this. In fact I believe that there would be very few cases, even in the Supreme Court, which would be beyond $150 000. To my way of thinking that is a strong indication that there is a good chance of the Supreme Court becoming an appellate court rather than having lots of normal jurisdiction to attend to. The Opposition would remind the Government that the procedures in the District Court are less sophisticated than are those in the Supreme Court. The cost scales are also much lower in the District Court than they are in the Supreme Court. The Opposition believes that this Bill could lead to an increase in costs along with a massive rise in the amount of jurisdiction involved in the District Court. These cases will often cover matters of great complexity, equal to cases at present heard in the Supreme Court. The Opposition believes that there will be an increase in District Court litigation and that this will be accompanied by extended delays in bringing cases to trial. In 1983-84 the delay in the Adelaide District Court was some 38 weeks, and in 1982-83 it was 32 weeks. So, already within the present framework of the District Court there is a steady extension of time during which cases are delayed.

The Opposition wonders whether the Government will be seeking to appoint more judges in the District Court. I

know that there is a provision for the Supreme Court judges to act in the lower courts, but it remains to be seen whether that will happen. I believe that that is less of a reality than is implied in the legislation.

In relation to salary increases, a matter that was the subject of debate in the House today, one might cynically ask whether that is a move to make positions more attractive to good candidates so that there will be no question as to the actual capacity of judges to handle cases of increasing complexity in the District Courts. That is certainly a point worth considering, and the Opposition considers that the latter point is important because the calibre of the Judiciary is of increasing concern as the amount of jurisdiction rises. An increase up to $150 000 is naturally creating the scope for very complex cases to be heard in the District Courts.

At present, judges are obviously qualified legal practitioners, with seven years of legal experience behind them before they are appointed, and we recognise that most judges have in fact much more legal experience than that. However, some members of the Judiciary who have been appointed in recent years have in fact very little more legal experience than seven years: will there then be more judges of limited experience and a resultant increase in dissatisfied litigants who feel compelled to go to appeal (and generally an appeal is costly to the litigant) because of dissatisfaction with the decision of judges in the District Court? Will the extended limits test some of our judges beyond their present capabilities? These concerns have fairly belatedly been supported by the Acting President of the Law Society of South Australia (Mr Terry Worthington), who only a few days ago released a press statement, which I would like to draw to the attention of the House, as follows:

> There was a serious risk that the Supreme Court would become an 'elitist court' to which the average person had little access, Mr Terry Worthington, said today. Mr Worthington said the Law Society was quite seriously alarmed by the implications of the Government's Statutes Amendment (Courts) Bill, which would increase the jurisdiction of the District Court in civil claims for personal injuries from $60 000 to $150 000 and from $40 000 to $100 000 in other cases. The Legislation is currently before the House of Assembly, having passed the Legislative Council on Tuesday night.
>
> 'The Law Society strongly opposes such a massive increase which would bring the jurisdiction of the South Australian District Court far beyond the jurisdiction of comparable courts in all other states of Australia,' Mr Worthington said.

That is the point that I made a few moments ago. Mr Worthington further stated:

> The proposed legislation would make access to the Supreme Court more and more remote for the ordinary person and it would become available to hear only comparatively few civil claims. The result will be a most undesirable imbalance in the structure of the courts. The District Court operates on rules which were established to deal only with small and less complicated matters. Those rules are not really suitable for the hearing of claims of the size for which the Government is seeking approval. Any increase in the limit should be far more modest—perhaps in the order of $80 000 for personal injury claims and $50 000 for all other claims.

Of course in another place the shadow Attorney-General (the Hon. K.T. Griffin) had sought to amend the legislation to make the clause 5 figures more in line with those requested by the Law Society in its subsequent press release. It will again be clause 5 to which the Opposition will address its attention during the Committee stage.

Referring to the second point which I raised when I began this debate, namely, the capacity of judges to act in the Supreme Court as well as that of Supreme Court judges to act in the District and Industrial Courts, at present acting judges are appointed by the Executive. Only occasionally do those judges come from the District Court, with its limited jurisdiction. Most of those judges are appointed with absolutely no prospect of promotion, and the Opposition believes that that principle should continue. This Bill not only introduces a new element of promotion from the District Court or the Industrial Court to the Supreme Court (an element that we oppose), but it also provides for the appointments from the District and Industrial Courts to the Supreme Court to be made by the Chief Justice. The Opposition believes that that is a most inappropriate decision to be made, in the face of the earlier practice of the State Executive (that is, the Government in Executive Council) being responsible for the selection and appointment of the Judiciary to the Supreme Court. Therefore, as I said at the outset of this debate, I will be opposing clause 5, although the Opposition will not move any amendments to it; we will simply be opposing it, and our case will be in the negative.

The Opposition is not convinced that the legislation before us is relevant in contemporary South Australia. We believe that the move to increase the jurisdiction to the very high figure for personal injury cases of $150 000 will have a detrimental effect on the courts system. Massive sums of money have been committed over the past few years for the purpose of improvements to the South Australian court system, not the least of which has been the improvement to the court buildings themselves. When those improvements were made they were certainly not made with such radical changes as the present one in mind. When the improvements to the court buildings were first mooted we anticipated that the Supreme Court would still be a body responsible for a good deal of litigation in South Australia. The present move to increase the limit from $60 000 to $150 000 will literally take volumes of litigation from the Supreme Court and place it in the intermediate court, the District Court.

To reiterate the major points, we feel that the rules of court in the District Court are at present quite inadequate to cope with the extreme sophistication and complexity of those cases involving larger sums that are currently dealt with by Supreme Court judges. Although we know that there are many high calibre District Court judges with plenty of legal experience behind them, there are also relatively junior appointees whose capabilities, particularly in dealing with extremely complex cases, must be held in question.

If we consider the fact that we must attract judges of high calibre and high quality to deal with complex cases and that we have had some difficulty in weaning very competent legal practitioners away from lucrative practices to sit as judges with limited incomes, we can foresee that there will be an increasing chance that junior judges with limited experience will be the only ones attracted to the District Court, with the possible consequence that there will be dissatisfaction with decisions and a much greater number of appeals to the Supreme Court. We ask the Government to consider the amendments that we will move in Committee with a view to bringing those jurisdiction figures more into line with the figures interstate but at the same time making reasonable allowance for CPI adjustments.

Mr BAKER: I support the remarks made by the member for Mount Gambier. I reiterate that we on this side disagree with the increase in the limit. We have heard very cogent arguments about the possible segmentation of the Supreme Court as an elitist court and a court of appeal rather than a court that dispenses justice. Certainly, I agree with the honourable member's comments that those who are worthy should not go 'via the Cape', namely, the Local and District Criminal Court. I wish to make some observations about the judicial system in this State and throughout Australia from the things I have noticed and the things that concern me about criminal justice in this State.

All members of Parliament must be concerned about time delays in the courts. Every member will appreciate that the delays detract from justice. It does not assist anyone if people have to wait some 30 weeks to have a case heard.

Perhaps now is the time to reassess the basis on which the courts operate. For the first time in my knowledge of the history of Australia, a High Court judge is under examination and in fact will face charges before the courts. This is the first time of which I am aware that the elitest of the elite in the High Court have been challenged in this way. Irrespective of the outcome, that is a very healthy sign: it means that no-one in this country can act with impugnity.

What worries me about the delays is that it appears that the courts are being manipulated by the legal profession. I do not make that comment lightly: it has been my observation that either the judges are not doing their job or the legal practitioners are outsmarting the judges—or no-one really cares. Whether we fall down on one side or the other does not really matter: reform is long overdue. People involved in the courts have told me that when a case has been due to commence at 10 o'clock no judge has been available: the judge has arrived at 10.30 or later. If a judge cannot get out of bed and be present at 10 o'clock when the court is due to commence, that person should not be a judge. I know that there were personal reasons (not concerned with the operations of the court) why a certain judge did not turn up at 10 o'clock.

However, it is now high time that this Parliament took on the task of reviewing the operations of the courts. We cannot allow the injustices that are perpetrated in the courts today to continue. Every time a person has to wait for 32 or 38 weeks (as my colleague said) justice is not being done, for whatever reason.

Mr Hamilton: How are you going to do that?

Mr BAKER: I propose that the Government of the day undertake a wholesale review of how the courts operate. It has been said to me on a number of occasions (and other members will have heard the same) that people have been prepared to proceed before the courts, their case has been prepared but they have come before the judge or magistrate and the opposing party has said, 'There is a technical difficulty, our case is not prepared,' and so it has been adjourned. It is not the fault of the judicial system that the case was not prepared, but is it not time that a stand was taken on this issue? The rules should be laid down when the case is first heard: everyone involved should be present and prepared. You cannot tell me and the people out there that that is not possible. Some of my constituents have been affected and have approached me about this problem. The great difficulty is that adjournments result in continual law fees.

There is something wrong in this State and in Australia if we cannot get a judicial system that works more effectively than it works today. I agree that the number of criminal cases coming before the District Courts and the Supreme Court has increased due to the behaviour of individuals and that cases are becoming more complex, but is it not about time that we as a Parliament and the Government accepted the responsibility and recognised that a new start is required? What concerns some of my constituents (and one or two have actually brought the problem to me) is that without any reasonable excuse a case can be delayed, and this happens time and time again. If a judge cannot take the responsibility, ensure that the parties have been given due notice and indicate that they will be penalised unless they are ready, something must be done.

Other members might have appeared before the small claims court: I appeared before that court some time ago, and I believe that I received a fair hearing. In the first instance, when the opposing party did not appear, I was awarded the case with full costs. However, the case had to be reheard because of a technical deficiency in the way in which the defendant was notified. Subsequently I did not get all that I asked for, but that was reasonable because the magistrate weighed up the case and declared accordingly. More penalties must be written into the system. The cost must not be borne by the constituency at large, and it must be perceived that everyone can receive justice. On that point, I highlight two recent events that were publicised in the newspaper. I refer, first, to Mr Brian Maher, who was granted $400 000 legal aid to contest his case.

There is also the case of a certain lady who has run up enormous legal costs in an attempt to prevent her exit from South Australia to face charges in Victoria. I hope members realise that the enormous cost of these actions reduces the quality of justice in this country. It appears to me that not enough effort is made to process claims expeditiously and equitably. More time is spent worrying about the legalities of procedures rather than the rights of the individuals concerned. I hope that in the next year or so Parliament will ensure a review in the operation of the courts. I may be overly harsh in my comments and, although I do not wish to do so, I can produce evidence of particular cases where delays have been avoidable; where judges have not been available at the appropriate time due to circumstances that could have been avoided.

There are a number of reasons why we should make the courts more accountable for their operations. I believe that the quality of justice is something very precious. I also believe that the courts today are becoming a plaything of lawyers. If the 46 other members feel the same way, it behoves us all to put a proposition before this House or the Government of the day which effectively takes a long hard look at the way justice is dispensed in this State and perhaps lay down a few ground rules by which people can operate with some certainty, because it does not do anyone any good to operate under the present system. The only beneficiaries of the current system are lawyers. The person bringing the claim before the court has to wait a very long time for the case to be discharged, and of course the defendant is in an equally invidious position. I do not think that even the judges would be particularly happy to see that they have a case list that stretches over many months, with the same names appearing on the trial lists.

Whilst the proposition for a review of the operation of the courts is not contained within this Bill, I thought it would be useful to canvass a few of the issues associated with the operations of the courts. At the same time I strongly support the amendments moved in the Upper House which have again been moved here, bringing the courts back to reasonable jurisdictions rather than, as proposed, increasing the limit on claims to $150 000. I support the Bill, with the amendments moved by my colleague the member for Mount Gambier.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its indication of support for this measure, albeit with the amendment foreshadowed by the member for Mount Gambier, who explained very accurately the proposal that the Opposition wishes to advance. I suppose the debate could go on *ad infinitum* as to where, at any point of time, jurisdiction of an individual court should rest with respect to maximum monetary amounts. I will refer to that matter during the Committee stage. However, I think one must realise that Parliament cannot be asked to amend these laws as frequently as we perhaps have been doing in the past. We should try to reach a level which will serve the courts and the community for some time to come.

The member for Mitcham made what I understand to be an impromptu speech. I have no doubt that his criticisms of the legal profession can be well answered by the legal profession itself, if it chooses to do so. However, it is not so easy for judicial officers to answer criticisms made of

them, either in Parliament or in the community, so I should put on record some response to those criticisms.

First, as to the criticism that perhaps judges do not get out of bed in the morning to sit in their courts at an earlier hour, I think the honourable member may not be aware of the considerable amount of work that goes on in chambers and courts by judicial officers outside the actual sittings of courts. That not only is necessary, for the proper exercise of judicial office but also it involves counsel and officers of the courts and ensures the proper listings of cases. I think in this State we have been well served by our Judiciary. There have been some aberrations, from Mr Justice Jeffcott onwards, but in the main I think we can be very proud of the degree of service that has been given to this State by the Judiciary at all levels. I think our Supreme Court is held in high regard not only by the legal profession and those members of the community who are aware that it is a very hard working court, but, indeed, around Australia, and I include the other tiers of the Judiciary in this State.

When I first entered this Parliament, in my maiden speech I spoke about accountability of the Judiciary, and the points the honourable member made are appreciated. Most members would be sympathetic with the need to ensure that the Judiciary is not accountable to the other spheres of government. The other comment the honourable member made which I think should be quickly answered is that the behaviour of individuals has caused an increase in matters before the court. I think there has always been behaviour, whether from individuals or corporate bodies, that needs to be litigated or brought before the courts. I think the problem in the past has been that many people have found the courts inaccessible to them, and the advent of legal aid in particular has meant that many more matters can be brought before our courts. That is obviously a good thing: the courts are there to dispense justice to the community, and the more people who can appear before them, the better.

The other point the honourable member made was that cases can be delayed or adjourned without any reasonable excuse. There must always be grounds for delays in matters. Many a practitioner will tell the honourable member, if he seeks an answer, of cases where adjournments have been refused, and in some cases where counsel, particularly barristers, are not able to appear; and some judges have told the parties concerned to get another barrister and get on with the case.

It is my understanding and has been my experience that judges are very aware of the need to maintain the lists and to get court cases that are listed heard. I think one of the problems in the courts system is the number of civil cases that are settled prior to trial. So, with those comments I thank honourable members for their contributions in support of this measure.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Amendment of s. 11 of the Supreme Court Act, 1935.'

The Hon. H. ALLISON: We oppose this clause for the reasons I enunciated earlier: an element of promotion is inferred in this clause. Also, the Chief Justice, with the concurrence of the President of the Industrial Court or the Senior Judge of the District Court, can appoint a Deputy President of the Industrial Court or a District Court judge. We believe that that is more the right of the Governor in Executive Council than the privilege of the Chief Justice of the day. We therefore oppose the clause.

The Hon. G.J. CRAFTER: The Government believes that the most efficient way that it can serve the community and maintain the work of the courts is to provide a degree of flexibility. That has been used by respective Governments in the past with the appointment of acting justices. This is not a case of judicial promotion to which the honourable member refers—perhaps a fear of the Law Society and others. I want to state clearly that is not the case. It has also been the case that a judge from any court could be appointed as an acting judge in another court, provided that the conditions precedent, for example, the length of time one must serve as a practitioner prior to appointment, were fulfilled. The amendment proposed by the Government formalises a procedure that must be followed if an acting judge is to come from another court. The Government prerogative to decide who will be appointed as an acting judge is fettered by the provision that an acting judge coming from another court can be appointed only on the recommendation of the Chief Justice with the consent of the senior judicial officer from whose court the judge comes. The new provisions do not alter in any way the ability to appoint an acting judge from the legal profession.

Clause passed.

Clause 4 passed.

Clause 5—'Interpretation.'

The Hon. H. ALLISON: I move:

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Lines 25 and 26—Leave out one hundred and fifty thousand dollars and insert eighty thousand dollars.

Lines 30 and 31—Leave out one hundred thousand dollars and insert fifty thousand dollars.

In speaking briefly to this clause, I will not repeat the argument that I put up in the second reading debate but simply point out, as an additional fact, that these amounts are slightly higher than those contained in the attempted amendments in another place. They allow for some indexation. We believe they are more realistic figures and more in line with interstate jurisdictions than the extreme jurisdiction allowed for in this Bill.

The Hon. G.J. CRAFTER: The Government opposes the amendments. As I said in the second reading debate, there can be a debate *ad infinitum* as to the levels at which the jurisdictions should be set. As the honourable member indicated, the figure that was part of the amendment in another place has been increased. Obviously, some account has to be taken of inflation and other factors. One does not want this matter to be continually bought back to the Parliament.

With respect to the personal injury jurisdiction, the limit of $100 000 as proposed by the Government's amendment is in line with that which exists in New South Wales. In Western Australia there is an unlimited jurisdiction in this area. In Queensland a report recommends that the figure be increased to $250 000 initially and then with an unlimited category. In Victoria, I understand, it is proposed that the current $100 000 be increased to an higher amount, possibly with an unlimited category. So South Australia is not out of line with the majority of other States in that regard. With respect to the general jurisdiction, it will not be long before we find that the other States are around that mark also.

Amendments negatived; clause passed.

Clauses 6 to 14 passed.

Clause 15—'Amendment of s. 9 of the Industrial Conciliation and Arbitration Act, 1972.'

The Hon. H. ALLISON: We oppose this clause for the same reasons that we opposed clause 3 and I will not enunciate them again.

Clause passed.

Title passed.

Bill read a third time and passed.

BUILDING SOCIETIES ACT AMENDMENT BILL (1985)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Building Societies Act, 1975, came into operation on 17 April 1975 and there have been a number of amendments since that date, the latest amendments being passed in December 1984. The 1984 amendment was designed to allow societies, with the approval of the Commission, to provide services to its members that are incidental to its main objects and to conduct agency business of kinds approved by the Commission. It is now desired to allow societies to participate in 'revolving credit' transactions subject to the Commission's approval.

The expansion of facilities provided by building societies as proposed in this Bill, whilst still preserving the predominant role of a building society, which is the provision of housing finance, will in the Government's view assist to maintain the competitiveness of building societies in the Australian finance sector. The reasons for this Bill are virtually self-explanatory—recent developments in the banking and finance sector necessitated urgent deregulatory measures for societies to maintain their competitive position in the market place. This Bill therefore seeks to allow building societies the opportunity to provide 'revolving credit' facilities. Such a provision will be subject to the approval of and such conditions as may be imposed by the Corporate Affairs Commission.

The Bill is consistent with the broad deregulatory nature of the amendments passed in December 1984. This Government is supportive of the important role conducted by the building society co-operative industry in its provision of housing finance and other financial services and introduces this Bill to assist building societies to actively compete in the changing deregulated environment of the Australian finance sector.

Clause 1 is formal. Clause 2 inserts new section 35a into the principal Act. This section will allow the society to issue credit cards in conjunction with an organisation such as Visa to provide cheque account facilities for its customers and to conduct any other business involving 'revolving credit' transactions.

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

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.

The object of this small Bill is to allay doubts that conciliation committees under the Industrial Conciliation and Arbitration Act have jurisdiction to make awards in relation to Health Commission employees and incorporated hospital and health centre employees. The principal Act makes it quite clear that the Industrial Court and Industrial Commission have jurisdiction in respect of those employees, but no specific mention of conciliation committees is made. The Bill seeks to remedy this perceived problem. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 60 by inserting references to conciliation committees in all relevant places.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

TRANSPLANTATION AND ANATOMY ACT AMENDMENT BILL (1985)

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 inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this short Bill is to make it an offence for persons to knowingly make a false declaration as to their suitability to be donors of blood or semen. The Bill is designed to give effect in South Australia to an agreement by all Health Ministers at a conference in December 1984. Honourable members may recall that two conferences of Health Ministers were held towards the end of 1984—one in November and one in December—to discuss strategies for combating the spread of AIDS (Acquired Immune Deficiency Syndrome). The National AIDS Task Force recommended the adoption by States of a uniform declaration form for blood donors, and that the declaration be given legislative backing with the imposition of penalties (to be fixed by the States) for signing declarations which are known by the donor to be false.

The declaration form points out that some members of the community must not donate blood because of the risk of transmission of infection to recipients. The form requires intending donors to certify that, to the best of their knowledge, they do not come within specified categories. It includes statements relating to hepatitis and malaria, as well as AIDS. States have implemented, or are in the process of implementing, the December conference agreement. This Bill, which includes semen as well as blood, is South Australia's legislative response. I should mention that it is not intended to enshrine the declaration form in regulations. The Blood Transfusion Service in South Australia expressed a strong preference for the form to be adopted administratively, which provides the flexibility to make changes as any further information comes from the task force. The task force in fact recommended that the form should be kept under review.

I would like to take this opportunity to acknowledge the excellent co-operation from Adelaide's male homosexual community. It was recognised at Government level and reinforced at last year's meetings of Health Ministers that the spread of AIDS could not be significantly curtailed without the co-operation of the gay community. Because

AIDS is, at this time in Western democracies, overwhelmingly a disease of male homosexuals, no preventive programme can be successful without their co-operation. The gay community was also acutely aware of the need to establish dialogue with Government.

In South Australia, discussions were held with representatives of the homosexual community in developing the AIDS strategy endorsed by Cabinet in February. Mechanisms for ongoing discussions between the South Australian Health Commission and the gay community have now been established and are working effectively. Both the AIDS Action Group and the Gay Counselling Service are actively involved in education and awareness programmes aimed at prevention of the disease. Special focus is given to those most at risk. Both organisations have contact with a significant section of the male homosexual community and intend to provide community based support for those with the disease, their family and friends. Their work is carried out in a responsible and sensitive manner. It is complementary to the work carried out by the South Australian Health Commission in dealing with the disease. This legislation has been endorsed by representatives of Adelaide's gay community.

Clause 1 is formal. Clause 2 amends the principal Act by inserting new section 38a. The new section provides in subsection (1) that it is an offence for a donor knowingly to provide false or misleading information in relation to the donation of blood or semen, penalty $10 000. Subclause (2) provides that 'donor' means a person who donates blood for any use or purpose contemplated by the principal Act, or donates semen for the purposes of a fertilisation procedure or for medical or scientific purposes; 'fertilisation procedure' means artificial insemination or the procedure of fertilising an ovum outside the body and transferring the fertilised ovum into the uterus.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

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

That the sittings of the House be extended beyond 6 p.m.

Motion carried.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4006.)

The Hon. JENNIFER ADAMSON (Coles): This Bill has two objectives: the first and most important is to enable the Institute of Medical and Veterinary Science to establish a company for the management of its commercial aspects. The second objective is to allow part time employees of the Institute to enter into the State Superannuation Fund, providing them with conditions similar to those of other State Government employees. I will deal with the second purpose first: it is one that I warmly support and endorse.

The Institute of Medical and Veterinary Science is one of many health institutions which employs a large number of part time staff, particularly women, and, in the main, professional women who have qualified in their various disciplines prior to rearing their families, who wish to re-enter their professions—in this case many of the technical as well as medical professions—and who give sterling service to their employer, which is very often the State. It is essential that those staff members enjoy the same superannuation conditions as full time employees. I support that objective of the Bill.

The second objective, namely, the establishment of a company to manage the commercial aspects of the Institute, is clearly an important one. It is fascinating to me to identify in the introduction of this Bill further development of the Institute's functions in research and development which requires this step. It comes within a year, or possibly longer, of the University of Adelaide and Flinders University establishing similar commercial enterprises to enable them to market the results of their research and to benefit financially as a result of their own research and development work.

In that regard, I certainly recognise the validity of the move that is being taken. It will enable identification and budgeting of research and development of new tests and procedures which, it can be fairly stated, may well have been undertaken on a rather haphazard basis in the past. It will ensure better accountability for those developments. In the long run, if the developments are successful, it will enable a degree of independence in relation to research funds which every scientific institute seeks and so many of which, these days, are disappointed not to find.

Dependence on Governments (in Australia, the Federal Government) for research funds has led to very lean times indeed for many scientific organisations in Australia. The prospect of actually generating funds that can be kept within the organisation and used for research must give a tremendous shot in the arm to scientists who are working in this field. It provides them with a direct incentive and it gives them hope that their work will be recognised not only scientifically but also commercially. In that regard, I fully support the objectives of the Bill.

However, I point out that the more the Institute's company makes by way of profits through its research and development work, the less it will receive from Governments: that stands to reason. Governments will retract and withdraw funds when they can see that funds are available from other sources. That is good, because it eases the burden on the taxpayer, but should those funds dry up for any reason, possibly because of entry into the field by the private sector or some international organisations, it is essential that Governments recognise the deprivation that the organisation—in this case the Institute—is suffering and compensate by providing funds, which will enable continued research and development work.

Unfortunately, because of the hour it is not possible to give this Bill the attention and deliberation that I believe it merits. It is the kind of Bill that warrants lengthy and well-researched second reading contributions from many members in this House. In the haste of the last week of the sittings and after very long sittings, it is a great disappointment to me that justice will not be done in respect of this legislation and the time that it warrants. I would have liked the opportunity to pay tribute to the work of the Institute, to which the Minister referred in his second reading contribution, notably the outstanding work done in the development of Q-fever vaccine, which was a world first and which has had most impressive and beneficial economic effects in South Australia. I would have liked to canvass the prospects for this IMVS company, which I understand is likely to generate quite a bit of export income from both North America and China.

I have not had time to explore those matters fully either in terms of my own research or in the time that the Bill will take. However, I make the point as a Liberal that I have carefully checked whether the establishment of this company would be in conflict with private pathology laboratories. The Minister's second reading explanation assures us that it will not: on the contrary, it is likely to assist such laboratories which would want to use these developments for their own services and which do not have the facilities to engage in such research.

I make one other observation: the last time legislation affecting the IMVS was before this Chamber the then Opposition, the Labor Party, was particularly scathing about the then Government's intention in respect of the IMVS. The Premier (Hon. John Bannon) announced when in Opposition that, upon obtaining government, he would repeal the Institute of Medical and Veterinary Science Act. Therefore, I find some delicious irony in the situation in which we find ourselves tonight.

I feel that the scientific work of the Institute has largely been overlooked. I hope that the development of this company will generate not only scientific and academic interest, which it surely will, but also media interest which will enable the general public of South Australia to appreciate the extraordinarily fine work that is done in the Institute and in all the organisations that are linked with the University of Adelaide in the medical field. It is a pity that so much is taken for granted by the community in relation to the quality of work that is produced here. I hope that the enabling legislation to develop a company will lead to a new era. In decades gone by the Institute did enjoy a very high international scientific reputation, and I believe that this legislation may see the start of another such era. I hope that that is the case, and I have pleasure in supporting the Bill.

Mr. M.J. EVANS (Elizabeth): Like the member for Coles, I would like to have spent longer on this matter, but in the time available I will say a few words about the work of the IMVS and the importance of the area that we are discussing, particularly the expansion of biotechnology and related fields. I congratulate the Government on taking the legislative initiative to enable the IMVS to move into these fields. I believe that biotechnology and its related scientific endeavours are of critical importance to developing new technologies in South Australia. It certainly is a field in which we have shown some considerable expertise and one in which, I am sure, we can develop an important new industry for the State in the future.

It is essential, if that is to occur, that we have an adequate research base, and the IMVS, as an Institute, fulfils that role more adequately. I think that the Minister in his second reading explanation indicated that the Institute was one of the best research establishments of its type in Australia. As the member for Coles said, I believe that past endeavours by the Institute support those remarks. It is important that the IMVS has the legislative capacity to establish seed companies, because they are the very basis of the exploitation of this new technology. By empowering the IMVS to establish companies pursuant to the Companies (South Australia) Code I believe that we will empower them to proceed in a way which will be of substantial benefit to the State both economically and scientifically.

However, it is important that we look beyond the impact on the IMVS and possibly in the area of joint enterprises in the future with private enterprise. Certainly, Technology Park provides a good basis for joint operations. I believe it is important that the IMVS should not only establish companies and promote new biotechnology and related scientific services but also look into the area of joint facilities with private companies which can contribute much to this area, with the IMVS providing the research expertise and base, and private companies providing the venture capital and perhaps some of the marketing skills which would go a long way towards providing worldwide exploitation of the new biotechnology.

I also mention the work of the University of Adelaide on which I would like to expand further, but will restrain my remarks to just mentioning this area. The Biochemistry Department of the University of Adelaide is world famous for its work in the biotechnology area. I hope that these two institutions, which are so closely related physically on North Terrace, will be able to work in collaboration with each other to ensure that their skills are exploited jointly, that they are not operating too much in competition with each other, but are working together as related institutions in South Australia to produce a better result for our society.

I also join the member for Coles in supporting the need for the Institute to have access to independent funding. This Bill will certainly go some way towards achieving that objective. It is a sensible move by the Government to include in the Bill the provision to enable the IMVS to retain the funding which it is able to generate from the commercial exploitation of this technology. One wonders whether it will also fund from its own funds any losses which might arise. However, that is part and parcel of the ethic, and I am sure that they are ready and willing to accept that challenge.

I would strongly endorse the remarks that have been made in relation to the independence of funding. Any scientist worthy of the name certainly also looks to the independence of this funding, and that has always been the case with the University of Adelaide. They have managed to achieve a degree of independence with their commercial exportation, and I believe that the IMVS will similarly benefit. With those remarks, I commend the second reading to the House.

The Hon. LYNN ARNOLD (Minister of Education): I thank honourable members for the comments they have made and the support they have indicated for the legislation. It certainly is appreciated. It will enable this Bill to pass through this House quite speedily and get into another place and consequently enable the IMVS to proceed with the establishment of such a company at the earliest possible opportunity.

I want to make a few comments about the level of the kind of concept involved here, because it is a very exciting concept, as has already been mentioned. It really is the way to move with respect to trying to enhance the brain power of South Australia for the wealth generation capacity that it may have for all of us. This is an example of taking that brain power—that research power—within a well respected institution, the IMVS, and turning that into wealth generation capacity.

At one level there will be an impact upon the State Budget, in that it offers the possibility of a reduction of the deficit that may have to be funded by the State Government. That is certainly true. I notice the point made by the honourable member for Coles, namely, 'What if things go the other way?' I can certainly assure the honourable member that it has not been a Machiavellian attempt: nor did she say that it was. But, I just wanted to assure the honourable member in relation to what may have been nagging at the back of her mind. This has been seen as an exciting positive thrust, not as something to undermine the Institute. Indeed, it is one thing that we have tried to put in place in a number of different areas with respect to the retention of revenue or profits made from research or from outreach of organisations by enabling portions of that to be kept within the institution so they can turn those funds around to promote further research.

It is interesting that the IMVS is, as I say, very well respected internationally with respect to the work that it does. It is also interesting in that it offers areas of new technological development or research that may not commonly be in the public mind. I would have to share the comments of the member for Coles that there should be more awareness of how important this role can be. I suspect that we all believe that micro-chip technology is the one

area of new technology with which anyone can make any major strides. In fact, biotechnology is a fundamentally important area of new research and an area in which South Australia has a very good record indeed. The lion's share of the grants that we attract to this State well out of proportion to our population base is indicative of this.

I do not want to take up the time of the House at length on this matter, but I just want to make one other point. It has never been known that I take up the time of the House at length. I always speak to the point, and the House is always well edified as a result of that. It seems that we have a number of quite exciting examples. The removal of the mapping LANDSAT facility from the City of Adelaide to Technology Park in the Department of Lands is one example of very much a public sector thing, moving out and being available, reaching out wider into the private sector. The CADMAN facility, at Regency Park, the mingling together of private and public sector investments, and Austech, which is not just a CSIRO private sector involvement, clearly also involving funds from the State Government are examples of that.

The Software Promotions Committee, bringing together the software developments of educational institutions of this State, promoting them and hoping to gain revenue by the sale of those in this State and nationally and internationally, and likewise the Education Department's publication initiatives to encourage the further sale of that, are just some of the examples of trying to create new revenue, and taking advantage of the skills of people within the employ either of the Government or statutory authorities or institutions that receive substantial Government funding. As I said before, it is the direction in which to go.

Honourable members have indicated that they support that. It clearly also deals with a superannuation matter, and I note that honourable members who have spoken on that matter support that also. I do not wish to take up further time of the House. I thank honourable members for their support and I hope that the Bill proceeds through the Committee stage rapidly.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Functions and powers of the Institute.'

The Hon. JENNIFER ADAMSON: In relation to clause 3 and the reference to consultant services, will the Minister say whether the Institute envisages that those consultancy services will be undertaken outside Australia, and, if so, can he at this stage indicate which countries are likely to be involved and in respect of which technologies?

The Hon. LYNN ARNOLD: With respect to consultancy taking place outside Australia, there is no reason why that cannot be so.

The Hon. Jennifer Adamson: I am wondering if there is anything on the boil at the moment.

The Hon. LYNN ARNOLD: As to whether there is anything on the boil at this stage, I do not have any advice on that: I can try to get some further information on that matter. However, as I have said, it is an internationally respected institution, so it will attract the interests of people overseas. Therefore, it is not simply an idle indication that it will be available for international consultancy work: it will be a very real possibility. At this stage I do not have any more detail, but I can try to find out for the honourable member whether there is anything publicly available. Clearly, the honourable member would acknowledge and accept that there may be certain discussions taking place that it would not be appropriate to advise the Committee on at this stage.

The Hon. Jennifer Adamson: Industrial secrets.

The Hon. LYNN ARNOLD: Industrial secrecy, yes.

Mr M.J. EVANS: Perhaps I can put to the Minister two questions simultaneously: first, can the Minister give an assurance that the powers encompassed by the new section 14 will include the power to undertake a joint development with a private company (apart from the Institute alone), the power to establish a company and the like under the Companies Code; and can the Minister give an assurance that that will also include the power to establish a joint company with a private sector entrepreneur? Further, can the Minister also give me some indication of his attitude in relation to delegation of powers, functions and duties by the Board, and whether he would envisage that the Board might delegate its power to form a company? I believe that the power to establish a company in those circumstances is a very significant power and one which I would like to see exercised only by the Board or council of the Institute itself. Can the Minister respond to those two points?

The Hon. LYNN ARNOLD: First, with respect to the first question the answer is yes, there is power there to form joint companies. Indeed, I think it is important that that should happen. With respect to the second matter as to whether or not the power to delegate functions to an individual member to form a company may occur, I am advised that that will require Ministerial approval—beyond that I cannot say any more.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Financial provision.'

The Hon. JENNIFER ADAMSON: Clause 6 refers to 'the moneys' and the fact that they will not be paid into Treasury but retained by the Institute. I realise that this is a question virtually about the length of a piece of string, and I doubt whether the Minister can answer it, but can he give the Committee some indication, when we are talking about the prospective revenue to be obtained from these products, within the knowledge of the Institute at the moment whether it is likely that we are talking about tens of thousands of dollars, hundreds of thousands of dollars, or possibly millions of dollars in terms of the Institute's capacity through its company to make profits of whatever order?

The Hon. LYNN ARNOLD: It is speculating a lot into the future of the marketing situation, and one never knows about the research discoveries that can be made that may suddenly uncover something well beyond anybody's dreams. However, I can say at this stage that we are talking about tens of thousands that the Institute is thinking about. Clearly, the horizons are not closed to anything bigger than that, but to be realistic that is it.

Clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

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

A quorum having been formed:

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That Standing Orders be so far suspended as to enable the Clerk to deliver messages to the Legislative Council when this House is not sitting.

Motion carried.

ADJOURNMENT

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That the House do now adjourn.

Mr HAMILTON (Albert Park): On reading today's *News* I see that there is a great todo about the football match at Football Park tonight between South Australia and Victoria. I hope to hell we thrash the pants off the Victorians! However, that is not the reason why I raise this matter.

The Hon. Michael Wilson interjecting:

Mr HAMILTON: Exactly. As the member for Torrens says, for some 5½ years I have raised the matter of the traffic flow in and around Football Park. The previous Government, and the then Chief Secretary, was kind enough to permit me on one occasion to fly around in the Wales helicopter to have an overview of the traffic flow at Football Park at grand final time. I appreciated that very much indeed. However, when matches such as the one tonight occur (and the match last year was a classic example of this) difficulties are experienced by local residents.

It has been said to me by some authorities, and by people living outside the area, that these people must expect some inconvenience. I concede that readily. However, I believe that it is possible for the relevant authorities, in conjunction with the league and the local council, to advise people of the directional flows with which patrons attending such matches should be acquainted. I believe that the South Australian Police Force, in conjunction with the Woodville council, could disclose plans that have existed in the past showing how traffic flow will enter and exit from Football Park.

This would then enable local residents caught up in those traffic flows relating to Football Park to know what route it would be best for them to take to enter their properties. Constituents have telephoned or seen me personally and have expressed great hostility at being redirected three or four kilometres out of their way to get to their own properties. I have a great deal of sympathy for them and hence my raising this matter tonight.

I appeal to the Police Department, the Woodville council and the Chief Secretary that the relevant details be published for future final matches and other such functions at Football Park. I believe it is an important PR exercise to have this information available. In the past, when I have made representations to the local media, particularly the Messenger Press, they have been only too willing to print such information in the interests of the people in that area.

Speaking off the cuff, I believe that radio stations like 5DN, television shows and football shows would publish that information, or would publicise the route which should be taken to Football Park and which would cause the least disruption to the residents. The public should be told the route that will allow them to travel to and from Football Park quickly and conveniently.

In our 1986 sesquicentenary we will have many functions in and around the waterway at West Lakes, for example, the Kings Cup. Despite the best organisation, clashes will occur and the question of traffic flow will be overlooked. Once that happens—and I have been predicting this for many years—there will be hostility within the local community. This was brought to my attention last year. I ask the Government, in conjunction with the Police Department, to look at this matter very closely and attempt to publicise these plans to the local community. I cannot see any reason why these plans should not be made available to the public at large, and particularly the patrons of Football Park.

A public meeting was held at the West Lakes Football Club at approximately 7.30 p.m. on 6 May. I called the meeting to discuss the question of crime and vandalism within the area of Albert Park and approximately 250 local residents attended that meeting. As I have indicated, the attendance was good. I believe that the interest was brought about by the number of representations that have been made to me over the period of 5½ years during which I have been in office. This was the fourth such meeting I have held within my district on this question of crime and vandalism.

The Hon. Michael Wilson: How far apart were they?

Mr HAMILTON: I will come to that in a moment. The first two meetings were held in 1980, the second in May 1981 and, as I have said, the last was held on 6 May. This was brought about as a result of my moving about the district and talking to many people. It was quite clear to me that an undercurrent of hostility was building up in the community whereby people were no longer prepared to accept the incidence of petty crime and vandalism within the area. Residents, particularly elderly residents, alleged to me that they were fearful of leaving their homes after 5.30 p.m. This was disclosed in the local press and, as a result, a public meeting was held at which there was a lot of hostility which, unfortunately, was directed towards the police.

The superintendent who came to the meeting stated that his figures did not coincide with the information that I had been releasing to the press. However, he said that there was a break-down in communications between the police and the electorate at large. I believe that that is a very true statement. As I have said, some of the hostility came out at that meeting. I intervened, and, fortunately, the meeting got on to the positive theme of crime and vandalism.

I raise this matter tonight for a very positive purpose, that is, for the community to recognise that when they are subjected to petty crime they should report it to the police. In fact, last evening at 5.45 I spoke to a local resident near the Seaton shopping centre who told me that his car had been milked of about $20 worth of petrol. I asked him whether he had reported the matter to the police and he said, 'What for? What can they do?' I told him that that was not the point and that he should report it to the police. Indeed, I encouraged him to do so. This is one of the problems that we have in the community. Some people say, 'What the hell.' They appreciate that the police cannot solve the problem of petty crime and vandalism, so they do not report it; as a result they are not reflected in the statistics.

In conclusion, in the United Kingdom it is said that between 35 and 50 per cent of crime is not reported. I believe that similar figures apply in South Australia. Without a publicity programme and an education programme, the community, if they do not report these matters to the police, will still be subjected to these crimes. I believe that it is necessary for the community to assist the local constabulary, and let them know what is happening; then, when the figures are released and the Government of the day sees what is happening, it will take the appropriate action.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Mr GUNN (Eyre): I take this opportunity to raise a number of problems affecting isolated communities. Many people in such communities believe that Government departments adopt the approach, 'They are out of sight, they are out of mind.' I refer to one or two problems faced by residents in a district such as mine. I appeal to the Premier when framing his Budget to give some consideration to solving a few of the problems that I have continually raised with the Government. I refer to the problem of the lack of water at places west of Ceduna and that of extending power lines to the Wilpena/Blinman area.

It is very interesting to note that the Minister of Mines and Energy has not had the courage to answer the question that I have placed on the Notice Paper. It deals with an undertaking given by the Minister of Tourism, and the Caucus subcommittee that electricity would be extended to Wilpena. I hope that they were not up in that area making

good fellows of themselves by telling people what they wanted to hear. When will we get some action in relation to those problems? I have raised with the Minister of Education the problem of school bus routes in isolated communities.

Buses are not air-conditioned. People may ask why we want to air-condition school buses, but we air-condition buses driven around Adelaide, and in a number of areas in my electorate air-conditioning is badly needed. I was in Mintabie on Saturday and there are 13 children of school age there, but there is no school. If a school was there at least 16 children would attend. The residents are requesting a teacher and the necessary equipment, as they have a suitable building, and I call upon the Minister of Education to do something about it. He is spending over $700 million a year, and it is not unreasonable to ask for a few of those dollars to be spent in providing those communities with some form of education.

I could refer to the road to Mintabie and the nonsense that the Pitjantjatjara Council have been involved in and the need for a shortened route through to that important opal mining area. The time has long since come when that area should be excised from the Pitjantjatjara land rights, and people with blocks of land there should be given a secure title over it. If any European lawyer who has hitched himself to the coat tails of the Aboriginal movement thinks that he is getting rid of opal miners at Mintabie, he is living in a fool's paradise, as they will not go: they should not have to. The land should not have been transferred over in the first place. I will come back later to the Aboriginal problems.

I now deal with the problems confronting my constituents in connection with national parks, Government reserves and related matters. The time is long overdue when the Government should face up to its responsibilities and ensure that all conservation and national parks have adequate fire access roads constructed within them. I recently attended a meeting at Wirrabara at which departmental officers were not happy with what I had to say. However, the overwhelming majority of people at the meeting supported the line I took. The Minister has probably had a report on that meeting. He will get a Bill in the future. A need exists to have adequate fire access tracks. There ought to be controlled burning off at the right time of the year, and if the Minister's departmental officers do not know how to do it they should go to the United States to get adequate grounding in that area. The advice I received from the United States was that either you burn the national parks at the right time or they get burnt when you do not want them to.

The third matter I raise is that the control of fires in national parks and forest reserves should be handed over to the local fire supervisor if there is a dispute on what course of action should be taken. There have been disputes over the Mount Remarkable fire as well as the Wirrabara fire last year. Such disputes should not take place. If these things are put into place many of the problems would be overcome.

Referring again to Aboriginal affairs, I have been concerned for a long time that within the community a group of people have attached themselves to the coat tails of the Aborigines. They have set themselves up as spokesman, guide and mentor, and have moved into areas, particularly those areas over which land rights have been granted, and have virtually taken over control. It is ridiculous that a citizen of South Australia has to apply to Alice Springs for a permit to go on to the Pitjantjatjara land. It is ridiculous that a citizen of this State is not allowed to drive on those roads. In the last few days there has been a booklet on the shelf by members' letter boxes. It is an interesting document put out by the IPA concerning policy issues, and it contains selected documents on land rights. It also contains a letter by a Mr Graeme Campbell, M.P., the Federal Labor member for Kalgoorlie. He would be fully aware of the problem because he states here—

Mr Ferguson: Is he trying to get the submarine base?

Mr GUNN: I do not know about that, but he has given a great deal of consideration to this matter, and I quote what he has had to say, as follows:

> There are more Aboriginal people in my electorate than in any other except perhaps the Northern Territory. While I get constant demands for the foregoing I never have any demand for mineral rights from this group unless fulminated by white zealots or in some cases, urban part-Aboriginals. The urban Aboriginal problem is far more complex—

He goes on to further explain and states:

> It is interesting that the House of Representatives Standing Committee on Aboriginal Affairs has on occasions been harangued by these people but the masses they purport to represent tell us that their needs are more basic and usually revolve around the clear need for greater financial resources especially for those engaged in second chance or adult secondary or tertiary studies. From tribal communities the demand is always for English and arithmetic. Where bilingual education is asked for it is usually at the behest of the white educators or seen as a means of helping with English literacy.

I could read the whole article, but it is not necessary, although I recommend it to all members who are concerned about this problem. Common sense must apply in these matters, and I can assure the House that, if we think we are looking after the people of Maralinga by handing over the administration of Maralinga lands to a white lawyer based in Ceduna, we are fooling ourselves. If we think we have done a great deal for Aborigines in the North-West, then members should go and look. I want to know from the Minister of Community Welfare when he will set up the Parliamentary committee to investigate the management and operations of Maralinga lands as set out in the legislation. That committee should be set up.

In regard to Pitjantjatjara lands, we have an area where the people have an opportunity to have some form of economic independence. I am concerned to see a number of developments, including lack of proper understanding of the problems. A large group of people are making good fellows out of themselves racing around the country purporting to speak for Aborigines, but I believe that in many cases they do not represent the true wishes of those communities. I say to the House that, if we believe the situation is going to improve in the next few years by just doing nothing, we are acting irresponsibly. It is time that the Commonwealth Government stepped in and had a far greater say about the people who go into those areas to administer them.

In recent days I have visited a number of Aboriginal areas in my district. Some of the people I met are well-meaning and are doing a good job, but unfortunately the Pitjantjatjara Council is based in Alice Springs and I have grave reservations about whether it is the correct group to represent Aborigines. These people have built up little empires for themselves, and people in isolated communities do not know what is going on. It is absolutely crazy that, if a citizen of South Australia wants to visit these lands, he has to apply to Alice Springs. It is now long overdue for an office to be established in South Australia. People should not have to apply to the Pitjantjatjara Council—they should just be able to go to the local community.

I believe that roads in the area should be opened up as public roads. Members opposite will say that I am not considering the genuine needs of the Aboriginal people, but that is absolute nonsense.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The honourable member for Henley Beach.

Mr FERGUSON (Henley Beach): In this debate I wish to refer to the progress that has been made in recent months concerning the tourism potential in the District of Henley Beach. As this is a grievance debate, the House will recognise that I will be seeking something for my district, and I will reveal that in due course. Members might recall that in previous speeches I have referred to the tourism potential of the western suburbs, particularly the Henley and Grange area, and the need for this potential to be expanded in order to provide for the expansion of job opportunities in the light of the decline in manufacturing industry. Manufacturing industry closures, particularly at the GMH plant, have had a devastating effect on employment in my district.

Tourism would appear to be the quickest way to try to redress this problem. I am happy to report that there have been certain developments during this year. The first related to a tourism workshop that was undertaken by people from the Department of Tourism, led by Mr Graham Inns, the South Australian Director of Tourism. I must hasten to add that this tourism workshop was a bipartisan effort: not only the member for Hanson but also the shadow Minister of Tourism, the member for Coles, was present. Arising from the workshop, council decided that initiatives were needed to exploit the potential for tourism by identifying tourism opportunities, accommodation and attractions, creating an attractive climate for tourism investment and infrastructure, marketing the area, for example, establishing its image and providing publicity material and undertaking commercial development possibly by site acquisition or joint ventures with developers. The benefits flowing from this activity would involve the job creation role of tourism, the contribution to the local rate base, an extension to the range of commercial services available for residents and assistance in establishing viability of community and recreational facilities.

It was also suggested that involvement with tourism would eventually lead to things like improvement of the urban landscape and possibly finding ways and means of financing heritage conservation, such as the Sturt Trust. It was also recognised that there would be a certain cost to the community, but this cost would be more than offset by the increased commercial base at Henley and Grange, especially in regard to accommodation, and there would be other associated benefits.

In a summary of the recommendations of the workshop, it could be stated that it was determined that a promotions committee should be developed; that a study should be undertaken by the Western Region for Tourism Development; and that an information package should be developed in relation to promotion of Henley and Grange aimed particularly at the Iron Triangle and Broken Hill. Broken Hill has a strong connection in tourism terms with Henley and Grange: Broken Hill miners undertook an annual pilgrimage, taking the opportunity to go to Henley and Grange during the long Christmas recess. They took up flats, boarded with local residents and filled all accommodation in the Henley and Grange seaside area. Therefore, it is logical that any thrust at improving tourism for Henley and Grange ought to be aimed, for nostalgic reasons, at the Broken Hill Area.

Similarly, it was thought that the Iron Triangle was a market that could probably be exploited to convince people to come down to the seaside at Henley Beach for the holiday season. There has been an application for a CEP grant so that the objectives of that tourism workshop can be considered. The council has successfully applied for a CEP grant and a young lady, Miss Lesly Roberts, has been appointed; she will based in the council chambers for 32 weeks to try and put into operation the recommendations of that tourism workshop. The young lady concerned commenced work in March and has already completed an information kit for local residents.

She has been working busily with the local traders to try to formulate a promotions committee for tourism in the area. The goals of the tourism approach in Henley Beach are to encourage young families to come to Henley Beach for seaside activities. Some local traders have already shown interest and it is to be hoped that the promotions committee will soon get off the ground. The western suburbs have a high significance from the viewpoint of tourism, but little has been done to develop the region's potential. The major tourist attractions, including Captain Sturt's historic residence, Fort Glanville, the historic areas of Port Adelaide, Glenelg's Old Gum Tree and perhaps even the Thebarton Brickworks, Marineland and the Glenelg tourist precincts are in need of more promotion.

The Minister of Tourism has announced that there will be a study, the anticipated cost of which is approximately $25 000 for this area. The study will identify the significance of the western area tourism economy; look at non-resident leisure activities (for example, day trips to coastal attractions, West Lakes, and so on); prepare an inventory of major tourism leisure attractions, evaluate the potential for future tourism; and generate growth employment in the western region. That is the first stage of the study.

At stage two, the study will determine the tourism character that is most conducive to maximising the region's tourism development opportunities. It will also identify any infrastructure deficiencies that are holding back tourism development. It will suggest a joint local initiative to create tourism development opportunities. The study will recommend strategies to manage the adverse impact of short term visitation, and will suggest organisational arrangements to maintain the region's involvement in tourism planning and development.

At this stage, I emphasise that I certainly hope that the Henley Beach area is not overrun, as it were, by the bigger tourism infrastructures of other areas in the western region. Job creation in this area is just as important as, say, in Port Adelaide or Glenelg, and I hope that those people who are given the brief to produce a report do not run away with the idea that there is no tourism potential in this part of the coast, because I believe that there certainly is.

If we look at the statistics of the information centre at Henley Beach (the Community Aid Advisory Service Centre) we find that the greatest number of inquiries on a monthly basis relate to the leisure area, which includes tourism. The number of inquiries in this area is four times higher than in any other area. The category of information next in demand is community organisations and development, followed by housing accommodation, but tourism inquiries far outweigh every other inquiry. The potential for tourism is increasing in this area, and I hope that it continues.

Motion carried.

At 6.48 p.m. the House adjourned until Wednesday 15 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 14 May 1985

QUESTIONS ON NOTICE

DOMESTIC WATER SUPPLY

448. **Mr OLSEN** (on notice) asked the Minister of Water Resources: What action does the Government intend to take in relation to incorrect information, as contained in departmental files, given to Mr and Mrs T. Van Houst regarding connection of a water supply to their recently purchased property at lot 1, Argent Road, Penfield?

The Hon. J. W. SLATER: It is presumed the incorrect information referred to by the honourable member relates to assertions by Mr and Mrs Van Hout that they were misinformed by officers of the Engineering and Water Supply Department regarding the availability of water to their property at Penfield. This matter has been thoroughly investigated following the Van Hout's approaches to the Engineering and Water Supply Department, the Ombudsman, and to me, through their then local member of Parliament, Mr P. Duncan.

These investigations have revealed no evidence to substantiate their claim. Their application for a supply of water has been fairly and impartially dealt with by the Engineering and Water Supply Department in the light of policy for the area: namely, that no indirect water supplies or extensions of water mains will be made to allotments created by subdivision after 1 January 1975. The policy, which prohibits extending water mains and services to the Van Hout property, was introduced to safeguard the supply to existing consumers and it would not be fair to them or the many others who have had applications for water services rejected to allow any relaxation of the policy in this case.

EDUCATION CENTRE REARRANGEMENT

493. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: In relation to the rearrangement of departments in the Education Centre, Flinders Street, to make way for the Office of Childhood Services, what was the cost of telephone extension relocations?

The Hon. LYNN ARNOLD: Rearrangement of parts of the Education Department located in the Education Centre, Flinders Street (with some consequential telephone relocations), occurred as part of that Department's reorganisation; most of that rearrangement is not linked with the requirement to provide accommodation for the Children's Services Office. The proposal to place the Children's Services Office on the second floor has, however, been associated with some rearrangements, and telephone relocations with respect to that can be estimated to have cost about $7 000.

BUILDING INDUSTRY

505. **Mr BAKER** (on notice) asked the Minister of Community Welfare representing the Attorney-General:

1. What is the number of builders and tradesmen who are holders of builders licences with the Builders Licensing Board in each of the past four years?

2. What is the estimated number of builders/tradesmen who are currently operating in the industry without appropriate licences?

3. What is the estimated revenue forgone from builders licences with respect to unlicensed builders/tradesmen and builders who have not renewed their licences, yet are still operating?

4. What is the number of prosecutions in the past two years with respect to builders/tradesmen operating without a licence in the industry?

5. What is the number of staff in the Builders Licensing Board and the Department of Consumer Affairs whose prime function is to investigate breeches of regulations and consumer complaints and by how much has this number altered in the past three years?

6. What proportion of time by investigating staff is devoted to city and country investigation?

7. Under existing regulations is it feasible for builders whose companies have been liquidated, for reason of poor financial management or poor workmanship, to continue to operate in the industry and, if so, what criteria is applied by the Builders Licensing Board to regulate their operations?

8. When is it intended that builders indemnity schemes be implemented?

9. Is the Department aware of any incidences of builders paying deposit moneys into trading accounts rather than into trust accounts and, if so, what action has been taken?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The following statistics apply as at 31 December of each year:

Year	General Builders	Provisional General Builders	Restricted Builders	Total Licences
1981	5 005	135	10 814	15 954
1982	4 944	108	10 601	15 653
1983	4 973	96	10 794	15 863
1984	5 067	113	11 171	16 351

2. Any attempt to estimate accurately the number of unlicensed builders/tradesmen would be highly speculative as there is no reliable data on which to make such an estimate.

3. Refer to 2.

4. Prosecutions initiated by Builders Licensing Board:
   1982-83—6
   1983-84—4

5. The number of staff in the Consumer Affairs Division whose prime function is to investigate breaches of regulations and consumer complaints: 75. Figures for the past three years are:
   1983-84—76
   1982-83—75
   1981-82—82

6. No figures are available. Most investigations are based on consumer complaints which may come from any area of the State. However, the Building Act does not apply in many country areas, and the Builders Licensing Act does not apply where the Building Act does not apply.

7. Yes. The criteria applied by the Builders Licensing Board are those set out in the Builders Licensing Act, sections 15 (2) and (3), 15a (2) and (3), and 16 (2) and (3).

8. The Building Indemnity Insurance Scheme set out in division III of part IIIc of the Builders Licensing Act is expected to come into operation in October 1985.

9. Yes. Where this has involved a breach of the Building Contracts (Deposits) Act the matter has been taken up with the builder. However, such breaches are relatively few because of the widespread use of service contracts which avoid the application of this Act. The Act is difficult to comply with and difficult to administer and enforce, and is presently being reviewed.

RUFUS RIVER DEPOT

533. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Water Resources: How many persons are employed full time and part time, respectively, at the E & WS Rufus River Depot, N.S.W. and how many persons being family of those employees also live in the vicinity of the depot?

The Hon. J.W. SLATER: Eight persons are employed full time at the Rufus River depot. No persons are employed part time. There are 17 members of the employees' families living in the vicinity of the depot.

WATER POLICY

534. **The Hon. E.R. GOLDWORTHY** (on notice) asked the Minister of Water Resources:

1. Are there any proposals to require primary producers to fence watercourses adjacent to reservoirs supplying Metropolitan Adelaide to keep stock away from the watercourse?

2. Are there any proposals to limit the aerial spreading of fertilizers on rural land adjacent to metropolitan reservoirs?

The Hon. J.W. SLATER: There are currently no proposals to require primary producers to fence watercourses adjacent to metropolitan reservoirs or to limit aerial spreading of fertilisers in the vicinity of reservoirs. There is, however, increasing concern regarding the deterioration in water quality in metropolitan reservoirs and a comprehensive assessment of the most appropriate and economic means of alleviating this problem is being undertaken by the Engineering and Water Supply Department.

537. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Water Resources:

1. If an applicant applies for, and is granted, a water meter and service can the Minister also supply water for land other than that declared in the application via the same meter and service and, if so, under what conditions?

2. Can approval be granted by the E & WS which would allow a landowner to obtain a supply of water from another property without the authority of the owner of that property and, if so, under which section of the Waterworks Act can this happen and under what circumstances?

3. When granting a water supply, is it a requirement that the applicant be the owner of the property to be supplied or can individual persons be granted meters regardless of status?

The Hon. J.W. SLATER: The replies are as follows:

1. Under certain conditions it is permissible for water supplies to be extended from one property to another. This arrangement, known as a 'neighbours' agreement' requires the consent of the owners of the properties concerned and the Engineering and Water Supply Department's approval. The Department's approval for such an arrangement is subject to consideration of factors such as its ability to maintain the standard of supply and any specific restrictions on the provision of supplies. Also, the property for which the supply is being sought must not abut any available water main. The property served by the extension is charged base water rates and the owner of the property on which the service is fixed is responsible for all additional water rates incurred.

2. No.

3. Under section 35 of the Waterworks Act, 1932-1984, the Minister may provide a water service following receipt of a written application from either the owner or occupier of a property and payment of the prescribed fee. The majority of applications (approximately 70 per cent) are lodged by builders or plumbers or other persons associated with the building trade acting on behalf of the property owner and it is a long-standing practice to accept applications from persons claiming to represent the owner.

HOUSING TRUST PROPERTY SALES

544. **Mr M.J. EVANS** (on notice) asked the Minister of Housing and Construction:

1. Excluding land used for residential purposes, have any properties been sold by the South Australian Housing Trust during the past three years without the standard encumbrance regulating the use of the land and, if so, what is the address of each property and why were they sold without the encumbrance?

2. During the past three years, has the Trust taken any action to enforce an encumbrance in respect of developed land and, if so, on how many occasions and with what result?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The following properties owned by the Trust have been sold during the past three years without the application of encumbrances regulating the future use of the land:

71-77 Harcourt Terrace, Salisbury North	9.6.82
Balmoral Road, Port Pirie	13.7.82
55 Spruance Road, Elizabeth East	14.9.82
Corner Laffer Street and Bednall Drive, Nangwarry	22.12.82
30-34 Woodyates Avenue, Salisbury North	15.4.83
376 Grange Road, Kidman Park	29.4.83
24A and 24B Mulcra Avenue, Parkholme	27.2.84
1-11 Denham Avenue, Morphettville	26.3.84
51 Harbrow Grove, Seacombe Gardens	30.3.84
240 Tapleys Hill Road, Seaton	31.5.84
49 Inverway Street, Ferryden Park	23.8.84
110 Yorktown Road, Elizabeth Park	1.10.84
44 John Rice Avenue, Elizabeth Vale	11.10.84
382 Salisbury Highway, Parafield Gardens	29.10.84
150 Findon Road, Findon	12.11.84
9-14 Trinity Crescent, Salisbury North	23.11.84
321-327 Hampstead Road, Northfield	30.11.84
50 Fairfield Road, Elizabeth Grove	20.12.84
1-7 Leicester Street, Clearview	17.1.85
66-72 Hanson Road, Woodville Gardens	25.1.85
98-104 Alma Terrace, Woodville West	7.2.85
41-53 Goodman Road, Elizabeth South	1.3.85
100 Philip Highway, Elizabeth South	15.3.85
2-12 Hilcott Street, Elizabeth North	28.3.85
130 Peachey Road, Elizabeth Field	10.4.85
100 Tapleys Hill Road, Glenelg North	11.4.85

All of the properties listed above are shopping centres ranging in size from small local centres comprising only three or four tenancies up to the larger neighbourhood centres such as Elizabeth South, with a total of 30 tenancies.

The above commercial properties had remained in the ownership of the Housing Trust from the time of their development many years previously until the date of sale. They had not been subject to encumbrances prior to sale. No investment decisions by private investors in other projects in the localities had been taken on the presumption of these properties having an encumbered usage. When planning the sale of these shopping centres the Trust, taking these factors into account, concluded it should not introduce encumbrances on the titles.

2. During the past three years the Trust has not found it necessary to take action to enforce the conditions of an encumbrance as a result of a transfer of ownership of an encumbered property. However, there have been three cases involving the sale of property where the Trust has agreed to remove an existing encumbrance and replace it with one permitting a change of usage.

HOUSING TRUST ENCUMBRANCES

545. **Mr M.J. EVANS** (on notice) asked the Premier: During the recent Deregulation Task Force 'phone-in' were any complaints received from small business enterprises about the continued use by the South Australian Housing Trust of encumbrances on developed properties and, if so, does the Task Force propose to recommend to the Housing Trust any change in its present policy with respect to the use of encumbrances on developed land, particularly in respect of premises occupied by small business enterprises?

The Hon. J.C. BANNON: One mention of the use of encumbrances by the Housing Trust was received during the Deregulation Task Force phone-in. The Task Force has not determined the actions which will be taken in future.

SECOND-HAND MOTOR VEHICLES ACT

550. **Mr BECKER** (on notice) asked the Minister of Community Welfare representing the Minister of Consumer Affairs: When will the Second-hand Motor Vehicles Act assented to on 16 June 1983 be proclaimed and what has been the reason for the delay?

The Hon. G.J. CRAFTER: It is expected that the Second-hand Motor Vehicles Act, 1983, will come into effect in August 1985. The commencement of this legislation was delayed for two reasons. The first was the subsequent amendments to the law relating to second-hand goods, which necessitated consequential amendments to the Second-hand Motor Vehicles Act. The second was because the highly complex regulations under the Act took a considerable time to prepare. A draft of these regulations has been circulated to interested parties for comment and they will be finalised next month.

POWER GRID

569. **Mr BAKER** (on notice) asked the Minister of Mines and Energy: With respect to the power grid proposed to link New South Wales, Victoria and South Australia:

(a) what is the breakdown of estimated expenditure in terms of transmission lines, substations and other capital expenditure;

(b) is it intended to be a base loaded facility or will it be used for peak loadings and, if for base load, what segment of the Torrens Island or Port Augusta power generation capacity would it replace;

(c) what guarantees have been given by Victoria that the full capacity of the line would be available at all times without disruption;

(d) at what price per gigajoule will electricity be sold to New South Wales and South Australia;

and

(e) on what basis was the estimated saving of $10 million per year derived and did this take into account the full costing of loan servicing and depreciation of the capital equipment as well as the write-off of obsolete assets?

The Hon. R. G. PAYNE: The replies are as follows:

(a) The breakdown of estimated expenditure on the interconnection project is (costs in June 1984 dollars):

Transmission lines	$22 million
Substations and other	$61 million
System reinforcement	$14 million
Total	$97 million

This excludes the cost of advancing construction of other transmission lines in South Australia, which was costed at $28 million.

(b) The interconnection is proposed for use in opportunity exchange of electricity, under which purchases can be made only if another authority is prepared to sell electricity at a price below the marginal cost of generation in the purchasing State.

(c) With opportunity exchange, there is never a guarantee that supply will be available. There is, however, a high probability that supply can be purchased at any time, depending on price. Victoria has agreed that the 500 MW line capacity will be available at all times for use in the interconnection.

(d) Opportunity exchange is based on the marginal cost of generation (which is approximately equal to the fuel cost). If the marginal cost in State X is x cents/kWh and in State Y is y cents/kWh at a particular moment in time, then if State X purchases from State Y the price will be $(x + y) \div 2$ cents/kWh (approximately), i.e., both States share the saving in costs equally.

(e) The estimated savings were based on the results of an extensive computer simulation of the three State electricity systems, which examined the generation costs in the separate and interconnected systems. The simulation, based on half-hourly load forecasts and generation modelling over the period 1990 to 1995, indicated reduction in generation costs relative to the non-interconnected system averaging $14.4 million per annum, of which $10.2 million was received by South Australia. This does not take into account the cost of loan servicing and depreciation. Consideration of these and other factors indicated a real rate of return to ETSA of 12 per cent for a 20-year period. This did not take into account the intangible benefits to the State of security and flexibility for electricity supply planning.