HOUSE OF ASSEMBLY

Thursday 9 April 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 11 a.m. and read prayers.

ROAD SAFETY

Mr INGERSON (Bragg): I move:

That the Government be condemned for its lack of action in the area of road safety.

I will bring before the House five major areas in which the Government needs to be condemned. The first relates to the setting up of a permanent committee of the Parliament to look at road safety from a bipartisan point of view; the second involves the education and training of young drivers; the third relates to the lack of action in the licensing system; the fourth relates to the policing of the existing system; and the fifth relates to the commitment to adequately promoting road safety. Following a select committee in 1985 a strong argument was put before the Parliament in that committee's report that there should be a bipartisan, permanent committee of the Parliament to look into road safety. The Opposition believes very strongly that road safety should be a bipartisan matter and should not be set up in any way as one party *versus* the other.

The problem of road safety is a broad one: a Standing Committee should be established to consider it. This course of action was recommended by the 1985 select committee, which was a bipartisan one, and it is unfortunate that the Government has not taken up that issue. The second matter I will talk about relates to the education system. An old Chinese proverb says that if you get children very young and train them, not only will that training go right through their lives but they will have the ability to transfer their training to adults, as well. I believe that it is at that point that we should be starting our road safety program. That is not being done adequately at the moment.

The KESAB program in the State clearly set out to educate children on keeping South Australia tidy. There is no question that the program, which was pitched at the young people's level, had a very significant effect on the adult population because through that program we have developed one of the cleanest States in the country.

Although a very small unit is working within the Education Department to provide a road safety program for all schools, I do not believe that that is good enough if we are interested in making sure that we start early to train our children properly. I understand that there is police involvement in training in schools, but that it is a small involvement on a voluntary basis. If schools require police involvement the safety unit is made available to the school. That program needs to be widely expanded, but the Government has not looked significantly at that area.

It is also obvious to me that only a very small percentage of schools have these programs, and that needs to be expanded. The promotional material available to the schools was reported on by Mark King in March 1986. The report stated that whilst this promotional material is available, there is no guarantee that it is used in the schools. Some of the promotional material has been made available through the SGIC, and it is excellent, but it is not going through to all the schools. Not enough children are getting this material.

As far as I am concerned, we need to have a curriculum based program. We need a commitment by the Government to set up at primary school level a total road safety program, not just the program we have at the moment, which looks at turning to the left, turning to the right, crossing roads, having a look at the situation, of bouncing balls on the road, and so on. Whilst all those things are necessary, we need to expand that program so that it is curriculum based, with a very extensive program beginning at primary school and going through to high school level.

At high school level I believe we need to have a hands-on program which relates to the actual skills of driving, and we should introduce into the schools a significant program whereby young people learn the skills of driving. That has not been looked at and I believe that is a major failing in this Government's road safety program.

Whilst I was in Texas last year I spent some time talking to the school people and the road safety division, and they have been able to set up an adequate training program which starts at primary school level and goes right through. That is the sort of program we need in this State if we are serious about the road safety problem. As I said, it is impossible to set up a road safety program if we do not train the children so that, when they go to get their licences at 16 and onwards, they have some sorts of skills to begin with.

The next area which I would like to talk about briefly is the licensing system. I understand that a new proposal put out to the public by the Government looks at the extension of the 16 to 17 year L plate area, and also the P plate area. That is an excellent concept which needs to be further expanded, and I hope that the Government will very quickly introduce that system because, again, unless we quickly change the licensing system and make the children more aware that a licence is a privilege and not a right, we will have difficulties in that most difficult area of young drivers. As everyone would be aware, the accident level for young people is totally disproportionate to the percentage of people in that category. About 35 per cent of all accidents occur in the 16 to 25 age group, which represents no more than 16 per cent of the community.

The other area that needs to be looked at is the policing of the whole road safety area. I do not believe that has been adequately attended to. The RBT select committee in 1985 recommended some very extensive improvements in the RBT area. It recommended that we have far more units on the road; that we have side street patrols; that there should be better media coverage and promotion—and none of that has occurred to this time. That report was in 1985, and the Government stands condemned for not introducing its recommendations. After all, we are talking about an extension of finance in an area where some $3 billion is paid out each year due to accidents in the community.

The Government has not looked adequately at the policing of RBT, in particular. New South Wales, which has the most effective system, has two outstanding proposals. First, they see one person in three is caught by the RBT compared with about one in seven in South Australia. Secondly, they have off-street chasing of individuals from the RBT units.

I believe that we need a much better public education system in relation to random breath testing. The Mr Hyde campaign was excellent, but it has now been dropped and, since then, there has been no major RBT campaign. Mr King's report concludes:

> The level of RBT operation increased slightly in 1985, there was publicity about drink driving and RBT, and legislative changes were made to increase penalties and make RBT deployment more flexible.
>
> However, the rate of drink driving does not appear to have changed as a result of these measures, and there has been no change in the proportion of alcohol-related accidents. An observed change in the RBT detection rate was not associated with any of these measures and is probably due to police procedural varia-

tions. It is clear that scope exists to increase the effectiveness of RBT.

There is no doubt that that has not occurred, and the Government needs to be condemned for that. Finally, in the area of promotion, and as I mentioned during the Estimates Committee last year, I am very disappointed that the RBT promotion budget has been reduced compared with the previous year. On the recommendations of the random breath test select committee in 1985, that should not have occurred.

The Hon. G.F. KENEALLY (Minister of Transport): As the Minister responsible for road safety, I reject the motion and will ask the House to vote against it. The motion states:

That the Government be condemned for its lack of action in the area of road safety.

I believe that much of what the member has said in this debate is worthy of consideration and does not really relate to the terms of the motion. In rejecting the motion, I am prepared to acknowledge some of the points that were made by the member: they are valid points which are held within the community but are not necessarily supported by the Government.

This Government has done more in the area of road safety than has any other Government in the history of this State. That is not to say that there should not be more initiatives and more resources directed to road safety and, certainly, that will be the continuing aim of the Minister. I will quickly go through each of the points that were canvassed by the member. Promotion budgets are always welcome. It is difficult to determine the effectiveness of various promotions. Over recent years we have spent a considerable amount of money in this area, and we need to be able to assess the level of effectiveness. For instance, we have information that the more recent use of the Mr Hyde campaign has been less effective than it was initially because people have become accustomed to it and the message has not got through. Therefore, we must do something different. In fact, we will be doing that, and I will get to that point in a moment.

The member canvassed what he claims to be a lack of commitment to RBT and said that the Government had not implemented the select committee's recommendation to increase RBT coverage. The member really moved his motion just in time, because I suspect that he may be aware that today we begin the radio component of a new RBT program; and next week further promotion information will be available for the media. We will be at least doubling—and I guess it depends on how you look at the statistics as to whether it is doubling or tripling—the effort in South Australia. We will certainly be matching the New South Wales effort in testing one in three drivers. That program will begin prior to Easter next week. I think it can be said that there has been a delay from the time the select committee reported until the Government was able, with the resources available to it, to at least double the RBT effort.

That is taking place. Included in the new program will be the capacity for police to catch those people who might wish to slip down a side street and evade the RBT. We are certainly providing the resources to stop that happening. The media messages will be very accurate, blunt, compelling and persuasive in stopping people from drinking and driving.

Road safety education in schools is a subject at which the Government has been looking. There is conflict in the technical advice that is available throughout the world. Many people are saying that what is needed in schools is attitude training rather than skill training and that accidents are age related rather than skill related. We are more likely to have an accident at 16, 17, 18 and 19 years than at 25, 26, 27 or 28 years with the same level of skill because of the maturity of the driver.

It is important to attack the attitudes of people in society. It is really a societal problem of attitude: often the aggressive attitudes that people—not only young people; I do not want to focus on young people—take to other areas of community activity are reflected on the roads.

The Government is concerned about the coordination of the road safety effort throughout all State Government services, and the Premier has established a Cabinet subcommittee, which I chair. The other members are the Minister of Education, the Minister of Health and the Minister of Emergency Services, and the aim of the subcommittee is to ensure better coordination. One of the areas that we are looking at is the extent of road safety education in our schools. So, the honourable member raises an important point. I reject his condemnation, because that is a matter at which we are looking.

As to the suggested standing committee on road safety, we have looked at that proposal over the last two years or so; indeed, it was a recommendation of the select committee. However, the Government has not been persuaded as yet that we should establish such a committee, although the idea has not been rejected totally. It is still one of those recommendations of the select committee that is under active consideration: it has not been totally rejected. I think the Cabinet subcommittee and the coordination of Government services is an early and effective way of ensuring that we get the best possible road safety decisions and policies being made.

I call upon the House to oppose the motion, because I believe this has been worded in a very negative way. Having said that, I always welcome constructive debate on road safety. Although I am prepared to say that the honourable member's contribution was constructive in what it had to say, it was very negative in the way that the motion was worded. I ask the House to oppose the motion.

Motion negatived.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Mr S.J. BAKER (Mitcham) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act 1972. Read a first time.

Mr S.J. BAKER: I move:

That this Bill be now read a second time.

In bringing this Bill before the House, I draw members' attention to Article 22 of the International Covenant to which Australia is a signatory. It states:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

This is one of the most fundamental of human rights. Today the reality is that this freedom of association is being trampled on. No longer do people have, in particular areas of employment, the right to determine whether they wish to join a union or otherwise. That decision has been preempted by preference to unionists clauses in the statutes and decisions made by the Industrial Commission. It is this continual erosion of our rights and, indeed, human dignity which has far reaching consequences in terms of—

(a) the power wielded in a careless and destructive fashion by a certain element within the trade union movement; and

(b) the future health and well-being of this state and country.

These issues will be addressed in that order. Of grave concern are the tactics being used by union officials in the workplace to prop up flagging numbers or recruit new membershsip. Since being appointed to the shadow portfolio of industrial relations, I have received numerous calls from distressed people—employers and employees alike—complaining about the tactics being employed by certain trade union officials. On top of the list is the BWIU, which has mounted a campaign to force employees and subcontractors to join up. Once having succumbed, these people find that they no longer have control over their working lives. The BWIU in its sphere of influence determines who will work on particular contracts, and often this privilege is granted only after the payment of four or five figure sums—blatant graft and corruption.

In one recent case, a contractor was forced off a major building site by the BWIU for failure to pay the five figure sum demanded. That person then discovered that no jobs were forthcoming due to doors being closed through BWIU interference. It was a remarkable coincidence that the night after he gained his next contract his wife began to receive harassment calls over a period of four months. These anonymous calls included car bomb threats. Another case brought to my attention also involves contractors being forced off sites for failure to pay an exorbitant sum to the union. There have been several more reports to me involving BWIU abuses. The Premier may well be able to enlighten the House on one such case. This is the same union which was so strongly defended in the House by the Minister of Labour on Tuesday.

The TWU is another union which has been exercising its muscle. Small transport contractors struggling to make ends meet have been threatened with boycotts which would effectively put them out of business. Four cases have been brought to my attention in the last year. Recently the TWU stopped private contractors from unloading export beans at the wharf. The beans were to rot if union dues were not paid.

These represent just some examples of information I have collected. A number of other unions are indulging in some form of intimidation or abuse. The threats go far beyond the use of extravagant language—they go right to the heart, of people's very existence. Tears, anger, frustration and despair are just some of the emotions which women and men have expressed to me after a confrontation with these thugs. A girl just out of school has been harassed for weeks on end by one of the bully boys of a union. A person applying for entry to the Public Service is confronted with that iniquitous clause involving an undertaking to join the union. It is the ordinary people of this world who are continually being trodden on by these union misfits.

By penalising intimidation in this Bill, we are signalling that the Liberal Opposition will not tolerate such behaviour. There is a clear undertaking that we will, on return to Government, restore balance in the industrial system by removing preference to unionist clauses from the Statutes. There is a clear undertaking that we will, in every way possible, assist those people who are being adversely affected by abuse of trade union power. There is also a clear message to the UTLC that the Liberal Opposition expects it to act to curb the excess of its member unions.

There is a message to the people of South Australia that the Bannon Government can no longer sit idly by and see men and women being mauled by the union movement to which it owes allegiance. The other principle behind this legislation goes far deeper than the problems of today. Union excesses are a product of an industrial system which is hopelessly out of touch with our needs. Australia is somewhere between two models of development neither of which can be attained but without which our living standards will continue to deteriorate. We can never achieve the stability and strength of a country such as Austria because of the way our trade unions are structured (far too many and trade based). Nor can we be part of the other regimen where unions have little or no influence on industrial matters. In simple terms, the fundamental need for a progressive trade union movement will never be met unless their very right to operate unfettered is put to the test. Without cosy agreements, and without the power to exercise force, the movement will have to enter the 1980s. It will have to sell itself on its capacities and capabilities.

A brief analysis of trade union statistics shows that the industries with the largest union membership are the ones which have suffered the greatest losses over the past 20 years. The sectors of the Australian work force which had the highest percentages of union members (50 per cent or over) in 1982 were mining, manufacturing, construction, road transport, finance and property. Over the 20 years from 1961 to 1981 the only sector to make real gains was finance and property. The proportion of employees in manufacturing fell from 31 per cent to 17.7 per cent, building and construction 8.6 per cent to 6.3 per cent, and transport and storage 6.8 per cent to 5.2 per cent. The sectors which made the greatest gains were those with relatively low union membership, including the hospitality industry.

A brief glance at those overseas countries which are economically strong and stable shows that the key sector, namely manufacturing, has held up in all cases far better than Australia. Each country which can boast relatively low unemployment levels has either a cohesive trade union movement or one which is relatively powerless. The in-betweens, like Australia, are faring poorly because they have become embattled by the militant elements within the trade union movement who have sought to exercise power in an extraordinarily destructive fashion. Such actions would simply not be tolerated in those overseas countries, nor should they be in Australia. Whilst the union movement was holding back change our major competitors were embracing it with the full support of their employee organisations. Whilst blackmail and intimidation exist within the system people will continue to be disadvantaged and discriminated against. Whilst trade unionists put up barriers to new ideas we shall continue the downhill slide in living standards. Whilst union leadership comprises people of limited vision and ability there is no hope of cooperative action.

The Bill provides for the deletion of the preference clauses which were inserted in the Act in 1984 by the Labor Government. It removes the right to discriminate against conscientious objectors and removes their obligation to pay money into the State's revenue. It prescribes penalties for those unions that threaten, intimidate or coerce anyone (including managers and owners) to force them or their employees into union membership. And, finally, it repudiates preference clauses in awards. The situation is serious. I commend the Bill to the House and and seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the repeal of section 29a of the principal Act, which allows the commission to give preference to registered associations or members of registered associations specified in awards. Clause 3 amends the section 69 of the principal Act so as to remove the provisions that allow conciliation committees to give

preference to registered associations or members of registered associations specified in awards. Clause 4 repeals section 144 of the principal Act, the provision that relates to the granting of certificates by the Registrar to persons who have a genuine conscientious objection to being a member of a registered association or paying membership fees. This section is to be replaced by a new provision in clause 5.

Clause 5 provides for three new sections. New section 158a is an interpretative provision included in order to define what constitutes discrimination for the purposes of sections 158b and 158c. New section 158b makes it unlawful to discriminate against a person, or threaten, intimidate or coerce a person, by reason of the fact that the person has a conscientious objection to being a member of a registered association or paying membership fees. New section 158c contains several provisions that will render unlawful various forms of discrimination and intimidating action against a person by reason of the fact that the person is or is not a member of a registered association of employees. A court will be able to order a person convicted of an offence to pay compensation to a person who suffers loss in consequence of the offence. Clause 6 provides for the termination of awards made in pursuance of section 29a or 69 (3) and (4) of the principal Act (to be repealed by clauses 2 and 3 of this Bill).

Mr GREGORY secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (No. 5)

Adjourned debate on second reading.
(Continued from 30 October. Page 1699.)

Mr BLACKER (Flinders): This Bill, which was introduced by the member for Davenport, seeks to reduce the number of members of Parliament in both the House of Assembly and the Legislative Council. Whilst I have some sympathy with the honourable member's contention, I also have grave doubts that the Bill will meet the objective that he believes it will meet. The reason I say this is that, as a country member representing an area of 34 500 square kilometres, it is difficult to see that a reduction in the number of members of Parliament will do anything other than make my present electorate even larger.

I have some sympathy in relation to this matter. Some members of the Government, and some members of the Opposition, represent electorates of about 12 square kilometres down to 9 square kilometres and, if reasonably fit, they could run around their electorates before breakfast every day, or certainly ride a bicycle around them. However, with 35 000 square kilometres—

Mr Hamilton: I have 11 500 houses.

Mr BLACKER: I have a record of the number of houses in each electorate, but do not see any point in drawing that parallel because there is not a lot of difference between electorates in terms of the number of houses. I can give a breakdown of the population, the number of Aboriginals or the number of churchgoers, etc., in an area, but that is not the point of this exercise. If the honourable member's amendments clarified the matter of increasing the permissible tolerance from 10 per cent to 20 per cent, as suggested in the Bill, and had that directly related to country electorates versus metropolitan electorates, I would have a little more sympathy for the proposal. We know that some electorates are in the vicinity of 20 per cent above—

An honourable member: Only one.

Mr BLACKER: Yes, but by the time the next redistribution comes around there will be many more. There is only one electorate 20 per cent above now: it is only 18 months since the last election and it was anticipated that the redistribution would last for at least eight years. Therefore, we can expect that by the next election there could be a number of electorates with well in excess of 20 per cent above the figure set. As the member for Davenport is saying, there may well be a differential as high as 50 per cent, and we all know that that is grounds for a redistribution. The fact that there is one electorate presently exceeding 20 per cent is, in effect, reason for a redistribution at this stage. This is a difficult problem to assess. While I am sympathetic of the fact that the wider community believes that Australians are over represented by members of Parliament—

Mr Hamilton: Why don't you abolish the Upper House?

Mr BLACKER: The only State that has abolished the Upper House is Queensland, and that was done by a Labor Government, so I find it strange for the present Government to be critical of what is happening in Queensland. The actions undertaken in Queensland were the actions of a Labor Government. I appreciate the honourable member's concern about what is happening, but it bears no relationship whatsoever to the Bill before the House, except that this Bill makes reference to a specific number of members of Parliament in the Upper House. For those reasons, and because I do not believe the suggested increase in 20 per cent tolerance will benefit particularly the country areas, I must oppose the Bill.

Mr S.G. EVANS (Davenport): I thank the National Party member for his comments. I am amazed that a Bill that has been in this House since 23 October has been pushed around on the Notice Paper, so that on days when it could have got up people have made sure it did not get up. People have a lot to say on the backbench or behind closed doors, but they will not use this forum to express a view. If I am wrong, members opposite have only to stand up and say, 'We have exactly the right number of Parliamentarians', or 'We don't have enough'. That is all they have to do to show quite clearly that they believe that this country—and particularly this State—is not overgoverned. There has been a clear indication that the appointment of more Parliamentarians does not solve the problems of a country, and for proof that it does not bring about better management one has to look at this country and this State, where the Premier in recent times has said, 'We're flat broke and can't find $1 million to save cutting up a bequest', and the Federal Government is saying, 'We're in such dire straits that we cannot find enough money to pay for the things we'd like to pay for,' yet we have in the Federal Parliament 40 more Parliamentarians just at a flick of the fingers in the last election.

In this Parliament since 1970, when we increased the numbers, we have had a decline in the financial management of the State. We all admit that, because we know that we do not have the money at the moment. In relation to one issue that has been debated in recent times, if my motion were passed there would be no need to sell any of the Carrick Hill land, because each year we would save $1 million in hard, cold cash without all the back-up that goes on behind the scenes to support Parliamentarians.

Present Parliamentarians are poorly equipped, and we could get better management of this State by having fewer Parliamentarians and giving them word processors and equipment to carry out the job. Members are trying to do a job while the other local offices and business houses, Community Welfare and other Government departments, have all that equipment, yet local members of Parliament

have one member of staff and no modern office equipment—and there are too many of us.

I know it is hard to accept, and people say to me 'You bow out.' I will throw out the challenge. I will bow out altogether if the rest of you have the courage to vote for it and bring it in. If you do not, and it comes about, I will stand and fight the same as each and every one of you to hold the position. That is a fair enough challenge. I am saying quite clearly that, when the member for Fisher admits that he has a tolerance of around 20 per cent at the moment, by the next election he will have a 50 per cent tolerance—50 per cent more than the mean quota—yet we as a Parliament allow a Bill to go through which sets the terms of reference that let electoral tribunals set a rigged system, because we tie it to members' electorates considering present boundaries, and do not give them a clear indication of the need to bring about a fair redistribution. The Act stops them doing it.

If they used the tolerance properly and were given proper discretionary powers to do it through this Parliament, we could have the 20 per cent tolerance either way and end up with country people not being disadvantaged as members of Parliament or as citizens, with the city people not being disadvantaged. Political Parties would not be disadvantaged, and just a few of us would have to fight like mad to hold our seats, and some would go. That is always part of the process: it is not an attack on the individual.

People on the outside have said to me, 'You're attacking your own—members of Parliament in the same profession.' Who else can raise the point in Parliament if a member of Parliament will not? It goes on for ever and will never be adjudged in the place in which it should be adjudged. Does anyone challenge that? Of course, we do not. When we get the opportunity to show concern about our numbers and about the cost of the Public Service in total, or any other section of society, let us give an example.

If we fail, none of us is afraid that we could not go out and earn a living, surely. If there is, we should not be here. We are saying that it is a privileged position; we are not prepared to go out and have a challenge. I ask members to judge it not on how it affects them as individuals but on the basis of what is best for the State. Since we increased the numbers in this House and in the Upper House in 1970, the State has not been better managed, and none of us can claim that it has. If it had been we would not be in the financial troubles we are in at the moment.

Members interjecting:

Mr S.G. EVANS: I do not care if it is not read in Davenport: I will say it again next year and the year after. Each and every member in this place knows that in this country we get a lot of criticism of our overall structure, because we do not front up to issues like this. I am grateful that the National Party member has made his point, although he says he cannot support it. I appreciate that. But he has given the reason. I have given the reasons why I think we should be prepared to accept the change, so I ask members to suport the proposition, and look at it honestly and sincerely, that we have redistributions which consider the things that count.

I could talk about how the Executive is taking control and backbenchers mean nothing in this place, and as far as private individuals go (in Question Time, and so on), there is an example of how well the Parliament works. I promised that I would not speak for very long today, and I will not. I just ask the House to support the proposition, because I believe members would have more credibility outside in the community if they accepted it and did not see it as a judgement of them as individuals.

That is not the case. I have some great friends in this place. Perhaps some members opposite think I have some great enemies when I move things like this, but they should think about it as the Parliament being responsible to the people—that is all. If they believe the terms are wrong—as the member for Flinders does—they can bring in an amendment next session still reducing the numbers. They could go to multiple electorates, so that we get a fair representation of the people who vote, as was the case back in the 1930s, when there were three members to an electorate, so there might be two Liberal and one Labor or two Labor and one Liberal; and those who lived in the area got their views put to the Parliament through the member whose philosophy was nearest to their line of thinking. Go back to that system, if you like, and it would still work with smaller numbers. I ask the House to support the proposition.

The House divided on the motion:

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Ayes, I declare that the Noes have it.

Motion negatived.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 August. Page 535.)

Mr DUIGAN (Adelaide): The proposal before us today to abolish compulsory voting and replace it with voluntary voting ran the gauntlet of public scrutiny in this Chamber and in another place some 18 months ago—and it was rejected in both Houses. The argument of compulsory voting *versus* voluntary voting hinges, I believe, on three general issues: first, there is the question of belief; secondly, the question of the policy implications of one voting system or another; and, thirdly, there is the matter of the practical consequences of moving from one system to another.

I will deal with each of those three issues, beginning with belief. My belief is that the political legitimacy of any Government and its right to develop and implement policies for all citizens must rest on two inescapable and inseparable facts. Governments must be elected by a majority vote, and that majority must be drawn from the maximum number of people. Two issues are involved in this matter of belief: the responsibility of the system and the citizens, and the nature of the democratic process we have accepted in this country. It must be admitted that there are some democratic countries that have voluntary voting, and they are the United Kingdom, The United States and New Zealand. There are also some democratic countries that have compulsory voting, and they are Australia, Greece, Belgium and Austria.

It seems to me that it is not necessarily therefore a question of what is more democratic or what is not; it boils down to a belief in what is the most important way for a Government to act on behalf of its citizens. In order to address the issue of responsibility of the citizens and the responsibility of citizenship, I will refer to opinions expressed by people who have preceded us in this debate.

First, I refer to the second reading contribution of the Hon. E. Anthony, who introduced, on behalf of a Liberal Government in 1942, a Bill to provide for compulsory voting in South Australia. During the Hon. E. Anthony's speech (*Hansard* of 21 October 1942, at page 975) he said:

> We—

that is, the then Liberal Government of South Australia—

> I believe we are living in a democracy and because of that people are given the right to vote at Parliamentary elections. The Party with the majority of the votes cast has the right to govern.

Later in his speech he said:

Every Government has the right to expect that it is governing the majority of the people. If we cannot get electors to vote, then in order to enable that democracy under which we live to function we should use some other means. We do not like compulsion applied to anyone who has these moral rights . . . We cannot say that it is a man's right and that he should do what he likes with it; it is a duty. If he does not exercise it and the whole community suffers . . .

That was the basis on which the proposition for compulsory voting was introduced into South Australia in 1942.

I now refer to sentiments of the long serving Liberal Premier of South Australia, Sir Thomas Playford, as expressed in a speech given by the Hon. Rob Lucas in the Legislative Council on 2 April 1985. The Hon. Mr Lucas cited an opinion of Sir Thomas Playford of 1956 in relation to compulsory voting, as expressed in a letter, as follows:

With regard to the suggestion in your letter of 18 July that the question of compulsory voting be reconsidered, I personally feel that we have very much to lose in departing from the present system. In the first place, at the present time we avoid a very large expenditure in getting our electors to the polls in what might be regarded normally as relatively safe seats. Without compulsory voting no seat is safe—it can be lost merely by the apathy of the elector. More important than this, however, is the fact that compulsory voting does tend, in the main I believe, to strengthen the hand of responsible Government. Any Government undertaking its full responsibilities today is obliged to do many things which, at the best, will have luke-warm support, and, in many instances, will have a good deal of active opposition.

In his conclusion, Sir Thomas then said:

. . . from the point of view of good government and from the point of view of our organisation, I feel that the system has been worthwhile.

I now turn to an opinion expressed in this House in 1973 by the then Attorney-General and now Chief Justice of the Supreme Court, the Hon. Len King.

Mr D.S. Baker interjecting:

Mr DUIGAN: So far they have all been opinions expressed by Lower House members. On 29 August 1973, when responding to a similar proposition from the then member for Mitcham (Mr Millhouse), the Hon. Len King said:

The plain truth of the matter is that it is impractical to get a real consensus in a community, a real estimate of what the community really believes regarding a parliamentary election, unless citizens are under a duty to record their vote.

Later, he also said:

I believe in democracy; but by that I mean the right of the majority of the people to determine who shall represent them in Parliament. There is no way of ascertaining the will of the majority of the people except by imposing a legal obligation on citizens to record their wishes through their vote. This has been accepted by all political Parties in Australia for the greater part of this country's political history.

So, it was that particular belief, that way of looking at the obligations of citizenship, that was endorsed by the current Attorney-General when introducing the latest reforms to the Electoral Act in the Legislative Council on 2 April 1985. He re-emphasised that point and said:

The Government takes the view that it is part of the duty of citizenship at least to attend at the polls, that in having that obligation placed on people a lot of other potential mischiefs in the system are obviated, such as the greater possibility of inducements and undue influence, the possibility that the weather on a particular day may influence the number of people going to the polls.

So, we have a history and tradition of successive Governments over 40 years endorsing the policy of compulsory voting here in South Australia. The Bill before the House would see that tradition of compulsory voting in Australia turned on its head.

Let me turn now from the matter of belief to the question of policy and simply point out that between 1915 and 1942 every State and the Commonwealth introduced compulsory voting. South Australia was the last to do so. It did so 27 years after compulsory voting was first introduced, again by a Liberal Government in Queensland in 1915. The interesting thing to note about each of the dates of the introduction of compulsory voting into the States is that it was a time of great economic and political stress. There is no great call for compulsory voting. Let me simply conclude my observations about compulsory voting by referring to the practical effects and consequences of the Bill before us.

Unfortunatley, I do not have time to canvass each of the consequences in full, but I believe that if we did have voluntary voting there would be a greater harassment of electors in an attempt to get them to the poll. It may reduce participation in an election. It would increase the organisational effort that went into an election on the non-essential issues, the non-policy issues, and I do not believe that that is appropriate. It opens the possibility of inducements. It has a marked effect on the stability of government. It would put South Australia out of step with the democratic parliamentary tradition that we have in this country. In conclusion, I believe that voting is a most valuable right for a citizen and that it should not be exercised at a whim. I oppose the Bill.

Mr S.G. EVANS (Davenport): I realise that a Bill similar to this has been introduced in another place by the Hon K.T. Griffin. Further, I realise that it is Liberal Party policy to have voluntary voting. I have held the view for a long time that that should be the case. Certainly, I am pleased that the member for Adelaide said that there was no great call for compulsory voting. All of his debate was against compulsory voting—I realise that. It was stated that there could be more harassment of electors if we had voluntary voting; in other words, there would be more contact by parliamentarians with people. It is disgraceful to suggest that it would be bad if members of Parliament were forced to have more contact with the people.

Members interjecting:

Mr S.G. EVANS: He said that there would be more harassment.

Members interjecting:

The SPEAKER: Order!

Mr S.G. EVANS: The member for Adelaide also said that the important issues such as policy would be forgotten if we had voluntary voting. How can anyone justify that statement? I thought that if one had to go door to door to convince people that there was a need to vote, you might have to talk about policies and about what you believed in. I know that voluntary voting would make our tasks as MPs more difficult. I know that we would have to work harder and that some of us—

Members interjecting:

Mr S.G. EVANS: I am not saying that, because I know that on both sides of the House there are members who work very hard and that there are others who do not work quite as hard. That is always the case in every work force. I just say that on average we would find that parliamentarians overall would have to work harder. No doubt, when the measure was introduced in 1942 the members at that time saw that there was a benefit in compulsory voting. It is not compulsory voting—it is compulsory turning up at the polling booth. They saw an advantage, and we can understand that, because one would not have to go out chasing the people to make sure that they voted.

If, as it has been said, we are interfering with the tradition, I point out that it has been a tradition in this State only since 1942. Until then the tradition was for voluntary voting. So, traditions do change. That is what our role is about

as parliamentarians. One of the reasons why we have apathy in the community about Parliament, politics and politicians—except when people are talking to us personally, when they always tell you that you are a good guy yourself but that all the others are not any good—is that we force people to go to the polling booth whether or not they cast a vote.

It has been indicated to me that the member for Adelaide did not intend to say that there was not a great call for compulsory voting and that he meant that there was not a great call for voluntary voting. I accept that that is what the member for Adelaide meant and that he used the wrong word at that time. So, because of the time constraints, because it is clear that there is another Bill before another place and because it is clear that before many years have gone by with the change of Government voluntary voting will come in, I will debate the issue no more now, kowing that it will be a *fait accompli* in a few years.

I ask members to support the concept of voluntary voting so that we can get away from the idea of forcing people to go to the polling booth even though they do not want to vote. At present they must give up time from fishing, gardening, working or whatever, or go out from a warm house into the cold atmosphere just to put down their name in order to say that they have turned up to vote, although they have not actually voted.

We should not have to force that on people just because it makes life easier for us. We will still get a consensus of opinion regardless of what the Hon. Mr King did or said at the time. His view is no different from ours merely because he holds a higher position; it carries no more weight. Also, it carries no more weight than the person out in the community when it comes to an opinion.

The voting strength is here and, at the time of polling for elections, the voting strength is at the polling booth. If those who want to vote turned up on a voluntary system, we would end up with better Government. I ask members to support the proposition.

PERSONAL EXPLANATION: COMPULSORY VOTING

Mr DUIGAN (Adelaide): I seek leave to make a personal explanation.

Leave granted.

Mr DUIGAN: I thank the House for its indulgence. In an attempt to wind up quickly on the matter that I was debating briefly, I was running through the dates on which compulsory voting was introduced in each of the States, and I quickly wanted to make the point at that stage that there were no great calls for voluntary voting. However, having used the words 'compulsory voting' on two or three occasions in the preceding sentence, I slipped it in again inadvertently at that stage. I simply wish to have it on the record that my opinion is quite clear. I meant to say, 'There is no great call for voluntary voting.' I acknowledge what the member for Davenport said at the conclusion of his remarks. My comment was made inadvertently in an attempt to try to conclude my remarks quickly.

ELECTORAL ACT AMENDMENT BILL

(Debate resumed).

The House divided on the second reading:

Ayes (15)—Messrs Allison, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans (teller), Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, De Laine, Duigan (teller), M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 7 for the Noes.

Second reading thus negatived.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1987)

Second reading.

The Hon. B.C. EASTICK (Light): I move:

That this Bill be now read a second time.

A Bill relating to local government was introduced in another place by the Hon. Mr Gilfillan, and I am happy to be its sponsor in this place. This measure has passed the Legislative Council and is required to be considered and voted on before the current session concludes. In reality, it requires its passage to be concluded this day. I thank the Minister in anticipation for the facilitation of that event, because I know that he will move, in due course, that that opportunity should exist.

The history of this measure goes back, in essence, to the Minister of Transport's time as the Minister of Local Government when, in this place several years ago, he brought about some quite major changes to the Local Government Act—what was known as the first revision Bill. On the occasion of the passage of the first revision Bill, with the introduction of a new advisory commission on local government, there was a degree of debate as to whether the practices of the past and the involvement of a select committee structure for the determination of local government boundaries would be a problem for the future.

It was clearly indicated by the Government that, with the concurrence of the Local Government Association and as a result of a great deal of discussion that had taken place through the years, at least the Local Government Advisory Commission should be given an opportunity to address the boundaries issue. I believe that there was a general acceptance by members, both Government and Opposition in this House and in another place, that if in practice changes were deemed to be necessary they would be addressed at a later stage.

Moving from that time to November 1986, when debate occurred on issues directly associated with voting for local government, the opportunity was taken in another place by the Hon. Mr Hill to put forward an amendment which sought to give those councils that were under the threat of amalgamation the opportunity individually to call for a poll before the decision of the advisory commission was put into effect. Subsequently, the Hon. Mr Gilfillan undertook not to provide such an opportunity but to reduce it to a poll of the whole of the area to be amalgamated so that the views of the public in that area could be considered.

Following the passage of that amendment in another place, and the denial by this place of its passage into the legislation, and at a conference of managers, the Hon. Mr Gilfillan, with the concurrence of those who attended the conference, withdrew his amendment on the basis that the Minister would guarantee that, before any decision on amalgamation was undertaken, the opportunity would be given for a private member's Bill to be introduced to enable consideration to be given to the self same amendment which

the Hon. Mr Gilfillan had successfully carried in another place. Although it was clearly pointed out at the time that it would become a simple Bill not tied to other measures, and therefore more likely to be less attractive to the Government than if it was attached to the Bill that was then before the House, that arrangement was entered into.

Earlier this session the Hon. Mr Gilfillan introduced the Bill in another place. That measure was opposed by the Government in that Chamber, but it was supported by both the Democrats and the Liberal Party. Indeed, there was an element of baiting by the Hon. Mr Gilfillan, who suggested that the Hon. Mr Hill might like to amend his proposition back to the original form; in other words, a suggestion by Mr Gilfillan that he recognised the reality of the Hon. Mr Hill's proposal which he was unable or unwilling to accept in November.

Notwithstanding that, the Liberal Party saw fit to maintain the position which emerged from the conference of managers and it gave its support to the Hon. Mr Gilfillan's measure. The Hon. Mr Gilfillan introduced this measure in the Council on 18 March and the debate on it can be found at pages 3479 to 3482 of *Hansard*. That debate contains a considerable amount of material which has emanated from the Local Government Association, because also arising from the discussion which took place the Local Government Association saw fit to offer its services to obtain information from its members as to how they saw the provision of an alternative to the advisory commission's role concerning amalgamation. The Local Government Association was particularly pleased to do this because, at its annual general meeting on 10 November, after considerable debate on the issue, it became very apparent that local government had serious questions about allowing the advisory commission to have the final say in every case concerning boundaries.

At that meeting a majority of councils voted that the advisory commission should not have the final decision but that a poll of the electors should be recommended. There is a further division between the ranks of the individual councils as to whether that poll should involve the area that does not want to be included in the amalgamation, or whether it should be a poll of the total population living in the area proposed to be amalgamated.

Mr Duigan interjecting:

The Hon. B.C. EASTICK: There is no unanimity of view on which proposal they will support, but quite a large majority of local government want to see a poll mechanism included in the previously reviewed Act. A great deal of the information that was made available by the Local Government Association is contained in pages 3479 to 3482 of *Hansard*. We have by no means heard the last word on the manner in which amalgamation will best be effected in respect of local government. It is quite clear from statements that I have made on behalf of my Party on earlier occasions that the Liberal Party is of the view that the straight advisory commission arrangement is not the best answer, particularly where there are a number of amalgamation proposals which really amount to shotgun marriages.

I suggest that an unhappy wedding will lead to an unhappy marriage and even the Minister is on record as having said that it is important that there be unanimity of purpose and agreement in principle by the participating councils before amalgamations come into effect, although we are not quite so certain that that will be the manner in which the Minister will deal with the matter when she receives a report. In introducing this measure in another place the Hon. Mr Gilfillan said:

> Considerable disquiet exists about the mandatory powers of the commission to determine and impose amalgamation without any voice from the electors in the affected area.

I do not believe anybody would deny that that disquiet exists. In fact, the disquiet is increasing against a background of a large number of proposals for amalgamation without any rational discussion between the councils involved. For example, we have information which I inserted in the record on 3 December last year (and that can be seen at page 2717 of *Hansard*), showing that at that time the number of councils affected by proposed amalgamations was 26 out of a total of 126 in this State.

On 3 December last 20 per cent of the councils in South Australia were under some threat or subject to some arrangement involving amalgamation. I draw the distinction there, because in some circumstances there was agreement in principle; it was just a matter of working out the actual boundaries. But in a great number of those areas enforced amalgamation is against the express wishes of the particular council, a great many of which are in the Mid-North area. Probably the most vocal against the proposal for enforced amalgamation is the District Council of Georgetown. Other councils are in the same position, but the District Council of Georgetown, which it is proposed will be engulfed by the District Councils of Redhill and Crystal Brook, has been very much to the fore in expressing its dissatisfaction with the proposal. The District Councils of Snowtown and Blyth have rejected the overtures made to them by the District Council of Clare.

A meeting was proposed by the District Council of Clare at which all surrounding councils, where there was no agreement, could discuss the future. Although it was clearly indicated to all participating councils that they were invited by the District Council of Clare to discuss in general terms the possibilities for the future, the District Council of Clare almost immediately translated that into an approach to the advisory commission to take over Blyth and Snowtown without any other discussion having taken place.

The commission was so concerned about the proposition that, in recent times, when the District Council of Naracoorte was in effect attacked by the Town of Naracoorte, the commission recommended that the Town of Naracoorte go back and have meaningful discussions with representatives from the District Council of Naracoorte to canvass the possibility of amalgamation. However, the district council (and I congratulate it on the action that it has taken) refused to proceed with the matter any further until it had proof that the Town of Naracoorte, which initiated the action, would enter into meaningful discussions in order to decide on some proposition that would at least involve input from both sides.

Many other councils of the 26 involved are in the same position. That number has now increased, because the concept has begun to move into the Adelaide metropolitan area. As members will have noted in the press earlier this week, Kensington and Norwood have suggested that perhaps they should amalgamate with other councils. I do not wish to canvass the matter further other than to say that it is still a very volatile issue: there is increasing disquiet, and we will hear a lot more about it. It is interesting to note that when the Minister brought this measure before the House previously the debate was a very purposeful one extending over a considerable period, continuing subsequently in another place and then at a conference of managers in 1984. Many aspects of the final Bill have been picked up by other States because of the benefits it has exposed.

At that time the President of the Local Government Association was Councillor Des Ross, who is now the immediate past President of the association and soon to be ex-councillor Ross because he has indicated that he will not

stand at the election on 2 May. He has been recognised Australia wide. His name has been put to a meeting hall in the new Local Government Association building in Canberra, and he has been made Chairman of the Libraries Board of South Australia by the present Government because of his interest in these matters.

When addressing the Mid-North regional conference of local government two weeks ago at Saddleworth, Mr Ross was asked to give an overview of where he sees local government going from now until the year 2000. He made very clear that whilst the advisory commission was the favoured preference back in 1984 (and he was quite prepared to put this on the record) he believed that it should probably be used only for agreed adjustments of boundaries and agreed amalgamations or for the determination of wards. He said that in his opinion the select committee system should be reintroduced for the purpose of making decisions relating to disputes between councils.

Councillor Ross was Chairman of the District Council of Owen when there was an amalgamation between Owen, Port Wakefield and Balaklava councils. He is aware of the amalgamation of Kadina and Moonta, which involved a select committee. He is also aware of the circumstances involved in the severance of part of the District Council of Meadows and its annexure to the Mount Barker and Strathalbyn councils, and of the creation of the new city of Happy Valley, so he is not unmindful of the advantages or the disadvantages of a select committee approach. He had previously expressed the bad features of an amalgamation process but has swung right around as a result of present circumstances suggesting a return to the select committee system for disputed decisions. We will see that become quite obvious soon when the Minister makes her first announcement after this Bill has been considered.

The Bill contains two clauses, the first formal and the second to insert new section 29a to provide for a poll, as indicated by the Hon. Mr Gilfillan in the other place. I recommend that the House support the measure.

The Hon. G.F. KENEALLY (Minister of Transport): The Government opposes this Bill and will vote against the second reading for the very good reasons given in another place, which I will briefly canvass here today. I listened very closely to the member for Light's defence of the Bill, about which there are areas of disagreement. It was my experience during the time I was Minister of Local Government that there was a great willingness within local government in South Australia to become more viable and relevant. It understands that to do that it needs to be involved in amalgamations. Many local councils are too small and survive only because of contributions from both State and Federal Governments.

The electors of such councils would be better served if they belonged to a stronger and more viable unit. If we leave it to the councils to make decisions about amalgamating, I suspect that they probably never will amalgamate, particularly in the Mid-North where there is a great need for amalgamations. The competition between small councils is such that no local councillor could say, 'We want to amalgamate with a neighbouring council.' Competition has existed over nearly 100 years and cannot be changed overnight. In such circumstances one needs an independent body—the Local Government Advisory Commission is an instance—to facilitate amalgamations by helping in that decision-making process.

Matters come before the Local Government Advisory Commission only if 20 per cent of electors petition for amalgamation or boundary changes, if councils petition for amalgamation or boundary changes, or if the Minister, on her own initiative, decides that such action should be taken. When I was Minister of Local Government I never initiated such action, nor has the present Minister. I do not believe that a Minister would do so until it became clear that no amalgamations were being contemplated. To accept this Bill would go against the purpose of the Local Government Advisory Commission. There has not yet been one example of where that Commission has recommended to the Minister that there be an amalgamation.

I think that Parliament should wait to see those provisions in operation before it passes judgment on them. I am absolutely certain that a totally independent committee is better able to make those decisions than are the vested interests involved at the local level. If we left it to the local level very often contentious issues like boundary changes would never be effected. The process is that, once the Local Government Advisory Commission determines a submission before it, advice is given to the Minister and she has the option of accepting or rejecting it. If she accepts it, the matter is taken to Cabinet for approval. If she rejects it, that is the end of the matter.

The member for Light has told the House of the very excellent work of the Local Government Advisory Commission in Naracoorte. That is how one expects that body to operate, as I am sure that it will in the future. There has been no demonstrated need for this amendment, and I believe that it would be premature, anyway. Existing provisions are still untested, and it is quite clear that there is no overwhelming local government opinion supporting this measure. My suspicion is that the Local Government Association has not been involved in lobbying any member of Parliament about this matter.

Those of us who were involved with previous amendments to the Local Government Act know that if the association has a strong view about amendments it works very hard to have its point of view put to the Parliament. As the honourable member has pointed out, it is correct that the Minister for Local Government has given a commitment to local government in South Australia that before any amalgamations are dealt with this matter will be determined by the Parliament. It is for that reason that we have agreed to process this Bill through all stages. I ask the House to vote against the second reading.

The Hon. B.C. EASTICK (Light): I am disappointed at the Government's attitude. It is hardly consistent with the Minister's attitude at the time of the conference of managers that I have mentioned. I am not suggesting that the Minister was in support of the measure at that stage, but the reason we were at a conference of managers was that the Government could not accept that and several other matters but, at least, the Minister asked for the matter to be aired in the local government arena. That has been undertaken, as I have pointed out to the House, and we have a very clear indication of an increase in support for the measure which is proposed, and we will see the matter back in the not too distant future if the Government should have the numbers to win today.

The House divided on the second reading:

Ayes (12)—Messrs Allison, S.J. Baker, Becker, Blacker, Chapman, Eastick (teller), S.G. Evans, Ingerson, Lewis, Meier, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 10 for the Noes.
Second reading thus negatived.

LIBERAL HOUSING POLICY

Adjourned debate on motion of Ms Lenehan:

That this House condemns and totally rejects the recently announced Federal Liberal Party's policy on housing, which would ensure the annihilation of the public housing programs in South Australia and, further, the House believes that the scrapping of the Commonwealth State Housing Agreement would result in a severe downturn in the building industry and a consequent massive increase in unemployment:

which Mr Becker had moved to amend by leaving out all words after 'House' and inserting in lieu thereof the words:

deplores the honourable member for Mawson's misrepresentation of the Federal Liberal Party's policy on housing.

(Continued from 2 April. Page 3789.)

Mr BECKER (Hanson): I thought I would clarify a few of the points raised by the member for Mawson. As I said last week, the paranoia of the Government comes through when anyone, particulary the coalition in Canberra, brings out some new initiative. One could be forgiven for thinking that the response by the honourable member and this motion were sponsored by the Builders Labourers Federation or the Building Workers Industrial Union, or whatever they want to call themselves this week—that is the way they carry on. The honourable member referred to the headlines in the *Advertiser* on the release of the Julian Beale document on behalf of the coalition, and took pains to read into *Hansard* the following report:

'The Federal Liberal Opposition virtually plans to wipe out Australia's public housing programs with a policy that would strip $1 300 000 000 in cash from the States.' So said the Adelaide *Advertiser* of 13 March this year in reporting . . .

That is the greatest beatup headline I can ever remember seeing in the *Advertiser*, because on the next day the *Advertiser* printed on page 3, on the right-hand side, Julian Beale's comments which refuted that statement. If one read the whole of the article, one would see that the main heading did not really mean a thing compared with the actual article written from Canberra. It was one of the jouralists who served his apprenticeship in this House.

This has been typical of the misleading attitude which has been adopted by the Government (particularly the Minister of Housing and Construction—who, unfortunately, is not here; he is overseas somewhere) and its cohorts in the other States. As soon as the coalition brings out a policy document, we have had it for several years—we had it in South Australia—the Labor Party in this State then moves in to create the perception that it is all a lot of nonsense, and criticises every part it can. It just takes everything out of context and twists it all around. It has been par for the course for at least eight or nine years that I can remember. I think the only time the Labor Party was never successful in spreading adverse stories was in the 1979 election, when their own Premier caught them off guard. Let us have a look at the coalition housing and construction policy. The statement that goes with it reads:

The Liberal and National Parties recognise and strongly support the aspirations of all Australians to own their own homes, giving them a stable family environment, a share in the nation's wealth and personal security.

That is what it is all about, and that is what Liberalism has always been about in this country. It is only through the years of the Labor Government in Canberra, through the Whitlam era and now in the Hawke period that the high interest rates and a reduction in the standard of living for middle income earners have made the Australian dream almost impossible to achieve. It is a tragedy that Labor cannot grapple with the simple philosophy of encouraging, helping and creating incentives for young people and for all Australians to own their own homes.

The postwar migration period was the greatest period of development in this country, when people came from all over the world to settle in Australia, and the first thing they liked about this new country and the new challenge was the opportunity to buy their own piece of land and own their own homes. The postwar reconstruction and development of this country was aided by the housing programs which were established throughout this nation.

Those incentives were given by governments of all political colours to boost the housing industry. That has been the case, and that is what it is all about. Since the Labor Government came to office in Canberra, interest rates have increased by 52 per cent—from 11 per cent to 17 per cent. That is the damage and the harm that is being done to young people who are endeavouring to put a roof over their heads. The member who moved the motion knows jolly well how she and her Party used the increase in interest rates in the 1979-82 period (and particularly in 1982) against the Fraser Government in Canberra and the Tonkin Government in this State. Those Governments were defeated because of the rising interest rates in the mortgage belt areas. Nothing has been said by Labor members in support of the current high interest rates and the Commonwealth Government's housing policy. The Coalition's policy states:

Recognition and support of the aspirations of all Australians to own their own homes to be achieved principally by the creation and maintenance of a favourable economic environment.

Return to the States the responsibility for the provision of public housing by terminating the Commonwealth-State Housing Agreement and absorbing the funds into the financial assistance grants to the States.

I shall now comment on the very misleading remarks made by the Minister. However, I have come to know what the Minister of Housing and Construction is like, and I have watched and plotted his activities. The member for Light told me—

Mrs Appleby interjecting:

Mr BECKER: The member for Hayward has a lot to learn, and I suggest that she returns to her seat and listens to what I am about to say. The longer she interjects, the longer I will take.

The SPEAKER: Order! The member for Hanson has been here long enough to know that he should direct his remarks through the Chair.

Mr BECKER: Mr Speaker, I apologise. The member for Light said to me, 'Just sit back and watch the Minister of Housing and Construction perform. He will endeavour to bring together matters that are totally unrelated. In other words, the statements he makes just do not add up and are certainly not logical. Certainly, he will make statements about you that are totally untrue.' I am plotting the Minister's activities nicely and I am gathering an excellent collection of statements accusing me of having said certain things when, in fact, I have never said them in my life. The Minister of Housing and Construction has me saying all sorts of things.

We are now aware of the tactics being used. As I said, we will sit back, give him enough rope and the Minister will hang himself. In fact, the Minister has already drawn and quartered himself—he has done everything. The member for Mawson was kind enough to put into *Hansard* the following quote:

The Minister of Housing and Construction of South Australia has estimated that this will be of the order of 10 000 jobs lost for

South Australia alone because of the impact of abolishing the Commonwealth-State Housing Agreement.

That is absolute garbage. A few weeks ago the Minister said that he wants to see the States set their own housing priorities. I cannot agree with him more. That is exactly what the coalition policy says.

A Coalition government will give money to the States in one lump sum and it will then be up to the States to allocate so much for housing, so much for heatlh, so much for capital works, and so on. It is up to the States to decide. Unfortunately, the Australian Labor Party cannot operate that way; it can operate in only one way in Canberra with a huge team of bureaucrats. In fact, there are about 239 bureaucrats in the Federal Housing Minister's office, and some 5 000 public servants are employed in the Department of Housing and Construction in Canberra. It is a huge bureaucracy.

Mr Peterson: Did you say 5 000?

Mr BECKER: Yes, 5 000. They sit around working out what is to be done in different areas and they work on what the policy says can and cannot be done with the money. We should get rid of all that, and cut the bureaucracy so that more money for housing is available to the States. That would be great. The more money we can put into housing by getting rid of all the unnecessary bureaucrats and putting them somewhere else so that they can be productive the better.

Mr Peterson: Where?

Mr BECKER: They could go into the Taxation Department.

The Hon. B.C. Eastick interjecting:

Mr BECKER: It is $150 million, but that does not worry the Labor Party. The Labor Party would prefer to see the Taxation Department fumble along as it has, making all sorts of wild accusations. It is just like the Department of Aboriginal Affairs, where millions of dollars were initially allocated for Aborigines. When it gets down to dealing with Aborigines, it is money that is required. However, most of the money trickles away into the bureaucracy on the way down to the Aborigines.

Mr S.J. Baker interjecting:

Mr BECKER: When they get it, it is dollars. The unfortunate Aborigines are being insulted by the bureaucracy. The same thing applies in relation to housing—the young people of this country are not getting a fair go. We are talking about getting rid of the bureaucracy so that we can put more money into housing and make housing grants for the 40 000 people who want assistance.

Ms Lenehan interjecting:

Mr BECKER: Including public housing—it does not matter. We are creating incentives for people so that they can buy their own homes. We are creating incentives for affordable housing. It is called incentivation.

Members interjecting:

Mr BECKER: Well, members opposite were becoming a bit sleepy, so I thought I would throw that in. The Coalition policy also states:

> Maintain the present First Home Owners Scheme with particular emphasis on families and continue to honour existing entitlements to that scheme.

That is what we are on about—helping families to stay together and keeping them together by giving them incentives. The policy continues:

- For more efficient delivery of the Construction Department's services, transfer many of them to the private sector and to other departments.
- Sale of the Housing Loans Insurance Corporation to improve mortgage insurance competition, with benefits to housing loan borrowers, but consistent with the interests of its employees.
- Snowy Mountains Engineering Corporation to become a private consulting firm preferably owned by its employees.

They are the highlights of the Coalition policy, but they were not touched by the honourable member, who was concerned only to create the misleading perception that the Coalition policy is not in the best interests of the State.

I assure the member for Mawson and the Minister that, if the Federal Labor Government adopted the same policy or attitude, we would welcome it. The States should be given the initiative to create an opportunity for Australians to own their own homes. To say that jobs will be lost in the housing and construction industry in this State is totally untrue and far from the thoughts, ideas and perceptions behind the coalition policy document. The member for Mawson should be totally condemned for creating this false and misleading attitude.

The member for Mawson quoted certain passages of media reports, but she should have also read the statements on the following day, because the *Advertiser* was so kindly disposed as to allow the Opposition spokesman in Canberra to spell out what our policy is all about. Both sides of the coin should have been given in that way. By not doing that the honourable member misled the House and made misleading statements in relation to the Coalition policy. No doubt the Labor Party in this State will continue to create this misleading perception by knocking and continually criticising the Coalition policy. I urge members to support the amendment.

Ms LENEHAN (Mawson): In the short time left to me I urge the House to support the original motion that I moved and to reject the member for Hanson's amendment. When the honourable member spoke last week in support of his amendment he made absolutely no attempt to analyse the points that I raised in moving my motion.

Today, he actually did refer to the Federal Liberal housing policy, albeit he read at a great rate from that document. What he did was to spend most of his time union bashing, name calling and generally having to resort to these kinds of tactics, because obviously the member for Hanson well knows that what I have said in my motion not only is correct but is supported and, if I am misrepresenting the Federal Liberal policy, then so is every reputable media organisation in Australia.

I quoted last week from the *Australian Financial Review*, the *Age*, the *Sydney Morning Herald*, the *Advertiser* and, if the Opposition believes that they have all misrepresented the Federal Liberal policy, let me support my allegations further. I also quoted the spokesperson from the Housing Industry Association and the Australian Housing Council. Is the member for Hanson suggesting that every single media outlet and the people representing the housing industry are also incorrect?

The reality is that the Federal Liberal Opposition would annihilate public housing programs in this country. Not one word has the shadow Minister said about the Federal Liberal policy and how it would affect South Australia. He has not done anything to support his amendment, which seeks to claim that I misrepresented the Federal policy.

It seems to me that he read from the introduction of the Federal Liberal policy. I would say to the House that actions speak louder than words. What is the policy saying? It is saying that the States will not be allowed to nominate Loan Council funds, which means that South Australia—

Mr Becker interjecting:

Ms LENEHAN: You have not read your own policy.

Mr Becker: You don't understand it.

Ms LENEHAN: I am sorry; I think I understand it a lot better than the member for Hanson does. As to the First

Home Owner Scheme, the member for Hanson talked about incentive yet his own Federal Party was going to scrap that scheme, which was saved at the eleventh hour. Those are not my words, but the words of the *Australian Financial Review.*

We have the shadow Minister reading, in a garbled fashion at the end of his speech, some of the policies of his Federal colleagues. He did not at any time undertake a thorough analysis of the policy. He did not put forward the positive aspects of his own policy. Indeed, some of the aspects of his policy did agree with what we are doing federally at the moment. However, I am deeply concerned, as I believe members on both sides of the House should be, at the effect which this policy will have on the provision of housing for all sections of the Australian community, not just the affluent but the poor and the underprivileged. I believe that tmy motion should be supported and that the amendment should be rejected.

Members interjecting:

Ms Lenehan: It is emotional if you are in public housing.

The SPEAKER: Order!

The House divided on the amendment:

Ayes (10)—Messrs Allison, S.J. Baker, Becker (teller), Blacker, Chapman, Eastick, Lewis, Meier, Oswald, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan (teller), Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 11 for the Noes.

Amendment thus negatived.

Motion carried.

[*Sitting suspended from 1.3 to 2 p.m.*]

PETITION: PROSTITUTION

A petition signed by 18 residents of South Australia praying that the House reject any measures to legalise prostitution in South Australia was presented by Mr Lewis.

Petition received.

PETITION: STA BUS ROUTES

A petition signed by 18 residents of South Australia praying that the House urge the Government to retain STA bus routes 193 and 194 was presented by the Hon. D.C. Wotton.

Petition received.

PETITION: BRIDGEWATER TRAIN SERVICE

A petition signed by 45 residents of South Australia praying that the House urge the Government to upgrade the Bridgewater train service was presented by the Hon. D.C. Wotton.

Petition received.

NOTICE OF MOTION: MEMBER'S INTERJECTION

Ms GAYLER (Newland): I give notice of the following motion:

That this House condemns the member for Hanson for his patronising and sexist interjection in the House on 9 April during the debate on housing policy, namely, saying to the member for Mawson, 'You should stick to the kitchen.'

Mr GUNN: On a point of order, Mr Speaker. The matter referred to by the honourable member has already been subject to debate in this House, and therefore her motion is out of order.

The SPEAKER: The Chair has pointed out previously, when a member has reflected on another member, that such imputations can be made only by way of substantive motion and it appears to the Chair that the honourable member for Newland has given notice of a motion of that nature that she intends to move. I cannot uphold the point of order.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Transport, for the Minister of Recreation and Sport (Hon. M.K. Mayes)—

Letters relating to trotting industry allegations from Dr G.L. Blackman and the Minister of Recreation and Sport.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the 51st report of the Public Accounts Committee which related to water supply and sewage disposal assets replacement.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Questions that otherwise would be directed to the honourable Deputy Premier will be taken by the honourable Minister of Lands. Questions that would otherwise be taken by the honourable Minister of Emergency Services, Agriculture, Recreation and Sport will be taken by the honourable Minister of Transport. Questions that would otherwise be taken by the honourable Minister of Education and the honourable Minister of Labour will be taken by the honourable Minister of Employment and Further Education. Questions that would otherwise be directed to the honourable Minister of Housing and Construction will be taken by the honourable Minister of Mines and Energy.

GRIM REAPER

The Hon. E.R. GOLDSWORTHY: Will the Premier say whether the South Australian Government, as a participant in the national AIDS campaign, will seek restrictions on the screening of the Grim Reaper television commercial to ensure that very young children are not unnecessarily affected? Statements by the South Australian Council for Children's Films and Television indicate that some very young children have been distressed after seeing this television commercial. In one case it apparently took teachers more than three hours to calm down a five-year old girl who feared that her mother and week-old sister would be killed by a bowling ball.

In another case a three year old who lived next door to a 10 pin bowling centre was afraid that the Grim Reaper would wipe out his family and, in yet another, a kindergarten teacher found it necessary to spend 1½ hours talking to her class of four year olds about the commercial when it appeared that most of them had been upset by it.

I understand that while the Grim Reaper commercial has a classifiction of 'Parental Guidance Recommended', the South Australian produced anti-AIDS commercial with much less dramatic images has an 'Adult Only' classification. This means that, while the South Australian commercial can only be shown after 8.30 p.m., the only restriction on the Grim Reaper message is that it cannot be screened between 4 p.m. and 7 p.m. In fact, it is scheduled for screening on one Adelaide Station tomorrow at 3.17 p.m. and on another at 2.15 p.m.—times when many young children are likely to be watching television.

The Hon. J.C. BANNON: There seems to be a bit of an ambivalent attitude by a number of people which, I think, is exemplified by the Deputy Leader's question about how one should approach this question of AIDS. I have also heard fairly stringent criticism on the basis that the AIDS campaign does not go far enough and that it ought to be more shocking and more horrifying. On the other hand, one has people—sometimes the same people, oddly enough—saying that there also ought to be restrictions on it.

I have not yet seen this particular advertisement, so I cannot offer a personal opinion on it. I can only refer the question as to whether it is appropriate to have restrictions to my colleague the Minister of Health, who is in charge of our overall campaign and liaison with the Federal Government on this question of the AIDS menace. Whether or not restrictions should be put in place must be a question to which those experts involved in the field address themselves. It has certainly been said that some young children have been horrified or frightened by the commercial, and that is not surprising, because it is aimed at shocking people.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: Exactly; the question is when it should be screened. I might add, incidentally, that a number of video clips that I have seen on occasions on various day time programs could certainly be put in the classification of frightening people. I know from personal experience of some children being frightened by one of Michael Jackson's most successful hits when viewing the video of it.

If one divorces it from the question of AIDS and the AIDS campaign, young children are subjected, on occasions, to things that frighten or worry them, and they should not be. Cartoons regularly show figures doing the most horrendous things to each other. The most appalling violence is perpetrated in cartoons, and we are told that that is fine because that is just fantasy and that nobody takes it seriously.

I think it is a matter of judgment as to whether or not this particular advertisement is in some way totally inappropriate to young children because some young children happen to be frightened by it. I cannot comment on that. I am happy to refer the question to my colleague. However, I still suggest that those asking questions such as this must make it quite clear whether they want a campaign which is aimed at attracting attention and shocking the populace into doing something about this, and taking precautions, or whether they do not. That then extends to questions of when certain things might be shown or when they might not be.

DOG REGISTRATION

Ms GAYLER: My question is directed to the Minister of Transport, representing the Minister of Local Government in another place. Will the Minister review the Dog Control Act 1979 with a view to allowing for dog registration on a five-year basis instead of or in addition to the annual registration option, and require councils to send out registration renewal notices? I have been approached by an irate constituent who received a $20 expiation notice for not renewing his annual dog registration. My constituent has told me that he would like to set the cat well and truly among the pigeons in relation to this matter.

It is true that section 29 of the Act requires annual registration of dogs. Some councils such as Salisbury and Mitcham send out renewal notices, but others, including Tea Tree Gully, do not. It is easy to overlook the payment of such a fee and to face a fine. My constituent's dog suffers from dermatitis, so it does not wear a collar or disc. It has been put to me that it would be more convenient for some dog owners if they could register their dog every five years when they receive a renewal notice and that this would mean less work and red tape for councils which do send out renewal notices.

The Hon. G.F. KENEALLY: I will be happy to refer the honourable member's question to my colleague the Minister of Local Government. It was my experience while in that portfolio that legislation relating to dogs was probably the most difficult to obtain agreement on, both inside and outside the Parliament. Within the transport area we have been able to move driving licence periods from one year to five years with significant savings for the Government and, I believe, for drivers. There is also the problem when a driver loses a licence midway through the five year period of what one does with the two or three years that have already been paid for. I suggest that there would be a similar problem in relation to registering a dog for five years if the poor little fellow leaves this mortal coil within 18 months or two years, so that is a problem which would need to be addressed.

The honourable member has raised an important issue, which would have some economies for the Local Government Department and which may have some advantages for dogs that are assured of longevity. If dog owners were notified of registrations annually some of the problems experienced by the honourable member's constituent would be overcome. I will refer the question to my colleague.

HIGHWAY REPAIRS

The Hon. JENNIFER CASHMORE: Will the Minister of Transport confirm that it has cost $4.6 million to repair the Swanport deviation of National Highway 1 at Murray Bridge when this section of the highway cost only $2 million to build, and whether similar extensive work is likely to be necessary on approximately 80 km of the South Eastern and Dukes Highways between the Murray River and Coonalpyn because they were designed and constructed to similar standards?

Highways Department documents in possession of the Opposition show that, while the Swanport deviation was built for a 20 year design life, it only performed for four to five years without the development of major distress. These documents reveal a complete failure to apply effective design and construction standards for the project. For example, the documents make the following admissions:

The testing program for the Swanport deviation was at best somewhat of a hit and miss affair.

In many cases, only one carriageway was tested at any particular chainage, thus raising doubts about the acceptability or otherwise of the untested carriageway.

The lack of a comprehensive quality control program on the Swanport deviation has resulted in the acceptance of substandard pavement (meaning roadway) by department engineering staff.

As a result of these failures, the Highways Department has just finished spending $4.6 million to repair a section of the national highway which cost only $2 million to build in 1979.

Further, we have been informed that about 80 kilometres of the South Eastern and Dukes Highways between the Murray River and Coonalpyn were designed and constructed to the same standards and that some sections of these major roads have already shown signs of failure. These failures have serious safety as well as cost implications. However, they have not so far been revealed publicly. While they have become apparent over the past three years, they have not been referred to in annual reports of the Highways Department.

The Hon. G.F. KENEALLY: I will not confirm the information that the honourable member wishes me to confirm until I have had a look at the documents to which she alludes and which are not currently in my possession. I point out to the House that there has been considerable stress on all our highways in more recent times because of the increased tonnages that are carried on them.

Roads that were built to accommodate a certain tonnage are now expected to stand up to increased usage and increased tonnages, causing a stress problem on our roads. In addition, the honourable member is probably aware that the deviation to which she refers was approved by the Federal Government—one, I think, of her own persuasion. So, those are the standards which would have been required of the South Australian Government through the Highways Department working as agents for the Federal Government, pursued to the standards required by the Federal Government for national highways, and we would have implemented that.

If the national highway to which the honourable member refers were under stress, the Federal Government would ask the State Government to take the essential action to bring it up to current standards. What people have to understand is that in the matter of national highways the South Australian Government merely acts as an agent, a construction agent, or the authority that supervises the private sector which builds those roads, as in the case of this one.

If the Deputy Leader and the member for Coles want to be critical of some private road construction firms in South Australia, they can quite easily be. I point out once again that the roads system in Australia—not only in South Australia—is being required to carry increasing loads and greater tonnages, and in larger numbers, so obviously there is a stress factor. We are upgrading the Swanport deviation.

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.F. KENEALLY: That is right; we are rebuilding it because there have been road failures on very busy national highways carrying heavy tonnages. Obviously, the honourable member who asked the question and her colleague the Deputy Leader do not understand a great deal about transport. The shadow Minister of Transport was not given the opportunity to ask the question, because he would know how stupid are the comments now being made and would have put a sensible perspective on it.

As to the additional 80 kilometres of road, I will have a look at that matter, but it does not surprise me, because we are looking at all the road systems in South Australia and continually upgrading and working on them when failures occur. I would like the honourable member to point out to me highways which do not have periodic failure or stress in patches which will need repair work to be done on them. If the honourable member wants our roads system to accommodate the increasing demands placed upon it by the commercial sector with the heavier tonnages being carried, the honourable member has to expect that some sections of road may not perform as well as others in coping with that increased demand.

MARY HOLYMAN

Mr De LAINE: Is the Minister of Marine able to confirm or deny the rumour rife in Port Adelaide that the vessel *Mary Holyman* is to be laid up, and that South Australia will lose a valuable and regular interstate service provided by this ship?

The Hon. R.K. ABBOTT: I am able to report that the last visit of the *Mary Holyman* to Port Adelaide occurred last month. However, that does not mean that the service provided by the *Mary Holyman* has ended, and all users can be assured of that. The Port of Adelaide has for many years been serviced by William Holyman and Sons Pty Ltd with a direct Tasmanian fortnightly service. The service has proved to be invaluable to South Australian importers and exporters. However, due to the age of the vessel, there has for quite a number of years been some doubt about its future. Australian National Line has been involved as a ship owner in the Bass Strait trade for a significant period and, being aware of the serious over-tonnaging on this trade route, initiated negotiations with existing operators.

Following those negotiations a rationalised Australian coastal service was established involving Australian National Line, Union Steamship Company Aust. Pty Ltd and William Holyman & Sons Pty Ltd The proposed new rationalised service will provide a fortnightly call to the Port of Adelaide using ANL'S No. 25 Berth roll-on roll-off facility. South Australia will receive virtually the same service, and we will not be any worse off in relation to the previous situation. Unfortunately, it is not an additional service but we will be no worse off.

SGIC

The Hon. B.C. EASTICK: My question is directed to the Premier. Is it the policy of the State Government Insurance Commission to dictate to persons insured with SGIC which companies they must deal with in replacing items which have been the subject of an insurance claim? I raise this matter following concern expressed by a person who was the victim of a housebreaking and jewellery theft totalling $5 050 in value. An assessing officer from SGIC agreed with this valuation. The victim then received a personal cheque for $2 550. When he queried why he had received payment of only half the amount assessed, he was informed by SGIC that the remaining $2 500 of the claim had been made out in a cheque to Class A Manufacturing Jewellers at Walkerville and that he would have to replace his stolen items with jewellery purchased from that store to the value of $2 500.

This was despite the fact that the person robbed had not purchased any of the items from that company, and he lived at Gawler quite some distance from the firm's premises. Further, he was hospitalised and was unable to visit the nominated jeweller in whose name the cheque was made out. Many of the stolen items were family heirlooms and of great sentimental value, and at this stage they are regarded as irreplaceable. If, however, he does decide to replace the items he would prefer to have the right to 'shop around'. He has expressed the opinion that he believed his insurance with SGIC entitled him to receive the money in the event of a claim, and not be dictated to by the commission.

He has asked what happens if Class A Manufacturing Jewellers is unable to replace the items with others similar

to those stolen, and what happens to money rightfully his in event of the whole value of the cheque not being spent with this particular company. He believes the actions of SGIC in paying half his claim to an individual company to be unusual, to say the least, and has gained no comfort from receiving a cheque which he cannot either cash or bank because it is in the name of someone else. I am quite prepared to give the Premier a copy of the cheque.

The Hon. J.C. BANNON: If the honourable member will supply me with the name of his constituent and any other relevant details which he feels are inappropriate to put before the House, I will take up the matter with SGIC and obtain a report.

NEW GAOL

Mr ROBERTSON: I direct my question to the Minister of Transport, representing the Minister of Correctional Services. Has the Minister seen the front page of yesterday's Messenger Press *Southern Times*, the lead story of which features the member for Hanson suggesting that Lonsdale may soon be the site for a gaol? The front page of this week's *Southern Times* states:

> Mr Becker said, with the expected closure of Adelaide Gaol, sites like Lonsdale, which could be suitable for a gaol, would need to be looked at.

Later the article states:

> Mr Becker said the Lands Department had land earmarked for Correctional Services Department use at Lonsdale, but it was still in the discussion stage.

The article goes on to quote a local councillor who is presently facing re-election and who has indicated that the honourable member's statements have caused considerable alarm in the south. Therefore, I ask the Minister whether he can shed any light on the situation.

The Hon. G.F. KENEALLY: I am surprised that the member for Hanson has gone on record as strongly supporting the construction of a prison in the Lonsdale area.

Mr Becker interjecting:

The Hon. G.F. KENEALLY: I have just had the opportunity to read the article and it is clear that the member for Hanson is strongly supporting the construction of a prison at Lonsdale.

Mr Becker: That is not true.

The Hon. G.F. KENEALLY: It is quite clear, and I thought that the honourable member had been in the correctional services game long enough to understand that there is a great deal of sensitivity within the community as to the siting of any prison institutions, whether it be a maximum, medium or minimum security or a remand centre. That has been a difficult problem for the Minister of the day to determine over a number of years. For the member for Hanson, for his own reasons (of which I am unaware but of which I am slightly suspicious), to go out and promote Lonsdale as a place for the South Australian Government to build a prison is totally irresponsible.

In response to the honourable member's suggestion that that is where the prison should be built, I would like to say that the South Australian Government has no intention at all to accept his recommendation. There will not be a prison built down there. Perhaps the honourable member was trying to extend the very sensible action that the Department of Correctional Services is taking, that is, that there are presently two community corrections offices in the area and they are being consolidated into one building. The effect of that is that services will be centralised and, although at present they are in a residential area, they are being moved into an industrial area.

All of the irresponsible statements of the member for Hanson who for a strange reason has added to his recommendations that that is where the prison ought to be, are rather surprising. I think that he should come out clearly and tell the people he is frightening that he has had second thoughts about his recommendation that that is where the prison should be and that he agrees with the Government's policy—a very rational and sensible policy of construction of correctional facilities throughout the State in appropriate areas—so that those people can be assured that the effort to frighten that he has been involved in is no more than that: a puerile effort of scare tactics.

RURAL ASSISTANCE

Mr GUNN: Can the Minister of Transport, representing the Minister of Agriculture, say what specific commitments have been obtained from the Commonwealth Government for further assistance to farmers affected by the rural crisis? At a recent meeting the Commonwealth and States agreed that current assistance programs needed to be extended in areas like the $25 000 relocation grant, to meet the worsening rural crisis.

However, since this meeting, we have had the charade played out by the visit of the Prime Minister's Country Task Force to the West Coast, I have been informed that no concrete proposals have come forward to help relieve the plight of the hundreds of farmers in this State facing the crippling interest rates and declining prices on world markets. Therefore, I ask the Minister whether he can advise the House of any further assistance that will be forthcoming from the Commonwealth?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I do not have the detailed response that he has asked for, but I will certainly attempt to have it available for him when the House sits next Tuesday. I can assure the honourable member that the Minister of Agriculture has continually brought before Cabinet in South Australia the very special needs of farmers on the West Coast and farmers generally throughout South Australia who are suffering in the present rural crisis. It is fair to say, as the honourable member himself would admit, that there are areas of the rural community which are under greater stress than others, and they are the ones we need to be concerned about. They are of concern to the honourable member, both as the shadow Minister and as the local member representing the area. I will have a report for him by Tuesday.

NORTH ADELAIDE RAILWAY STATION

Mr DUIGAN: Can the Minister of Transport say what criteria will be used by the State Transport Authority in determining the appropriateness of development proposals that have been sought for the North Adelaide railway station site? Some weeks ago, the *Advertiser* contained an advertisement, under the 'Commercial properties for sale' section, identifying the development opportunities that exist on the historic North Adelaide railway station and surrounds and seeking submissions from people as to the imaginative redevelopment that could take place in what was described as 'that most interesting and unique locality'. The advertisement called for submissions to be made to the STA by early March. I have been contacted by people who, having seen that advertisement and being aware of the redevelopment proposals for the North Adelaide railway station and its

surrounds, would like to seek assurances about the nature of the redevelopment that the STA might be contemplating, because they have expressed concern about the likely increase in traffic flow, the problems of parking that might be caused by some types of development, and whether there is likely to be any alienation of the parklands adjacent to and surrounding the site.

The Hon. G.F. KENEALLY: It is right and proper for the honourable member, who has indicated a significant interest in the future of the North Adelaide railway station, to raise this matter here. It is also proper for his constituents to have indicated their concern about what the STA may have in mind for the future of the station. The STA believes (and I support that belief) that a development opportunity exists on the North Adelaide railway station site but at this stage what shape or form that development opportunity will take is not clear. In the negotiations that are currently taking place between the STA and a tenderer, the following points are germane to the proposal:

(1) the building will be made available on a long-term lease;
(2) the buildings must be faithfully restored and maintained by the successful applicant [as the honourable member knows, this is a heritage building];
(3) any restoration or redevelopment must be consistent with and approved by the Adelaide City Council and Heritage Board;
(4) subleasing of the facility would be permitted;
(5) a rental summary should be included in the submission;
(6) the authority must retain access to the platform areas; and
(7) tenderers should provide details of the proposal and any referees that they can supply.

The specific question asked by the honourable member regarding traffic and alienation of parklands would be very much a part of any agreement in which the Adelaide City Council would be involved. Therefore, it is clear that there will not be any alienation of parklands and that any increase in traffic would need to be considered in the light of the final development proposal. I assure the honourable member that I, as Minister, and the STA are aware of the heritage importance of the station and we will insist that whatever takes place there will be in line with the heritage aspect and in the best interests of residents of his electorate and of the taxpayers of South Australia. Hopefully, we will be able to achieve a good development opportunity on that piece of State property.

INSTANT CASH AND BINGO TICKETS

Mr BECKER: Will the Premier ask the Department of Recreation and Sport to investigate how many charities and social clubs have suffered financial hardship through the bingo and instant cash ticket promotional activities of Electrosport (S.A.) Proprietary Limited? I understand that Electrosport (S.A.) Proprietary Limited arranged to sell instant cash and bingo tickets at Parabanks Shopping Centre on behalf of various clients. This company also arranged for various organisations to sell tickets at some 15 other locations provided that it supplied those tickets.

I have been advised that Electrosport has now ceased selling fundraising tickets at Parabanks Shopping Centre and that on 17 March it wrote to charities and organisations informing them of cash flow problems. The company then entered into an unofficial scheme of arrangement to pay some organisations moneys owing but that other clients are still waiting to be paid. I further understand that, had the State Government responded earlier to my call for an inquiry into small lotteries, strict guidelines for the operation of entrepreneurs in this field may have prevented some community organisations being affected by Electrosport's activities.

The Hon. J.C. BANNON: As the honourable member would realise, I do not have any knowledge of the details that he has put before us and, therefore, cannot respond. I will certainly refer the question to my colleague the Minister of Recreation and Sport. However, I would like to pick up one point. It is not true to say that the Minister, or indeed the Government, has not responded to the honourable member's call for an investigation in this area. The Minister, as the honourable member well knows, announced some time ago that such an inquiry would be undertaken, and just recently he has announced the formation of that inquiry. In fact, that proposal has been developed over some considerable time. However, I am sure all honourable members would welcome that. I will refer the question to my colleague. Maybe this is one of those questions that the inquiry itself ought to have regard to. I will await his report.

ETSA

Mr TYLER: Will the Minister of Mines and Energy provide the House with any information in response to claims made in the adjournment debate on 31 March by the member for Victoria which were intensely critical of ETSA? In his contribution, the member for Victoria cited two specific cases which he claimed were symptomatic of ETSA's alleged insensitive and unbusinesslike approach to its customers. He went on to say that he had another 17 cases that he would raise in the House when the opportunity arose.

The Hon. R.G. PAYNE: I thank the member for Fisher for giving me an opportunity to respond to the claims made by the member for Victoria. It may be of some significance that the actual debate took place on 1 April. Naturally, I immediately referred these matters to the Electricity Trust for comment. I will leave aside the more generalised criticisms of the trust which occupied the member for Victoria for most of his speech and deal with the two specific cases that he raised. The first concerned the situation of a family who had lost their property as a consequence of the current rural crisis. The Manager of ETSA, Mr Sykes, has advised me as follows:

I met with Mr Baker at 7.30 a.m. on Wednesday 11 March and we discussed his grievances for a considerable period . . . I pointed out that unfortunately the family were legally liable to the trust for the standing charge agreements that they had entered into and we were not legally able to claim from the new owners. Mr Baker refused to accept this, stating that he had bought many properties and was well aware of the legal implications. However, I agreed with Mr Baker that it appeared that the family had been poorly treated by both the mortgagee in possession, Natwest Finance, and the land agent, Hale Real Estate Pty Ltd, in that the standing charge agreements had not been legally transferred to the new owners at the time of sale. It will be appreciated that the family played no real part in the sale as this was handled by the mortgagee in possession.

Accordingly I wrote to Natwest Finance on 13 March 1987 pointing out that it could be said that they, together with Hale Real Estate Pty Ltd, acted without due concern for the interests of the original owners in not ensuring that the standing charge agreements with the trust were legally transferred to the new owners.

I also requested that they make arrangements for the trust debt to be satisfied without making any further demands on the original owners. A copy of this letter was sent to Mr Baker (the member for Victoria) on 16 March. However, neither Natwest Finance Australia Ltd nor Hale Real Estate Pty Ltd will admit any liability. I intend bringing the matter to the attention of the Real Estate Institute and, if they are not prepared to take the matter further, ETSA may have to consider the outstanding amount as a bad debt.

In his address to Parliament Mr Baker has not acknowledged that ETSA took considerable trouble to pursue the matter in the family's interests. He has also stated the standing charges are approximately $2 500 per annum for the next 10 to 15 years. The

actual amounts for the two standing charges are $53.68 per quarter and $100.87 per quarter. This would amount to a total of $617.74 per annum. It should be noted that the new owners have recognised one standing charge agreement but not the other. These agreements will continue until 1991.

I come to the second case raised by the member for Victoria. Mr Sykes had this to say:

... This is a difficult situation where a group of holiday shacks on Crown land were connected by electricity in the cheapest manner possible many years ago and the land has recently been made freehold with each householder having clearly defined boundaries. The problem arises in that some now wish to have these older lines cleared from their properties.

I am sure that many members have seen this situation arise in many other parts of the State. Mr Sykes continued:

We have installed new supply around newly defined roadways but have said it is the responsibility of the individual householders to connect to the newly built lines. In most cases the service connection cannot be made by overhead neutral, screened conductor because of the distance involved and it has been suggested that they should install their own underground services.

The Regional Manager has spent a lot of time in discussion with the various residents in order to get their agreement, but the matter has been complicated as one owner wants the power lines removed from his property which in turn would deprive all others of power until they had connected to the new system and not all wish to incur the additional expense. I believe that the matter is close to resolution as our Regional Manager has given all site owners notice that the new arrangements will come into force on 1 May 1987.

Mr Baker's claim that the landowner who wishes the line to be removed has been delayed by this for 2½ years in building his new home is difficult to accept as the landowner in question only received council approval to build the home in January 1987. Our Regional Manager has proposed that should the progress of the building be delayed by the presence of the existing line then he will arrange for it to be insulated to make it safer—

a helpful offer by ETSA—

In any event, after 1 May the line will be removed.

We come now to the remaining matter, namely, the further 17 cases lying in the files of the member for Victoria, Mr Baker, which one assumes he proposes bringing up now and again, or when the House sits again. If they are as important and as urgent as he claims, I urge him to present the details to me as soon as possible and I will ascertain whether there is any substance in the allegations and what can be done to address them, if that is the case.

TROUBRIDGE REPLACEMENT

The Hon. TED CHAPMAN: My question, which is directed to the Premier, is without explanation:

1. Is construction of the MV *Troubridge* replacement, the *Island Seaway*, on schedule as earlier announced by the Minister of Marine?

2. What is the latest estimated cost of the project?

3. Have arrangements been finalised to sell the vessel, or part of it, to private owners and, if so, who are the owners and what is their proportion of contribution to the ownership shareholding?

4. Does the Government anticipate that it will have to subsidise the service?

5. Does the future ownership in any way negate the Government's commitment to maintaining an adequate vehicular shipping link between Kangaroo Island and mainland South Australia at space rates comparable with those applying to other public platform transport over similar distances on the mainland?

The SPEAKER: Order! Members are supposed to put only one question at a time. A certain amount of latitude has been granted to members in the past, but it was never envisaged that the latitude would extend to that which has just been granted to the member for Alexandra. The honourable Premier.

The Hon. J.C. BANNON: I cannot answer the honourable member's question in detail. That would have to be done in consultation with my colleague the Minister of Marine, but I can say that, to the best of my knowledge, the construction of the MV *Troubridge* replacement is on schedule and we expect it to be launched shortly. As to the latest estimated cost of the project, again I would have to provide a report to the honourable member, but it is on target.

The arrangements in relation to the way in which the vessel is being financed—from the way the honourable member puts it, it relates to the ownership of the vessel—have in fact been set in place, as I understand it. Right from the beginning it was envisaged that it would be financed by a lease-back arrangement. That lease-back arrangement does not in any way compromise the method of operation or the use of the vessel.

As to the question of subsidy of the service, it is obviously the Government's intention to ensure that, to the greatest extent possible, that service pays for itself. That, of course, depends on a combination of its use, the freight rates charged, and the costs of operation of the vessel. Again, I will ask my colleague the Minister of Marine to supply a report on that matter.

SEEDCAP

Mr FERGUSON: Can the Minister of State Development and Technology inform the House whether he is aware of a new company being formed in Victoria to provide capital and advice to inventors and innovators, and is his department prepared to encourage a similar operation in South Australia? A new company by the name of SeedCap is about to be floated on the Melbourne Stock Exchange second board, with a paid up capital of $2 million. SeedCap will provide funds and expertise to inventors and innovators. It has been put to me that there are plenty of inventors and innovators in the areas of agriculture, chemistry, computers, plastics, health and transport who require this sort of assistance in order to market their products. Many of these people do not have the money or knowledge with which to develop their entrepreneurial ideas.

The Hon. LYNN ARNOLD: I am aware of the creation of that company in Victoria. As to whether we in South Australia would consider doing something similar, I am pleased to advise this House that we already do things similar to that. This Government believes support for innovation in South Australia to be very important work and, as a result of that belief, has undertaken a number of initiatives in this regard. First, the creation of Enterprise Investments, which is an investment company sponsored by the Government, formed in 1984 to provide equity and loan finance to new and established businesses in order to encourage their growth, with particular reference to those businesses that were applying changed technologies or new products or innovations. That has been a very successful enterprise.

Recently, Enterprise Investments floated off a subsidiary, SA Ventures, which is now listed on the Stock Exchange, and that, too, is generating equity capital for such ventures. One area which has not been so successful for Enterprise Investments was its application to become a management investment company under the MIC provisions introduced by the Commonwealth Government: that application did not succeed. However, we have sponsored that investment

company, and that has been in place since 1984. The second development the Government has supported is the one licensed MIC in South Australia, SAMIC, which has private investment and was actively encouraged by the Government. We have supported it as appropriate, and it is the one licensed South Australian MIC.

It is also considered by many who watch the progress of management investment companies to be the best of its kind in Australia. That is not to say that it is the biggest or has had the most successful investments (although it has had some very successful products that it has invested in, including Vision Systems) but particularly because it looks at technology throughout Australia. It looks not only at South Australia but also at other States, although its prime focus has tended to be South Australia.

The other area of Government support, which is in conjunction with the Federal Government, is through the Adelaide Innovation Centre, which does not actually provide loan funds or equity capital but provides significant support in helping in such areas as organising patent matters, business plans, marketing strategies and questions of royalty payments. They are serious issues which can very often knock out a company and a product in the early stages of development of an interesting product. In return for that the Adelaide Innovation Centre has its investment (so to speak) backed by a royalty agreement or a profit sharing agreement through equity arrangements with the company that it is involved in. That is jointly funded by the Commonwealth and State Governments. Again, as I have indicated in this House on other occasions, the Adelaide Innovation Centre is regarded as one of the most successful in Australia.

However, it is interesting to note that the article in *Business Review Weekly* of 27 March speculated that the strong response to SeedCap was perhaps the result of one or the other of two possibilities; that is, that either there are so many ideas, imaginative technology and enthusiasm around with commercial potential that this new company is therefore easily able to fit in because there is unfilled demand (and my guess is that that is partly the situation), or the 30 or so venture capital companies operating in Australia might be taking the wrong direction.

I think the truth really lies somewhere between those two: not so much that the 30 companies have taken the wrong direction but that they have addressed certain areas of the venture capital market. Either they have addressed, for example, those companies that may have some inherent size within themselves already but have needed funds to expand, or they may be addressing what is called the mezzanine financing situation (those private companies about to obtain stock exchange listing), but there may have been a shortfall in venture capital finance for the small start-up ventures. Certainly some financing has been going into that area, but I guess that it has been an area of market underprovided for, which may explain SeedCap's initial success.

The other point is still quite correct—that it has had success because the market generates lots of ideas that are worthy of support for commercialisation. This Government has done what it can to support commercialisation of innovation and ideas, and I have mentioned some of the ways that we are doing that. The South Australian Development Fund, under State Development, also is available for applications from such companies in the technology innovation program and other elements of the South Australian Development Fund.

OVERLAND CAMEL EXPEDITION

Mr OSWALD: Is the Minister of Transport aware of the Australian Bicentennial Police Overland Camel Expedition to be carried out by the South Australian Police Department, and does he know what support the Government is giving this project? All police officers involved in the expedition are taking leave to participate in this exciting event, which will leave Darwin on 6 September this year. The journey will take 117 days and cover 3 426 kilometres, arriving at midnight on 31 December to 'bring in' the nation's 200th birthday celebrations.

To date, 25 applications to go on 'safari' have been received, including one from a female police officer. The expedition has obtained support from several companies to ensure the project is a success. Building on the success and experience gained from the recent Gold Escort Re-enactment, the camel expedition offers enormous potential for community involvement and national and international exposure. In view of this, I ask what support the Government is prepared to give the expedition.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I will be happy to obtain a full report for him from my colleague, and it is to be hoped that it will be available next week. It would seem that some assistance should be provided to this group of people who, on the face of recent television reports, are going through a considerable amount of suffering preparing themselves for the camel trek. It is a part of history. Bicentennial projects are normally funded and approved by the Federal Government. We have here in South Australia a bicentennial committee of which the honourable member would be well aware. It ranks in priority projects of this nature. I shall be very happy to speak to my colleagues about the camel trek.

The Hon. B.C. EASTICK: I rise on a point of order, Mr Speaker. I wonder whether we are seeing an exhibition of bully-boy tactics.

Members interjecting:

The SPEAKER: Order! That is not a point of order. The Chair will not entertain that as a point of order.

The Hon. G.F. KENEALLY: I am relieved. I thought that the member for Light was suggesting that I was standing over the member for Morphett. As everyone would acknowledge, that is certainly not my way of doing things at all. I am a most amenable character, only too happy to please. That is exactly what I was saying in my answer to the question: I am happy to get the response for the honourable member.

RADIOACTIVE FOOD IMPORTS

Mr HAMILTON: Will the Minister of Transport, representing the Minister of Health in another place, ask his colleague to confer with his Federal colleague (Dr Blewett) to obtain assurances that adequate procedures are in place to ensure that foodstuffs exported from France and Turkey to this country are fit for human consumption? A recent newspaper report attributed to the Japanese Minister of Health and Welfare states:

> Japan has found deadly traces of radioactivity in spices imported from France and Turkey.

In part, the article goes on to say:

> They said the contamination appeared to be linked to the 1986 Chernobyl nuclear power plant explosion, which cast a radioactive cloud across Europe.

The article goes on to say:

> The Health and Welfare Ministry ordered that both shipments be returned to their countries of origin . . . It was the fourth case

in Japan this year of radioactive substances being found in imported food products.

Information provided to me yesterday indicates that in 1984-85 food imports to Australia from France amounted to $10.4 million. I will not list them, in order to save the time of the House: suffice it to say that the information can be found in last night's *Hansard*. Almost half the imports from France are dairy products, which are mostly cheeses, processed and camembert. In relation to Turkey, $5.3 million worth of foodstuffs is imported to Australia, mainly figs, hazelnuts and dried fruits. I raise this question in the interests of public health.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I shall be happy to refer it to my colleague in another place with any additional information about the detailed nature of the products that the honourable member is able to provide.

HOSPITALS

Mr BLACKER: Can the Minister of Transport, representing the Minister of Health in another place, and the Government, give an undertaking that no country hospital on Eyre Peninsula will be closed as a result of the consultative committee's report recently released? In early 1986 the Government initiated a review of obstetric and neonatal services at Lyell McEwin Health Service and Modbury Hospital. In the report that followed were some 96 recommendations, all except for one relating to those two hospitals. The last one stated that there seemed to be a need to review peri-natal services provided in metropolitan health care units with fewer than 2 000 deliveries, and in country units with fewer than 50 deliveries.

In July 1986, Cabinet agreed that the South Australian Health Commission develop a policy on obstetric and neonatal services in South Australia. A discussion paper was subsequently prepared and the consultative committee has produced its report. During the time of the initial report there was a lot of public concern about hospitals being closed, and whilst we were given answers, both in the Estimates Committees and in correspondence to me from the Minister, that hospitals would not be closed on economic grounds, there are renewed concerns within the community that other factors could effectively close some hospitals in our area. It has upset the local community and I seek an assurance that no hospitals on Eyre Peninsula will be closed.

The Hon. G.F. KENEALLY: I am well aware of the concern that has been expressed in country areas about any suggestion that hospitals might be closed. Country people, as I expect city people, are close to their hospital and rely on it greatly. I know of none of the concerns that have been expressed to the honourable member, although I accept the fact that he has had those concerns brought to his attention. I will check this matter with the Minister of Health and inform him that the honourable member has sought an assurance about country hospitals, especially those on Eyre Peninsula and, as soon as I have the information, I will provide it to him.

AGENT-GENERAL

Mr RANN: Will the Premier indicate the South Australian Government's response to a suggestion by the Federal Leader of the Opposition that the London office of the Agent-General be abolished? It has been reported that Mr Howard, while campaigning in Adelaide yesterday, said that the offices of the Agents-General were 'colonial remnants of our past and a lot could be saved by closing them'. He also said:

When you go overseas you go as an Australian and nothing else. I do not believe that the States need these sorts of things.

The Hon. J.C. BANNON: I suggest that Mr Howard is somewhat out of date. I could well have agreed with his comment some time ago and it was, in fact, with just that point in mind that the South Australian Government made a major restructuring of the services and facilities offered by the Agent-General in London. In fact, there have been complaints from some people who, intending to go there, expect the same sort of protocol and other services that have been traditionally supplied when the office was a *quasi*-diplomatic post. It is true that the States should not try to establish mini-embassies overseas, duplicating the diplomatic and foreign affairs functions of the Federal Government. It is a waste of time and money and we have recognised that in a restructuring of the Agent-General's office which has been going on for some time and has culminated in the current occupancy of Mr Geoff Walls, whose efforts, because of his experience as a former trade commissioner and private businessman, are certainly bearing fruit.

The focus of our present activities in London relates to trade development, investment attractions, tourism, the business migration program and, at the bottom of the list in terms of priorities, the hosting of visitors and protocol matters. That is not to say that some of the last named is not being done. For instance, when large companies from South Australia need help on occasion the Agent-General can supply such help. However, the primary role of the Agent-General's office is to work as a trade development office and play an active part in the promotion of South Australian industry and goods, and that is going on. In particular, the Agent-General has initiated a wine cellar, based around South Australia House, which will occupy space that was previously used to house dusty *Government Gazettes* and other useless documents (perhaps including the odd copy of *Hansard*). That was really wasted space, whereas now it can be fully used as part of the overall trade and tourist promotion.

The Agent-General and his officers, using London as their base, also travel widely throughout Europe. They attend trade exhibitions, report on local developments in that part of the world and support South Australian exhibitors when they are participating. Over the past three months, the Agent-General's office has given direct service to a wide range of companies producing products such as paints, consumer products, medical products, printing, and horticultural and fashion products. It has also given support to the Adelaide Grand Prix office in order to maximise any benefits that can be gained from Europe and the United Kingdom. With these emphases, I think that Mr Howard's comments certainly indicate just how out of touch he is with what is happening. Such comments could have been made some years ago but they are not relevant today.

PERSONAL EXPLANATION: MINISTER'S REMARKS

Mr LEWIS (Murray-Mallee): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: Yesterday, in this House, in reply to a question from the member for Henley Beach, the Deputy Pre-

mier, as Minister for Environment and Planning, made some comments about my integrity and the factual substance of a question that I had asked on the previous day. I seek to place on record the facts, not as the Deputy Premier has put them, but as they are. First, the Deputy Premier said that I had read a question to the House. His words are as follows:

> The second criticism I make is of the member for Murray-Mallee as to be so weak—and I regret the fact that he is not with us right now—

and neither is the Minister; he is in Cobdogla—

> as to accept, without question or criticism, a question that was given to him to ask in this place.

That question was not given to me: I did the background research on the matter. The Deputy Premier also said:

> . . . the honourable member would not know A from a bull's foot. He simply read out a question that was given to him—and I criticise him for having done that.

That, too, is factually wrong. Secondly, the Deputy Premier read a statement that implied that the land to which I had referred as belonging to Mr Stephen Wright (a former secretary of a former Premier) had in fact been rural land. The Deputy Premier said, referring to the application:

> It was a consent application which had to be determined by the South Australian Planning Commission. The rural land division policy applying at the time of the application—and this is what is pertinent—was as follows:
>
> . . . rural land should not be divided into allotments of less than 40 hectares unless—
>
> *(a)* No additional allotments are created, or
>
> *(b)* An owner of land wishes to create a separate allotment of approximately 1 hectare in area to contain one or two habitable houses on the land, each of which was built or under construction before 1 December 1972.

In the case of Mr Wright's land, the dwellings to which I referred were not present nor under construction prior to 1972. A transportable home was moved on to the land subsequent to that date: a shed that was merely a roof with no walls on three sides, on an excavated dirt floor, was converted to a dwelling subsequent to 1972 by Mr Wright or his father.

Further, where there had been two titles collectively in area less than 40 hectares, there are now four titles. Finally, although the Deputy Premier said that I would not know A from a bull's foot, I place on record that other matter from another part of the bull's anatomy could not be recognised by the Deputy Premier: like it, his assertions stink.

PERSONAL EXPLANATION: NEW GAOL

Mr BECKER (Hanson): I seek leave to make a personal explanation.

Leave granted.

The DEPUTY SPEAKER: Order! I ask the House to come to order. A personal explanation is a very serious matter, and I ask the House to accept it as such and listen to the speaker in the way in which he should be listened to.

Mr BECKER: I want to correct any misunderstanding that may have been created by the Minister of Transport when replying to a question from the member for Bright this afternoon. This matter relates to an article which appeared in the *Southern Times Messenger* and which followed an interview that I had on Channel 9 some days ago. At no stage did I advocate or have I advocated that a gaol be built at Lonsdale or Bolivar.

PUBLIC ACCOUNTS COMMITTEE

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That pursuant to section 15 of the Public Accounts Committee Act 1972 the members of this House appointed to that committee have leave to sit during the sittings of the House today and next Tuesday.

Motion carried.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to make a number of significant changes to the legislative framework within which the South Australian Health Commission and the health services operate. It is introduced against a background of almost 10 years operation of the Act and taking into account major reviews which have focused on the Act itself, the central office of the commission and the metropolitan hospitals.

Reviews, and if necessary, changes in structure, are required in any organisation to ensure a firm base is maintained—a base from which the organisation's charter can be carried out and problems with which it is currently confronted can be addressed.

The issues confronting health administrators in the late 1960s were addressed by the Bright Committee of Inquiry. That committee recommended that a single authority, external to the Public Service should be created by statute. The authority was to bring Government health services within a unified system of control.

Management of individual health services was to occur at the local level, but to be in accordance with policy directions, and within budgetary limitations. Non-government health services were to come within a unified pattern of health care delivery. The authority was to have a system-wide rationalising and coordinating role. As honourable members will recall, the recommendations of that committee led to the development of the South Australian Health Commission Act 1976 and the establishment of the commission.

The stated objective of the Bright Committee is as relevant today as it was then—'to provide an integrated system of total health care and delivery, based on the principle of community health—the better to meet community and consumer needs and demands'. However, the climate within which health services are provided has changed very considerably.

The Act was developed at a time of significant increases in Commonwealth Government expenditure in health and welfare areas. Community health centres were rapidly developed. Non-government hospitals were totally funded for their operating expenses by virtue of the 1975 Medibank Agreement between the States and the Federal Government. While this funding of non-government hospitals increased their accountability to Government, the mood was generally

expansive, with local control over service delivery. Hospitals which had been formerly part of the Hospitals Department were now given individual Boards of Management and became separate corporate entities. At the same time, the new commission was to concentrate upon broad Statewide policy issues, leaving service delivery to those in the field.

Ten years later, the emphasis is on restraining expenditure, upgrading management and rationalising and coordinating services in the manner which makes best use of available resources. What has not changed is the fundamental principle that the welfare of the patient or client is paramount. The equation is simple—if the welfare of the patient or client is the goal, then an integrated and coordinated system is the only effective and efficient way to respond, with the direct implication of a responsible degree of central planning control. The other important factor in the equation is that public funds are being spent—strict accountability procedures are not only desirable, but imperative.

South Australia is not alone in its pursuit of an organisational structure which ensures that health services are both responsive to community needs and affordable. In Britain, for example, there have been many organisational changes in the National Health Service over the past decade. These have been motivated by a desire to coordinate and rationalise hospital services, to integrate hospital and other health services, to create regions of common interest, to decentralise decision making, and to effect savings. In the United States, where the medical and hospital system is very different from that in the United Kingdom, changes are also occurring rapidly with amalgamation and take-overs of like hospitals, and the integration of hospitals with other health services. A major reason for these rapid changes has been the need to improve the effectiveness of services at a time when funding is being restricted.

If one looks to the other States in Australia, New South Wales recently passed legislation amalgamating the health services of defined regions into Area Health Boards, with one board replacing a number of individual health services boards. A prime reason for this reorganisation was the need to develop a health care system that is more efficient, effective and accountable.

In Victoria, the Health Minister has also recently announced organisational changes which are aimed at improving the accountability and cost effectiveness of the public hospital system.

In South Australia, three recent reviews have focused on specific aspects of the health system and have provided the basis for a legislative and administrative restructuring which should equip the South Australian Health Commission and the health services to address and respond to vital health issues well into the next century.

The Act itself has been reviewed by Mr Ian Bidmeade, legal consultant, taking account of almost 10 years operation. The Central Office of the Health Commission has been reviewed by a team chaired by Mr Ken Taeuber, former Director-General of Lands and Commissioner, Public Service Board and the metropolitan public/teaching hospital system has been reviewed by a team chaired by Mr John Uhrig, one of South Australia's leading private sector industrialists. The reports have been dissected and digested. Extensive discussion has taken place within the commission, with representatives of the major metropolitan hospitals and with some of the central agencies such as the Government Management Board and the Department of Personnel and Industrial Relations.

The course of action proposed as a result picks up the most desirable objectives of all reports, without in all instances using the vehicle proposed in the reports to achieve those objectives. It is a response which makes significant and important management and administrative changes while retaining maximum stability in the health system.

The Health Commission will remain as a statutory corporation. It will not become 'the Department of Health' an administrative unit established under the Government Management and Employment Act, as recommended by Taeuber. Under that proposal, the powers and functions of the commission would have vested in the Minister, including a power to direct health services whether incorporated under the Act or not. It was envisaged that the Minister would delegate certain of those powers to the Chief Executive Officer to manage the system on an on-going basis. The hospitals and health services would have remained as separate corporate entities established pursuant to statute. While recognising that the style of public administration has changed since the Bright Committee made its recommendations in 1973, the Government was not convinced that reversion to a departmental structure would assist in achieving the aim of a coordinated, integrated and rationalised health service. It could be perceived as a barrier between the central office and the individual health services. The Government has decided on balance to retain the commission structure. However, changes are to be made in the constitution of the commission itself, its accountability, internal structure and in the relationship between the commission and the hospitals and health services.

The 'board' of the commission will continue to consist of five members—two full time and three part time. The Act is made flexible enough to allow any two members to be appointed by the Governor as Chairman and Deputy Chairman. In other words, it is no longer mandatory that the Chief Executive Officer and the Deputy Chief Executive Officer be also Chairperson and Deputy Chairperson. It is my clear intention, for the foreseeable future, that the Chairman and Deputy Chairman would in fact also be Chief Executive Officer and Deputy Chief Executive Officer respectively. The amendment, however, introduces the flexibility to enable a part-time member at some future stage to be Chairperson and/or Deputy Chairperson. The term of appointment for full-time members is reduced from a period not exceeding seven years, to a period not exceeding five years, consistent with the Government Management and Employment Act.

The Act currently provides that the commission is subject to the 'general control and direction' of the Minister. There have been differing legal interpretations of the extent of control and direction contemplated by that provision. In a system where the commission administers a total budget of approximately $800 million, there is no room for ambiguity or ambivalence. The commission must be directly responsible and accountable to the Minister for its operations. The Bill proposes to remove the word 'general', so that the commission is clearly and unequivocally responsible to the Minister for the performance of its functions. There will be a performance agreement developed between the Minister and the Chairman of the commission. This is consistent with action being taken between Ministers and Chief Executive Officers of departments with the assistance of the Government Management Board. It is essentially a statement of agreed goals and objectives to be achieved over a specified period of time. It provides the means of measuring performance against objectives.

While it is not a matter requiring legislative amendment, *per se*, the commission is currently undergoing a reorgani-

sation of its central office taking into account areas for improvement identified by the Taeuber Review, and recommendations of the Uhrig Review. It is important for honourable members to be aware of the broad outline of the organisational change since it will be a key factor in moving towards the overall improvement of health services in the State.

In relation to the structure, the sector arrangements as they have been known since July 1981 are to be changed. Sectorisation of health service administration and delivery was introduced in order to make services more responsive to the needs of local populations and to enable more efficient planning, coordination and resource allocation to occur. The State was divided into three sectors (Central, Southern and Western) containing both metropolitan and country areas. Sector boundaries were set in such a way that each sector included a major teaching hospital and a range of other health services. State-wide services and deficit funded institutions were allocated to individual sectors. The sector offices did significantly improve communication between the commission and the individual health services. However, their major shortcoming, as Taeuber observed, was the failure to achieve any significant rationalisation or coordination of services provided by the major teaching hospitals. One could almost say that their structure enshrined factionalism and encouraged competition rather than cooperation. The Uhrig Review also saw as the most important issue 'the absence of an overall system culture or allegiance' which had contributed to duplication of services and problems in service coordination. In resolving these problems under the current administrative arrangements, the special interests of patient care are not always given the appropriate priority. As Uhrig observed:

> When a hospital system is composed of a loose association of hospital cultures, each with a predominantly internal focus, there is an inbuilt inflexibility in system-wide budgeting and service delivery because hospitals strive to retain or increase their share of available resources and services, without regard for the effect on the total system. It is natural in such an environment that those who deliver services become resistant to the sharing of resources, the pooling of information and the integration of services. This means that when unexpected changes in activity occur the commission finds itself unable to redistribute resources to more appropriate areas.

Both reviews therefore saw it as imperative, if the commission is to achieve its legislative charter of rationalising and coordinating services, that there be structural changes. Both saw the legislative labelling of boards as 'autonomous' governing bodies as militating against an integrated system. Both saw the need for more clearly defined roles and responsibilities of the commission and hospitals.

The Uhrig Review proposed the establishment of a single Metropolitan Hospital Board, separate from the commission, but to which the commission would delegate responsibility for the day-to-day management and performance of all nine major hospitals in the metropolitan area. The hospitals would no longer have individual boards, but the chief executive officer of each hospital would be accountable to the Metropolitan Hospital Board for the performance of his or her unit against predetermined goals and objectives. Each hospital would be seen as a composite of clinical programs and hospital support services, and these perspectives were to be adopted for planning, budgeting and coordinating purposes.

The Government considered the Uhrig proposals, and extensive consultation took place. It was decided that the most desirable objectives of the Uhrig proposal could be achieved by some structural changes and some legislative changes, without taking the more radical step of establishing a single Metropolitan Hospital Board.

The Commission has been reorganised to create a Metropolitan Health Services Division, a Country Health Services Division and a State-wide Services Division, in lieu of the three sector arrangement. The Metropolitan Health Services Division will have as one of its major responsibilities the co-ordination of hospital services in the metropolitan area. It will assume many of the functions Uhrig envisaged for the Metropolitan Hospital Board. A Metropolitan Hospitals Co-ordinating Group has already been established, as a forum for the chairpersons and chief executive officers of the hospitals to meet regularly with senior management of the Commission to deal with major matters of concern. Through this mechanism the respective roles of the Commission and the hospital boards will be more clearly defined. The organisation of clinical programs across the hospital system is being pursued. It is likely that one of the first to be established will be one dealing with emergency services and trauma.

On the legislative side, the Bill before honourable members today seeks to pick up on the points made by the various reviews, particularly as they relate to hospitals. It is proposed that the word 'autonomous' be deleted—instead of speaking of 'the establishment or continuation of hospitals and health centres under the administration of autonomous governing bodies', the Bill proposes 'the provision of health care through a properly integrated network of hospitals and health centres'. This enshrines the notion that individual health services are part of an overall health system and must work together in a coordinated manner.

The hospitals will still have substantial operating discretion and flexibility to enable effective local management of allocated resources. Hospital Boards will be responsible for matter of internal policy and management, giving direction to hospital activities and ensuring performance against objectives. However, they must fit with the overall policies, priorities, and resource parameters of the health system as a whole.

The title of the governing bodies of hospitals and health centres becomes 'board of directors'. This replaces the current 'board of management' and 'management committee' designation and is a more accurate reflection of the role of the board as a body responsible for broad policy directions and administrative principles, with the Chief Executive Officer being responsible to it for management of the service.

An additional function has been added to the Commission's list of functions, 'to ensure the proper allocation of resources between incorporated hospitals, incorporated health centres and health services established, maintained or operated by, or with the assistance of the Commission'.

This emphasises the Commission's system-wide responsibilities and its role in ensuring an integrated, rationalised and co-ordinated health service.

Provision has been included to enable the Commission to direct a hospital or health centre where it is the Commission's opinion that the body has failed in a particular instance to properly exercise and perform the responsibilities and functions for which it was established. Such a direction must be complied with. This is a power which I would hope the Commission would never have to use.

The arrangements being put into place particularly in relation to the metropolitan hospitals, should see policies, priorities and practical arrangements being determined in consultation with the hospitals, through meetings of the chairpersons and chief executive officers and through clinical program committees, and then being expressed through policy statements and budgets. However as both Taeuber and Uhrig observed, there must be the ability for the central

authority in particular circumstances to make a specific determination.

Another provision which I would hope would never have to be used—and it has not to date—is the revised provision dealing with dismissal of boards. The new provision is somewhat similar to the situation in relation to local councils under the Local Government Act. Where a board has contravened or failed to comply with the Act or its constitution or persistently failed to exercise its responsibilities and functions, the Governor may by proclamation remove all members from office and appoint an administrator. The administrator must arrange for a new board to be constituted within four months after the removal of the previous board. This is a much more workable provision than is currently in the Act. While on the one hand the current Act provides for dismissal, on the other, it prevents immediate action from happening if a board member appeals to the Industrial Court, thus allowing the seriously unsatisfactory situation which gave rise to the dismissal to persist until the appeal is eventually determined.

Turning now to incorporation, as honourable members would be aware, the Health Commission Act makes provision for the incorporation of hospitals and health centres. The 11 Government hospitals formerly run by the Hospitals Department (e.g. RAH, FMC etc.) have been incorporated, together with 62 other hospitals and health centres which secure funding from the Commission under the Commonwealth/State funding arrangements. There are some 30 hospitals which receive 100 per cent Government funding but have not yet chosen to be incorporated under the Act. They are currently incorporated under the Associations Incorporation Act or the Hospitals Act. Neither piece of legislation refers to the Commission or to the accountability of hospitals funded by the Commission. In practical terms some measure of accountability is achieved through the funding arrangements.

Incorporation under the South Australian Health Commission formalises in legal terms that relationship of accountability. It recognises that hospitals totally funded by Government should be part of an integrated health system. It provides staff with the opportunity to move around the health system with portability of leave rights, and conversely provides health services with the opportunity to recruit from such a wider pool of staff.

While the commission has encouraged incorporation with the remaining hospitals and some have shown interest, they have still not formally sought incorporation. Experience has shown that those hospitals which have opted for incorporation still retain their identity and a substantial measure of independence. There would appear to be no valid reason why they should not become part of the Statewide network of health services. This was the spirit and the intent of the original South Australian Health Commission Act and the power of incorporation was included as the vehicle for achieving that end.

The Bill therefore includes a provision which enables the Governor, by notice, to declare that a hospital which receives a major proportion of its funding from public funds will become incorporated as a matter of course. However, the incorporation cannot take effect until the notice has been laid before both Houses of Parliament for 14 sitting days without being disallowed by either House.

The constitution which could be applied to a hospital which is the subject of such a notice, is precluded from having a majority of ministerial appointees to its Board of Directors and must include, as far as practicable, provisions similar to the hospital's existing constitution.

This provision could be used not only to incorporate those 30 hospitals which are 100 per cent Government funded but have not yet incorporated under the Act, but also any other hospital which may in the future accept a major proportion of funding from public funds.

It is intended to allows 12 months' lead time before the provision is invoked, during which time it is hoped that many of the hospitals will get their constitutions in order and become incorporated by consent.

Another matter which this Bill addresses is the current distinction in the Act between Government and non-government health services. The Health Commission Act makes provision for the incorporation of hospitals and health centres. It designates (by schedule or by regulation) a number of Government hospitals and health centres. The reason for such a distinction in the Act was to ensure that the Government hospitals and health centres, which had been formerly run by the Hospitals Department (e.g. Royal Adelaide Hospital, Flinders Medical Centre, the Queen Elizabeth Hospital) would become incorporated as a matter of course. They did not have the option of seeking incorporation or not, nor did there have to be mutual agreement on the terms of their constitutions.

Once incorporated, there are only two aspects in which Government hospitals are treated differently from non-government in terms of the Act—they cannot appoint or dismiss a Chief Executive Officer without Commission approval (and Bidmeade recommended this should also apply to Government health centres); and if the Commission wished to dissolve the body, create a new one in its place and transfer the assets etc., it could seek the issue of a proclamation to do so without the board's approval.

There would appear to be no valid reason why the Government/non-government distinction should continue to persist in the Act. While legally possible, in practice the Commission would not seek to dissolve an existing Government health service, transfer assets, etc. without consulting and negotiating with the board. With respect to the appointment and dismissal of the Chief Executive Officer, it is considered that there should be Commission involvement in relation to all incorporated health services, not just Government hospitals. Incorporated health services range from Adelaide Children's Hospital and I.D.S.C. to bodies like Elliston Hospital. They are in receipt of 100 per cent Government funding (Commonwealth/State) and the Chief Executive Officer is a key appointment in the management of the service and in ensuring accountability for funds. It is therefore reasonable that the Commission have some involvement in the filling of the position.

The Bill provides that the board of an incorporated health service with a majority of ministerial appointees must not appoint or dismiss a chief executive officer except with the approval of the Commission. In any other case, the board must consult the Commission before appointing or dismissing a chief executive officer.

There are several other amendments which I will canvass briefly, and which can be dealt with in more detail at a later stage.

- provision is included to provide immunity from legal liability for members of boards of directors of incorporated hospitals and health centres. It is usual for persons who suffer damage to sue the hospital or health centre, rather than board members. However, board members (who give their time voluntarily) should have the reassurance of immunity, as do Commission members.
- provision is included to require officers and employees to avoid conflicts of interest between their duties

and their own private interests. Such a requirement already exists in relation to the Commission and board members.

- provision is included to enable health centres to make by-laws in the same form as hospitals and to provide for expiation fees for offences involving vehicular traffic or parking.
- provision is made to bring forward into the Health Commission Act certain provisions which have hitherto been dealt with under the Health Act (conduct of research into morbidity and mortality; reporting of various illnesses e.g. cancer). It is considered that matters of this nature are more appropriately dealt with under the Health Commission Act. The proposed Public and Environmental Health Act deletes reference to these provisions in anticipation of their inclusion in the Health Commission Act.

I have so far concentrated largely on the reorganisation of the Commission and revision of the legislation as it relates to hospital services. I make no apology for doing so, as the hospital system consumes by far the greater part of the health budget. However, I should point out that another important part of the reorganisation is the creation of an upgraded Planning and Policy Development Division. This division will have a key role in strategic planning and policy development. A most important perspective which will brought to bear on future planning will be the social health perspective—the aim will be to develop public policies which achieve maximum health benefit for the community. Emphasis will be placed on the primacy of prevention.

The Commission's corporate services will all be brought together under the one Director in the re-organisation. The Commission's committee structure has been rationalised and the number of committees significantly reduced. The Commission is currently working, with the assistance of a senior consultant from the Government Management Board, to improve its management processes. It is developing a five year strategic plan, clarifying the roles of the 'board' of the Commission and the Executive to enhance decision making and accountability, devising staff development programs so that staff skills will be enhanced and they will be adequately equipped to handle the issues which will confront them in the years to come.

I should point out that the reorganisation will not result in any increase in Central Office staffing. The number of people employed in the Central Office is being reduced from 335 in October 1986 to a target of 300 by June of this year. The Commission's central office budget has been reduced by $1 million and the number of executive officers in the structure has been reduced. It is the Commission's intention that the new structure be in place within three months.

I believe the package of administrative and legislative changes will place the Commission in a better position than it has ever been to pursue the charter it was given. It will equip the Commission and the health services to address and respond to vital health issues well into the next century.

I commend the Bill to the House.

Clauses 1 and 2 are formal.

Clause 3 amends section 3 of the principal Act.

Clause 4 makes changes to which I have already referred.

Clause 5 amends section 8 of the principal Act.

Clause 6 replaces section 9 of the principal Act. The new provision makes it clear that the Deputy Chairman only acts as deputy to the Chairman in the Chairman's capacity as Chairman.

Clause 7 removes subsection (5) of section 11 of the principal Act.

Clause 8 increases the penalty imposed under section 14.

Clause 9 removes the word 'general' from section 15 of the principal Act.

Clause 10 includes an additional function of the commission.

Clause 11 replaces the delegation provision with an expanded provision. Delegation can now be made to any person but all delegations must be reviewed annually.

Clause 12 amends section 19a of the principal Act.

Clause 13 substitutes new provisions in section 27 providing for the incorporation of a body to take over the functions of existing hospitals.

Clause 14 makes a consequential change.

Clause 15 makes a consequential change and increases the penalty under section 29a for failure of a member of a board to disclose an interest in a contract made, or to be made, by the hospital.

Clause 16 inserts an immunity provision for members of boards of incorporated hospitals.

Clause 17 replaces subsection (3) of section 30 of the principal Act. The distinction between Government and other hospitals is removed by the amendment. Only hospitals that have a majority of ministerial appointed board members will have to obtain the approval of the commission to the appointment or dismissal of the chief executive officers. Other hospitals will have to consult the commission on these questions but are not bound by the commissions wishes.

Clause 18 tightens up the requirement to furnish information under section 36 of the principal Act.

Clause 19 repeals section 37 of the principal Act.

Clause 20 substitutes new provisions in section 48 providing for the incorporation of a body to take over the health service functions of another body.

Clause 21 makes a consequential amendment.

Clause 22 makes a consequential amendment and increases the penalty prescribed for breach of section 50a.

Clause 23 inserts an immunity provision for members of boards of incorporated health centres.

Clause 24 makes consequential changes to section 51 of the principal Act and inserts a new subsection in the same form as the new subsection (3) inserted into section 30 by clause 17.

Clauses 25 and 26 make consequential changes.

Clause 27 makes consequential changes to section 57 and inserts a new provision that tightens up the requirement to furnish information under the section.

Clause 28 provides power for incorporated health centres to make by-laws.

Clause 29 replaces section 58 of the principal Act with two new sections. New section 58 empowers the commission to give directions to a hospital or health centre were there has been a failure in a particular instance. The exclusion of Commonwealth funded nursing homes is to ensure the continuation of funding by the Commonwealth. New section 58a replaces the substance of the existing section 58.

Clause 30 inserts a new provision providing for conflict of interest.

Clause 31 increases the penalty for an offence under section 64.

Clause 32 inserts new section 64d which will replace part IXc of the Health Act 1935.

Clause 33 inserts a new regulation making power.

Clause 34 repeals part IXc of the Health Act 1935.

Clause 35 makes amendments to the Transplantation and Anatomy Act 1983.

Mr BECKER secured the adjournment of the debate.

PLANNING ACT AMENDMENT BILL (No.1) (1987)

Received from the Legislative Council and read a first time.

The Hon. LYNN ARNOLD (Minister of State Development and Technology): 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 Government is pleased to introduce a Bill which seeks adoption of recommendations resulting from the report of the select committee into Section 56 of the Planning Act. The issue has been a protracted one, and has caused much concern in many sectors of the community. I wish to congratulate the select committe in coming forward with recommendations which set a proper balance between the desires held by operators of existing activities, and the wish of the community to ensure that development is subject to an appropriate assessment process.

Clauses 1 and 2 are formal.

Clause 3 replaces section 4a of the principal Act. The reason is to build into the section the concept of the continuation of an existing use. This concept is used later in the amendments and as it is the reverse face of the 'change of use' coin it is convenient to incorporate it into this section. The new provision is the same as the existing provision except for the incorporation of the concept of continuation in subsection (2), some setting out changes and some minor drafting changes.

Clause 4 replaces the last four subsections of section 41 with eight new subsections. The substance of the new provisions is the same as the old except for new subsection (14) and the requirement that all supplementary development plans must be referred to the Joint Committee on Subordinate Legislation. The additional subsections are needed to accommodate the new requirements and to set out more clearly a somewhat complicated set of procedures.

Clause 5 replaces subsection (8) of section 47 of the principal Act.

Clause 6 replaces section 56 of the principal Act with two new sections. Subsection (1) of new section 56 underlines the fact that the principal Act does not control the continuation of existing uses but points out that a development undertaken in the course of an existing use is subject to control like any other development. At the moment some developments (such as the replacement of existing buildings) that are undertaken in the course of an existing use are excluded from the definition of development by regulation. The definition of development in section 4 of the principal Act allows this to be done. Subsection (2) of new section 56 by virtue of the reference in that subsection to 'development of a prescribed kind' provides a regulation making power specifically for this purpose.

The definition of development in section 4 also provides the Governor with power to declare other acts or activities to be developed. It is possible that a use of land could be declared to be development in which case even owners who had been using their land in a particular way for years may have to obtain consent to continue the use. Subsection (3) of the new provision is designed to protect the rights of owners and occupiers in these circumstances. However a continued use of land sometimes involves an act or activity that amounts to development in its own right. Excavation for a swimming pool or tennis court on a residential property in the hills face zone is an example. The installation of a swimming pool or tennis court is clearly part of the existing residential use. Subsection (4) ensures that such developments do not unintentionally obtain the protection provided by the subsection.

New section 56a protects a person who has commenced an act or activity (whether development or not) and finds that because of a change in the definition of development or the Development Plan that occurs before completion he cannot continue with the act or activity. The provision protects a person who has commenced within three years before the change and completes the project within three years after the change.

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

PUBLIC AND ENVIRONMENTAL HEALTH BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

WRONGS ACT AMENDMENT BILL (No. 1) (1987)

Received from the Legislative Council and read a first time.

The Hon. R.G. PAYNE (Minister of Mines and Energy): 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 seeks to reform the law of the State in relation to occupier's liability, a topic that has received considerable academic, judicial and legislative attention in recent years, both in Australia and overseas. It was the subject of the Twenty-fourth and Forty-eighth Reports of the Law Reform Committee of South Australia. Most recently, it has found legislative expression in Victoria in its Occupiers Liability Act which was assented to on 13 December 1983.

At the judicial level, it has been the subject of criticism and close scrutiny by the High Court in such cases as *Hackshaw v Shaw* (1984) 59 ALJR 156 and *Papatanokis v Telecom* (1985) 59 ALJR 201 and the New South Wales Supreme Court in *Gorman v Williams* [1985] 2 NSWLR 662.

Without exception, the general thrust of legal developments, at all levels and in most jurisdictions, has been towards subsuming the duties of occupiers, to the various categories of entrants upon their lands, under the general law of negligence.

To understand the context of these developments, I wish briefly to canvass the existing relevant common law rules.

As the Law Reform Committee's 24th Report succinctly states (pp. 8-9):

> The common law has drawn a broad distinction between two kinds of persons who enter on land with the consent of the occupier: between a person who enters the land in pursuance of

a common material interest—usually financial—with the occupier and an entrant who does not share such an interest with him. The former is known to the law as an invitee and the latter as a licensee; and the occupier has greater responsibilities in ensuring the safety of the invitee than in ensuring that of the licensee. This distinction has been the object of very considerable criticism and it is perhaps the principal feature of all the reforms and proposed reforms of the law of occupier's liability . . .

There have been essentially two main grounds of criticism of the present distinction. The first is that it has unnecessarily added an unacceptable degree of complexity to the law, not only by requiring an intitial process of classifying an entrant in any case of occupier's liability but because it has led to the production of other and consequential distinctions and refinements of law; and secondly that the criterion of material interest is in itself an inappropriate one against which to assess the extent of the duty owed to the entrant.

The classic statement of the duty owed to an invitee is in *Indermaur v Dames*, an 1866 English decision:

He (the invitee) using reasonable care on his part for his own safety is entitled to expect that the occupier shall on his part use reasonable care to prevent damage from unusual danger which he knows or ought to know; and that where there is evidence of neglect, the question whether such reasonable care has been taken by notice, lighting, guiding or otherwise, and whether there was contributory negligence in the sufferer, must be determined by the jury as a matter of fact.

The duty owed to a licensee is stated in one judgment in the 1932 High Court decision of *Lipman v Clendinnen:*

The result of the authorities appears to be that the obligation of an occupier towards a licensee is to take reasonable care to prevent harm to him from a state or condition of the premises known to the occupier but unknown to the visitor which the use of reasonable care on his part would not disclose and which considering the nature of the premises, the occasion of the lease and licence and the circumstances generally, a reasonable man would be misled into failing to anticipate or suspect.

In relation to trespassers, courts had long ago espoused the rule that an occupier owed no duty of care save to refrain from intentional or reckless (i.e. deliberate) harm.

However the common law has, by and large, attempted to evolve rules, or exceptions to general rules, which would ameliorate the harshness of applying the leading authorities to cases where notions of simple justice dictated a different result. For example, fictions such as implied licences were imputed in cases of children entering land as trespassers.

In *British Railways Board v Herrington* [1972] A.C. 877 the House of Lords laid down a number of guiding principles regarding an occupier's duty to trespassers:

(1) There must be actual knowledge of the presence of the trespasser or knowledge of facts which make it likely that he will come on the land and actual knowledge of conditions on the land likely to injure a trespasser unaware of the danger.

(2) If a reasonable man, possessed of the actual knowledge of those facts would recognise the likelihood of the trespasser's presence and the risk, the occupier's failure to appreciate them does not absolve him.

(3) The duty is limited to taking reasonable steps to enable the trespasser to avoid the danger.

(4) The relevant likelihood to be considered is of the trespasser's presence at the actual time and place of danger to him, such likelihood as would impel a man of ordinary humane feelings to take steps to mitigate the risk of injury to which the particular danger exposes the trespasser:

This gives rise to the so-called 'duty of common humanity' test.

This Bill, by adopting the general principles of the law of negligence, has the major advantage that the law the courts are to administer, and upon which practitioners must advise clients, will be given a clear foundation on principles with which both are thoroughly familiar and accustomed to deal. Moreover, the general principles of negligence ought to be capable of taking into account such matters as the unpredictability of the movements of entrants on land and to balance the interest and convenience of the occupier and the security of the entrant from unreasonable dangers.

In many respects, therefore, what is sought by this Bill is quite closely analogous to what was sought and achieved by the Wrongs Act Amendment Bill 1983 dealing with liability for animals. The comments in the October 1983 report of the Legislative Council select committee on that particular Bill are apposite to this reform:

Your Committee has closely examined this issue and is of the view that the principles of negligence are sufficiently flexible to take account of differing situations and to be able to cope with the problems . . . as they arise. (p.7)

The following aspects of this Bill should be especially noted:

(1) the definition of 'premises' to which it applies is sufficiently wide to encompass unalienated Crown land as well as all forms of private tenure;

(2) the mere failure by an occupier to warn against a danger arising from the unsafe state or condition of premises will not of itself establish a failure to exercise a reasonable standard of care. This type of provision is to be directly compared with s. 17a (7) of the Wrongs Act the material part of which provides:

> . . . the fact that in a particular case no measures were taken . . . to warn against any vicious, dangerous or mischievous propensity that [an animal] might exhibit, does not necessarily show that a reasonable standard of care was not exercised.;

(3) in relation to trespassers, no duty of care is owed unless the common duty of humanity is breached; a duty which is significantly narrower than that which is to be owed to all other categories of entrants;

(4) the Bill will have an entirely prospective operation i.e. it will only apply to causes of action that arise after it comes into effect;

(5) there will still be freedom for the parties to modify their obligations pursuant to contract; and

(6) the nature and extent of premises are to be taken into account before liability can be established. The Government is concerned to ensure that the actual size of land-holdings is not overlooked as a relevant factor. Clearly, all other things being equal, a breach of duty would be less likely to be inferred when the event occurs in a remote part of a large land-holding (e.g. an outback pastoral lease) than when the same event occurs in the corner of a suburban back-yard.

Proposed section 17d deals with the limitation of liability of a landlord of premises to entrants on those premises. Its rationale is best explained in the Law Reform Committee's 24th Report (p.25):

Where premises are leased to a tenant, the right of exclusive occupation of them goes to the tenant as the necessary incident of his tenancy. Consequently if a visitor to the demised premises is injured while on them his action lies against the tenant as occupier rather than against the landlord. Yet, especially in the case of short- term tenancies, the duty of keeping the property in repair belongs in considerable measure to the landlord. Since the decision in *Cavalier v Pope* (1906) A.C. 428 it has been clear that this duty is owed to the tenant in virtue of the contract between landlord and tenant and does not extend to other persons lawfully on the premises, so that an injured entrant has no direct redress against the landlord but must bring his action against the tenant who, in turn, must try to recover over against the landlord. In order to prevent this circuity of action the English Law Reform Committee recommended that where a visitor to premises has been injured because of the failure of the landlord to fulfil his duty

of repair the visitor should have a several right to sue the landlord direct.

Finally there are two things I should like to make quite clear. As with any measure of such public importance, the Government has consulted very extensively and sought comments on the draft Bill. Moreover, the Government sought the advice of the General Manager of the State Government Insurance Commission on the likely or possible impact on premiums in respect of relevant insurance policies (e.g. public liability policies) were this reform to proceed. His response (of 27 August 1986) was that:

> In so far as the question dealing with occupier's liability is concerned and the premiums payable in respect of insurance policies (e.g. public liability policies) we do not anticipate any significant movement in premiums.
>
> The proposed amendments may have some impact in relation to claims by the traditional category of persons classed as licensees, as wider scope could be afforded to the courts to import negligence into an occupiers activities or failure to eliminate a risk from the premises.
>
> We consider that the inflationary trends in court awards is more likely to impact premiums in the future as well as members of the public exercising their rights more readily than in the past.

This Bill is a sincere attempt by the Government to strike a balance between the rights and entitlements of owners and occupiers of premises and the reasonable expectations of those who come upon or traverse their premises. It is also a genuine attempt to take into account the differing considerations that apply in urban and rural settings respectively. It is, most importantly, a measure that will bring long overdue sense, uniformity and rationality to an area of the law that has proved obscure, difficult even for experts and replete with potential for injustice. I commend this Bill to honourable members.

Clauses 1 and 2 are formal.

Clause 3 inserts new part IB into the principal Act. The new part concerns occupier's liability.

New section 17b contains definitions for the purposes of the new part. Of significance is the definition of—

'occupier'—a person in occupation or control of premises, including a landlord.

'premises' including land, building or vehicles.

New section 17c sets out the occupier's duty of care. The occupier's liability for injury, damage or loss attributable to the dangerous state or condition of the premises is to be determined in accordance with the law of negligence.

In determining the standard of care to be observed by an occupier, a court will consider—

(a) the nature and extent of the premises and the danger arising from their dangerous state;

(b) the circumstances in which the injured person became exposed to danger;

(c) the age of that person and the person's ability to appreciate the danger;

(d) the extent to which the occupier was, or should have been, aware of the danger and the entry of persons on the premises;

(e) the measures taken to eliminate, reduce or warn against the danger;

(f) the extent to which it would have been reasonable and practicable to take such measures;

(g) and other matters that the court thinks relevant.

The fact that, in a particular case, the occupier took no such measures does not necessarily show that a reasonable standard of care was not exercised.

The occupier's duty may be reduced or excluded by contract, but no such reduction or exclusion affects the rights of any stranger to the contract.

Where the occupier is by reason of any other Act or law subject to a higher duty of care, that higher duty will prevail.

An occupier owes no duty to a trespasser unless—

(a) the presence of trespassers in the premises and their exposure to danger were reasonably foreseeable; and

(b) the nature or extent of the danger was such that measures which were not in fact taken should have been taken for their protection.

Under new section 17d, the liability of a landlord is limited to injury arising from an act or omission to carry out the landlord's obligation to repair or maintain or a failure on the part of the landlord to carry out that obligation.

Under new section 17e the new part operates to the exclusion of the common law principles of occupier's liability. The part does not apply to an occupier who intends to cause injury, loss or damage to another.

Clause 4 provides that this measure does not affect a cause of action that arose before its commencement and does not give rise to a cause of action in relation to events occurring before that commencement.

The Hon. B.C. EASTICK secured the adjournment of the debate.

BAIL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. R.G. PAYNE (Minister of Mines and Energy): 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 seeks to amend the Bail Act 1985 in order to effect a number of improvements in its administration and application.

The Bail Act 1985 came into operation on 7 July 1985. Since then a number of procedural and substantive problems have been identified by various authorities. Moreover, in July 1986 the Office of Crime Statistics of the Attorney-General's Department published a research bulletin on 'Bail Reform in South Australia'. In its summary the bulletin notes:

> . . . the [Bail] Act also aimed to provide clear guidelines which would reduce discrimination against defendants who were poor or lacked social resources, while still providing ample scope to protect the public.
>
> Despite the new provisions, early indications are that the Bail Act has not achieved its full range of objectives. South Australia continues to have a higher rate of prisoners remanded in custody than many other parts of Australia—indeed since the new Act was introduced the number of unsentenced prisoners in South Australia has on occasions reached record levels. Moreover, there is reason to believe that the bail system continues to prejudice the interests of the socially or economically disadvantaged.

The bulletin substantiates these observations by noting that immediately after the Act came into operation there was a significant decrease in the number and rate of unsentenced prisoners. This continued throughout the following two months, and by September 1985 the South Australian rate was the same as for the nation as a whole—only the second time this had occurred in almost eight years. After this point, however, numbers of remandees began to increase, and by March 1986 they had reached record levels. At 13.4 per 1 000 adult population, the rate of unsentenced pris-

oners in this State during April 1986 was the third highest in Australia.

The bulletin made a number of specific recommendations, the most relevant being:

1. Bail agreement forms used by police, criminal courts of summary jurisdiction and in the higher criminal courts should be redesigned to give greater emphasis to non-financial conditions, and to make it clear that breach of bail is a serious offence.
2. Courts should be made more aware of the option of granting bail subject to the supervision of a probation officer, and of the circumstances under which supervised bail can be used. Administrative procedures should be established to notify district parole offices of a bailee who has a condition requiring supervision.
3. Police standing orders on bail should be revised, to make it clear that financial conditions should only be used as a last resort.
4. Relevant authorities should be encouraged to prosecute breaches of bail, rather than relying on forfeiture of cash or recognisance.
5. The bail pamphlet (as contemplated by section 13 (1) *(b)* (i) of the Act) should be revised.
6. The Correctional Services Department, legal aid organisations and the Courts Services Department should take immediate steps to ensure that appropriate authorities are informed as soon as a defendant is remanded in custody because of failure to satisfy a financial condition, and that the case is returned to court for a review.

As a result the working party that originally supervised implementation of the Act was reconvened, to concentrate on improving the efficiency and effectiveness of the Act. It comprised representatives from the Attorney-General's, Correctional Services, Court Services and Police Departments as well as from the Law Society, Legal Services Commission and the Aboriginal Legal Rights Movement.

This Bill is the product of their labours coupled with invaluable input from all levels of the Judiciary.

The following major proposed reforms should be especially noted. A person will not be eligible for bail until any period of detention that is operative after arrest (by virtue of the Summary Offences Act 1953) has come to its conclusion. The classes of functionaries or persons before whom a person may enter a bail agreement or a guarantee are expanded for the greater convenience of the people affected. The actual procedural aspects of seeking bail are to be dealt with by regulations promulgated under the Act. This will enable any future changes to procedures to be made more expeditiously if any further problems surface in that regard. I stress that the regulations will deal only with the procedures, forms and information that are attendant on bail applications. They will not deal with the substantive rules—they remain well and truly enshrined in the Act. In the words of the research bulletin:

> From research both in Australia and overseas, there can be no doubt that the key to an efficient yet equitable system lies in ensuring that bail authorities are quickly provided with comprehensive and accurate information on an applicant's background and circumstances.

As an alternative to institutionalised custody, bail authorities will be able to consider home detention. The provisions to this effect echo the sorts of powers Parliament has already deliberated on in the Correctional Services Act Amendment Act 1986 (Act No. 98 of 1986).

The Bail Act presently provides that a person on bail cannot leave the State without the permission of the court before which he or she is bound to appear. Greater flexibility to these strictures is incorporated by the amendments sought in this Bill. Moreover, where a person is committed to a higher court for trial or sentence, he or she can seek to apply for bail from the committing court until such trial or sentence. The present rule, that the court to which the person is so committed is the requisite bail authority, is conducive to delay and inconvenience.

This Bill also proposes that where a person is released on conditional bail and the person remains in custody because the condition is not fulfilled, he or she is to be automatically brought back for a complete review of the unfulfilled condition not more than five working days after it was originally imposed.

This is expected to have a salutary impact on the still prevalent practice of bail authorities imposing unrealistic financial conditions that have no reasonable expectation of being met.

The Bill also provides for a further review of a magistrate's review of a bail authority by (and only with the leave of) the Supreme Court.

Existing section 16 is to be amended to enable a notice of discontinuance to be filed by the Crown which will have the effect, among other things, of reviving the original decision in favour of bail. Presently, the mechanism is uncertain and not sufficiently spelt out.

The proposed new section 17a articulates a guarantor's obligations. The criminal sanction attached to it should provide an incentive for guarantors to ensure a bailed person complies with his or her obligations and a disincentive for bail authorities to impose difficult, unrealistic or inconvenient financial conditions on a guarantor. To this extent it will reinforce the potential criminal liability of a bailed person who does not comply with the bail agreement—an offence that already attracts the same penalties as are prescribed for the principal offence (but so as not to allow an award of imprisonment of more than three years).

The Bill also provides that any applications made or consents given by the Crown may be given by a member of the Police Force. This should obviate delays for police officers (especially in remote parts of the State) presently occasioned by seeking precise instructions from the Crown.

Because of the new emphasis on potential criminal liability of guarantors, as well as the existing criminal liability of bailed persons, the ordinary limitation period of six months is to be extended to one year. This should ensure more vigilant enforcement of the Act while de-emphasising the forfeiture and estreatment aspects attendant on it.

It is the Government's fervent hope that this Bill—and the regulations that will be promulgated under it—will overcome the problems identified by the Office of Crime Statistics and the working party and lead to a more efficient bail system and one that does not prejudice (as appears to be the case at present) the interests of the socially or economically disadvantaged.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends the definition of 'victim'. It is appropriate that this definition affect the fact that the person has only allegedly suffered from an offence.

Clause 4 amends section 4 of the principal Act in two respects. First, in order to avoid any argument that a person who appears before a court in answer to a summons or for allegedly breaching a term of a recognisance is not eligible for bail, these categories are to be specifically included under section 4. Secondly, it is appropriate to provide in the legislation that a person who is being detained under the Summary Offences Act 1953 for the purposes of an investigation is not eligible for bail until the end of that detention.

Clause 5 amends section 5 of the principal Act. The amendments to paragraphs *(c)* and *(d)* of subsection (1) ensure that bail can continue where a person has been committed for trial or sentence for an indictable offence but has not yet appeared before the appropriate court.

Clause 6 revises part of section 6 of the principal Act. Experience has shown that procedures could be streamlined if a bail agreement could be entered into before other authorities. It is therefore proposed to provide that bail agreements can be entered into before any justice, certain members of the Police Force, a person in charge of a prison or any other person specified by the bail authority.

Clause 7 provides for the amendment of section 7 of the principal Act. In a fashion similar to the amendments to section 6, a guarantee of bail will be able to be entered into before any justice, certain members of the Police Force, a person in charge of a prison or other specified persons. A guarantor of bail is to be of or above the age of 18 years.

Clause 8 proposes amendments to section 8 of the principal Act. It is intended that applications for bail be in a prescribed form and be completed in a manner prescribed by the regulations. However, formal applications will not be necessary in certain prescribed situations.

Clause 9 amends section 11 of the principal Act in several respects. An amendment to subsection (2) will allow a bail authority to order that a person on bail reside at a specified address and remain there while on bail. Subsection (6) is to be revised so that a person on bail will be able to leave the State if he or she has obtained the permission of a judge or justice, a member of the Police Force or a person who may be supervising him or her. Furthermore, it is proposed that a person who cannot be released on bail because he or she cannot arrange for the conditions of bail to be fulfilled should be brought back before a bail authority within five days so that the matter can be reviewed.

Clause 10 provides for a new section 15a, which will allow a decision of a magistrate on a review to be subject to a further review by the Supreme Court. However, an application to the Supreme Court must be made with leave to the Supreme Court and that leave will only be granted if it appears that there has been an error of law or fact.

Clause 11 will substitute a new section 16. This section allows a stay of release on application of the Crown pending an application for review. The new section will allow the person to be released before a period of 72 hours elapses if the Crown indicates that it does not desire to proceed with the review.

Clause 12 amends section 17 of the principal Act so that, as a general rule, proceedings for an offence in which it is alleged that a person on bail failed to comply with a term or condition of bail will be heard and determined after the proceedings for the principal offence have been determined.

Clause 13 provides for a new section 17a of the principal Act. It is proposed that a guarantor of bail be required to inform a member of the Police Force if he or she knows or believes that a term or condition of the bail agreement has been breached by the person who is on bail.

Clause 14 amends section 18 of the principal Act to direct that a person who is arrested for allegedly contravening or failing to comply with a bail agreement must be brought as soon as practicable before the court or justice before which the person is bound to appear or a court of summary jurisdiction.

Clause 15 amends section 19 of the principal Act so as to allow a court to order that an order for pecuniary forfeiture need not be carried into effect immediately. A court will be able to allow a person time to pay a pecuniary forfeiture order.

Clause 16 provides for a new section 20 of the principal Act. The section will provide for the termination of a bail agreement when the person is sentenced or discharged without sentence. (If before that time a bail authority considers that the person should no longer be on bail, the authority will be able to revoke bail under other provisions of the Act.)

Clause 17 provides for a new section 21a, which will confirm who may make applications under the Act on behalf of the Crown.

Clause 18 amends section 23 of the principal Act to provide that proceedings for an offence against the Act may be commenced within 12 months after the date on which it is alleged to have been committed.

The Hon. B.C. EASTICK secured the adjournment of the debate.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES (REPEAL AND VESTING) BILL

Returned from the Legislative Council without amendment.

SUSPENSION OF STANDING ORDERS

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That consideration of Orders of the Day: Government Business be postponed until 4.15 p.m.

Motion carried.

INTEREST RATES

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

That this House roundly condemns the Federal Government for its high tax and high interest rate policies which are crippling Australia.

(Continued from 2 April. Page 3791.)

The Hon. B.C. EASTICK (Light): I have pleasure in supporting this motion and will simply make an observation. This motion is a statement of fact. The observation I make is that, given the opportunity on the last occasion when this matter was raised, not one member of the Government stood in their place to take the adjournment, which would seek to have refuted the truism that had been put forward by my colleague in his motion. Therefore, I firmly expect that when this matter comes to a vote—and I will give it that opportunity quickly—it will be supported unanimously by the House, because there has not been a dissentient voice.

The House divided on the motion:

Ayes (15)—Messrs Allison, D.S. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Meier, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 7 for the Noes.

Motion thus negatived.

LAND TAX

Adjourned debate on motion of Mr S.J. Baker:

That this House urges the Government to immediately launch an inquiry into the impact of escalating land tax charges on the small business sector.

(Continued from 2 April. Page 3793.)

Mr OSWALD (Morphett): I had intended speaking at length on this motion, but because of time constraints I will limit myself to speaking for two or three minutes, during which I will put on the record a few thoughts on this motion. I am in favour of this motion. The small business sector is labouring, as it has never laboured before in its history, under various types of financial imposts. Headlines appear in the papers regularly about South Australia facing record numbers of bankruptcies, which have been brought about for many reasons. Some have been brought about because of wage demands that are constantly placed on small business. Also, there will be future demands for superannuation, which they have to provide from their own cash flow, and their diminishing profit margins.

There are other reasons why small business is labouring under difficulties. A major one is the growing problem of land tax. I will quickly outline a few of the problems that a small business has to contend with if it wishes to survive. First, a third of small businesses are going bankrupt because of diminishing cash flows. They have had to contend with a sharp rise in the number of company liquidations around them, once again brought about by diminishing cash flows and lack of liquidity which produces a lowering of profit margins and eventually means that businesses cease to have a sufficient profit margin to stay in business.

Businesses servicing the rural sector are being hard hit by the diminishing turnover and profitability of the rural sector. There have been continuing high interest rates with small business having to contend with interest rates near 23 per cent. This places a tremendous impost on their liquidity. Small business has also had to contend with the devaluation of the Australian dollar in the eyes of overseas markets. This has crippled many importers and distributors. There are also the soaring charges that have been imposed on small businesses by the State Labor Government. We have seen that Government openly support the Federal Government's fringe benefits tax and have seen the imposts that the fringe benefits tax has had on the ability of small business to survive.

We are also seeing increasing workers compensation premiums, which are yet another impost on the running of a business. All these factors are put together in an environment of general economic decline. We have all seen examples of the way in which small business land tax has escalated. I will give examples of this. A shop on Unley Road with a site value in 1980 of $75 000 paid land tax of $347. In 1985 (I do not have later figures) that land tax payment had increased to $1 118. A car dealer at North Brighton in 1980-81 paid $152 land tax, whereas in 1984-85 he paid $535 land tax, and it will increase again this year. These are quite intolerable costs on small business at a time when the Government is doing nothing to help small business: it even appears to be anti business.

The number of employees on the Government payroll continues to rise and it is not cutting overheads. The only way it can fund these overheads is by imposing charges on the business community. The honourable member for Mitcham is correct in asking for an inquiry into this escalating land tax impost on the operation of small businesses because without small business the Labor Government will not have any tax collecting base at its disposal and unemployment will continue to soar in this State. The State is going backwards: the Government must show a lead and do something about the cost of running a business. One of the positive steps that it could take would be to agree to this inquiry suggested by the member for Mitcham to allow us to have a close look at what affects the cost of small business and what impact the escalating cost of land tax is having on small business. I support the motion.

Motion negatived.

RETIREMENT VILLAGES

Adjourned debate on motion of Mr Becker:

That this House demands the Premier immediately introduce legislation to abolish land tax on all owner occupied retirement village units commencing this financial year:

which Mrs Appleby had moved to amend by leaving out all words after the word 'House' and inserting in lieu thereof the words:

urge the Government to address with urgency documented anomalies which at present cause disadvantage to tenants of resident funded retirement villages, and further the House congratulate the Premier for the announcement that land tax exemptions are to be addressed in the context of preparation for the 1987-88 budget with changes operating from 1 July 1987.

(Continued from 2 April. Page 3795.)

The Hon. B.C. EASTICK (Light): The member for Hanson first raised this matter on 19 March, and that appears at pages 3552-3 of *Hansard*. Subsequently, an amendment was put forward by the member for Hayward, supported by the member for Henley Beach, and the debate on that is at pages 3793-5 of *Hansard* of 2 April. I made the point, when addressing the member for Hayward's amendment last week, that this matter should be urgently dealt with now, not next year, and the reason why it is urgent now has been spelled out to members and is well known by the Premier, namely, that as a result of the aggregation problem, there has been a massive escalation in land tax for the people concerned.

As certain developers complete one project and purchase land for the next, their aggregation of property as at 1 July 1986 was such as to reflect a higher rate in the dollar on properties which are providing homes for the pensioners concerned. That it is not good enough at a time when it would be quite possible for the Government—even now, when we have not yet finished this session—to bring in a Bill to alter retrospectively the appropriate section of the Act, to give relief to those pensioners who are in need. It is the pensioners who are in need of relief, not the developers. Retrospectivity, to members of the Liberal Party, is a dirty word. However, where it involves a matter of conscience in looking after the very real financial concerns of people in the community who are calling out for this sort of relief, the Liberal Party is not averse to retrospectivity.

That relief has not been provided, and the action taken by the member for Hayward in her amendment does nothing but give hope for the future, whereas we are suggesting hope for the present. I suggest very strongly that members support the original motion, casting aside the amendment, and that the Government (in the time still available to it) take up the direction provided for it by the member for Hanson; and let us get on with assisting these people who are in need of help now.

Mr BECKER (Hanson): In closing this debate, I want to thank those who have spoken to it and just correct one

statement which was made by the member for Hayward. As soon as I was advised of the problem involving the Fulham retirement village, I wrote to the Premier on 17 November 1986 and followed that up on 20 January 1987 asking why he had not replied and what would be his response to my previous request. The member for Hayward suggested that I took some time to do anything about it, but I always believe in writing to the Minister first and giving him the opportunity to respond.

I think that I have shown the Premier every courtesy in this regard for and on behalf of my constituents. Those I have contacted in my own electorate have contacted others in retirement villages, and a telephone call came through a few days ago from a person at Salisbury East who was very appreciative of all the good work being done in this regard and that is more than that person's local member of Parliament—the member for Briggs—is doing.

The Premier wrote to me in reply and then, when the residents of the Fulham retirement village wrote to the Premier (I delivered those letters to his secretary on the day I moved this motion; I think there were some 58 letters), the reply was exactly the same as the letter the Premier had written to me. This letter is dated 31 March and signed by the Hon. Frank Blevins for and on behalf of the Premier. So, the Premier has not even bothered to read the correspondence or had the courtesy to sign the letters to these people. He has passed the matter on to the Minister of Labour. So, the Government does not care for these people in retirement villages, as the member for Light has said. Let me remind the House of the final paragraph of the Premier's letter to me (and the final paragraph of the letter from the Hon. Frank Blevins):

> Currently there is a Bill before the Parliament which is intended to regulate the operations of retirement villages and to protect the rights of the residents. Once Parliament has considered the Bill, the separate issue of land tax exemptions will be examined. This would have to be done in the context of the preparations of the 1987-88 budget with any change operating from 1 July 1987.

At 3.35 p.m. on 9 April—today—the Retirement Villages Bill is not before the House of Assembly. I understand that it is still in the Legislative Council. So, it is not giving us much opportunity to amend that legislation or to do anything which will be beneficial to these people. I contend that we will have to now ask our colleagues in another place to take the necessary action to amend that legislation so that these people can receive relief to which they are entitled in this financial year. That is why I reject the amendment and urge all members to support the motion.

The House divided on the amendment:

Ayes (22)—Mr Abbott, Mrs Appleby (teller), Messrs L.M.F. Arnold, Bannon, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (15)—Messrs Allison, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, Oswald, and Wotton.

Majority of 7 for the Ayes.

Amendment thus carried.

The House divided on the motion as amended:

Ayes (22)—Mr Abbott, Mrs Appleby (teller), Messrs L.M.F. Arnold, Bannon, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (14)—Messrs Allison, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Lewis, Meier, Oswald, and Wotton.

Majority of 8 for the Ayes.

Motion as amended thus carried.

LOW INCOME EARNERS

Adjourned debate on motion of Ms Lenehan:

That this Parliament congratulates the Government, and in particular the Minister of Housing and Construction and the Minister of Health and Community Welfare, for the initiatives and programs implemented to support low income earners and those in receipt of pensions and benefits.

(Continued from 2 April. Page 3796.)

Mr OSWALD (Morphett): I register my disagreement with the motion, and I will not be supporting it. I am not sure whether the motion is an attempt to bolster the confidence of the State Ministers mentioned in the motion or to bolster the confidence of the Federal Government. The motion congratulates certain State Ministers for supporting low income earners and particularly those in receipt of pensions and benefits. Obviously the member who moved the motion has not taken into account the fact that in the Australian community at the moment pensioners are in open revolt against the Government. If the Hawke Government is frightened to go to the polls right now, it is because it knows that pensioners are withdrawing support from Labor Governments in droves. There is no way that a pensioner would support the Hawke Federal Labor Government or the State Bannon Labor Government.

It is well known that, at the first economic tax summit in Canberra, the ACTU set down the direction of the Hawke/Keating Administration for the next six years when the ACTU said, 'We will look after those people who have jobs.' That is exactly what has happened. Those people in the community lucky enough to have a job are looked after by the Commonwealth Labor Government, but those unlucky enough not to have a job (and I include pensioners, the unemployed, and so on) are not looked after at all. The gap is extending considerably between the haves and have-nots, between those with a large pay cheque and lucky enough to be in employment and those who rely on the social security system of this country.

No doubt the member who moved the motion put up examples of where our local State Ministers have made some effort to help those in need. I certainly hope that that help has been forthcoming, because that is exactly what the Government of the day is there for. However, the Government will never get away from the fact that the pensioners of this country—under State and Federal Administrations (and particularly in the Federal arena)—are walking away from the Labor Governments in droves because they believe that Labor Governments have forgotten them. In fact, the Labor Governments are interested in supporting only the trade union movement, and the trade union movement is interested in only those lucky enough to hold down jobs. I think I have made my point and I will not delay the House any further. I certainly cannot support the motion before the House.

Ms LENEHAN (Mawson): I will be brief, having spoken at length to the motion over two separate days in private members' time. On the first occasion I spoke about the initiatives taken by the State Government in relation to housing. I completely refute the claim by the member for Morphett that this Government has not done anything to help people in receipt of pensions and benefits get into the

public housing sector. I remind the honourable member of initiatives such as the mortgage and rent relief schemes, other pensioner schemes and schemes specifically for low income earners.

When I spoke on the second occasion last week I dealt specifically with the health and community welfare initiatives of this Government and I enumerated some of the support schemes, particularly for the aged, in the provision of spectacles (through the spectacle scheme) and dentures to pensioners; and I talked about a whole range of other initiatives. I can only suggest that the member for Morphett has not bothered to read my speeches, otherwise he would not have made such inane remarks about the State Government's support for the employed while not supporting people who receive pensions and benefits. Indeed, I think that this Government has a record second to none in terms of supporting people in receipt of pensions and benefits. I ask the House to wholeheartedly endorse and support my motion.

Motion carried.

CARGO CONTROL

Adjourned debate on motion of Mr Peterson:

That this House calls upon the Federal Minister for Industry, Technology and Commerce to modify the proposals by the Australian Customs Service to introduce an integrated cargo control and clearance system in order to protect South Australia's employment and economic future.

(Continued from 2 April. Page 3798.)

Mr De LAINE (Price): The Australian Customs Service proposal option No. 1, which will allow the importer/agent to determine where customs duty is paid, would impact on the South Australian economy by the loss of approximately 135 jobs and reduced economic output of between $2.7 million and $3 million per annum.

It is believed, however, that this proposal would constitute only a short-term impact. In the longer term, say five years, it is anticipated that once the Australian Customs Service, importers, carriers, shipping companies, customs agents, depots and terminals, etc., adjust to the Integrated Cargo control and Clearance System then gateway port clearance could become a formality. The economic impact on South Australia would then probably be, based on present cargo facilities, additional costs to business of between $5.9 million and $6.9 million per annum; the loss of 753 jobs (319 direct, 434 indirect); a fall in local economic output of between $15 million and $20 million per annum as measured by forgone wages and salaries and some loss of business profits; marginal change to the existing mix of transport between sea, air, road and rail; a significant long-term impact on the region of Port Adelaide; a reduction in the State's competitive ability to attract investment and promote exports because, first, South Australia will become more vulnerable to interstate industrial disputes, particularly in areas related to the inspection and clearance of goods and containers by the ACS. Then, I add the excellent record of South Australia in the area of industrial relations. Secondly, South Australia will become more vulnerable to interstate pricing of work related to customs inspection and associated transport.

It is pleasing to know that all sections of South Australian industry and commerce, trade unionists, and the man in the street recognise the threat posed by the proposed Customs changes, and that each body and organisation is backing the Minister of Marine (Hon. Roy Abbott) in his very strong approach to the Federal Government for a more sensible approach to the problem facing Australian Customs.

Each of us must continue our support for the Minister, who has presented the Australian Customs with a practical workable alternative to the all-embracing plan that that organisation seeks to inflict upon us. Currently, Port Adelaide directly ships only 30 per cent of Adelaide cargo. The other 70 per cent is transhipped *via* Sydney or Melbourne. I am not even happy with the current situation.

Speaking as the member for Port Adelaide it is my intention to use my best endeavours to ensure that Port Adelaide remains a viable and flourishing port, handling not 30 per cent of the State's container traffic but 100 per cent. For too long Melbourne has enjoyed the wealth generated by handling 70 per cent of South Australian container traffic and I, along with every portonian, am determined to get it back, but our efforts will be in vain should the Australian Customs Service win the day and implement its plans for an integrated cargo control and clearance system. I fully support the motion.

Mr INGERSON (Bragg): I endorse the motion of the member for Semaphore and I support the comments made by the member for Price. The Opposition supports strongly the need for the Federal Government to rethink its whole attitude as it relates to the Customs Service. We believe that the State Government, along with the Federal Government, could come up with a system that could be equitable to all. Clearly, we recognise that there needs to be some upgrading of computer services. Without question we believe that, if this service is carried on as put forward by the Federal Government, there will be significant problems in the work force at Port Adelaide, and a significant downturn in the transport industry in this State. For that reason we support strongly the comments of the member for Semaphore.

Mr PETERSON (Semaphore): I thank those members who have spoken in the debate. This matter is apolitical, as it impacts on Customs clearance being taken to other main ports. It is important for this State that we retain the facilities that already exist. I have spent the vast majority of my working life in the stevedoring industry and, I know the changes that have taken place. I have watched the work go from this port over the years.

I was interested to hear the member for Price say that he would work as hard as he could to get our industry back. That is good to hear. However, over the years that I was in the industry I saw it chopped down and depleted to nothing as a result of efforts of shipowners rather than what happened in this State. I believe that the shipping line companies are responsible.

However, we now have a situation where our own Australian Customs Service—a Federal body—is working against the interests of this State. It is interested only in modifying its system by centralising them in Canberra or the main ports. The service does not care about South Australia. In my previous contribution I said that I had not seen any Federal members commenting on this problem, and I still had not seen that.

Members interjecting:

Mr PETERSON: I have not seen that. It is imperative that we all support the retention of the system that we have. The only way to show our concern as a Parliament is to put this motion to those responsible. I thank those members who have contributed to the debate. Indeed, if I can ask this Parliament for anything, it is to work to keep united as a body on this one issue to retain Customs work in this

port. If we do not remain united, without doubt we will become a backwater. Activities will centralise interstate—warehousing and clearances will centralise in Sydney and Melbourne—mainly Melbourne—for Adelaide.

I refer to the money that has been spent over the years in developing the port. Millions of dollars have been spent, for instance, on the provision of container cranes. Much money was spent on getting the Japanese ships to call at Port Adelaide. Containerisation started in 1969 in this port and it is only in the last year or two that the Japanese have started to call here. It has taken all that time.

I have learned from various Directors and Ministers of Marine how hard we have worked to get ships to call here. That indicates how hard it has been. It has been most difficult to convince these shipowners to use our facilities but, even then, our own Federal body is working against us to destroy all that we have done with one fell stroke. Therefore, I ask Parliament to support this motion and, in the spirit of it, for members to work together to retain this work for Port Adelaide and South Australia.

Motion carried.

RESIDENT TENANCY OFFICERS

Adjourned debate on motion of Mr Becker:

That this House request the South Australian Housing Trust to reconsider the position of all resident tenancy officers previously located at various Housing Trust group of flats.

Which the Minister of Housing and Construction had moved to amend by leaving out all words after the word 'House' and inserting in lieu thereof the words:

endorses the South Australian Housing Trust's efficiency measures which seek to enable the Trust to continue to provide the highest standards of public housing in the most equitable and cost-effective way.

(Continued from 2 April. Page 3799.)

Ms LENEHAN (Mawson): I support the amendment moved by the Minister for Housing and Construction, and I ask the House to oppose the motion moved by the member for Hanson. As the Minister told the House last week, the member for Hanson in moving his motion has not in any way undertaken any cost benefit analysis of why resident tenancy officers should be retained. It seems to me that, if we are going to ensure efficiency and equitable distribution of the trust's resources, then obviously the trust has to look carefully at where it should spend its resources.

The Minister pointed out in the House last week that historically there has been a small percentage of flats—900 out of a total of 2 100—and an even smaller proportion of medium density units—about 144 out of a total of 5 600—in which resident tenancy officers are located. This small percentage of trust tenants, under the motion of the member for Hanson, would continue to have residents throughout the rest of the trust in South Australia pay for, at their expense, the provision of a resident tenancy officer for this small number of tenants in comparison with the total number of units or medium density flats.

The Minister stressed that these tenants who currently enjoy a resident tenancy officer will still receive a comparable service, except that they will have to use the telephone to register their complaint or ask for help. The service will not be removed: it will be provided in a much more equitable and cost effective way.

The motion of the member of Hanson is yet another example of his double standards. On the one hand, he has consistently criticised Government initiatives (and he did so today in private members' time, although on that occasion it was the Federal Government that he criticised), because they would increase the number of public servants. Yet, in today's economic climate the honourable member is calling for the retention of a system that is iniquitous. More importantly, as the Minister for Housing and Construction said, the Housing Trust exists to provide housing for people, and surely this can best be done by putting all available resources into building and buying trust houses and flats for the 40 000 applicants presently on the waiting list. I ask the House to support the amendment that has been moved by the Minister of Housing and Construction and to oppose the motion.

Mr BECKER (Hanson): I thank the two members who have spoken in this debate, especially the Minister. Indeed, this is only the second occasion during the whole of this session that a Minister has spoken on private members' business. However, the fact that the Minister spoke did not help his case, and the same could be said for the statements made by the member for Mawson. The honourable member is trying hard to get on to the front bench, but she has not much chance. I find that the Labor Party, especially the Ministry, is in a state of conflict. I have a copy of a letter—

Ms Lenehan: Not another letter!

Mr BECKER: It is important that members of the constituency at large be given an opportunity to air their points of view through their elected representatives. The member for Mawson has used many letters in the past to make a point, and so do I on this occasion because this is the way in which these tenants of the Housing Trust can have their protest recorded in State Parliament. The properties about which we are talking were built in the 1960s, well before the member for Mawson came to South Australia and about the time when the Minister came here. The service to which I have referred is something to which the tenants of the properties have become accustomed over the years. It was given to them when the properties were built and it should not be taken away. This letter, dated 6 March 1987 and written to the General Manager of the Housing Trust, states:

I write on behalf of a group of residents who occupy Housing Trust flats at 40 George Street, Parkside. There is a total of 65 flats in the complex, and many of the residents are elderly. I am informed by one of the residents that the position of caretaker, now occupied by Mr L. Semler, may cease to exist due to Housing Trust policy, and that, if so, all maintenance matters will have to be referred directly to the trust.

Many of the residents have expressed concern about the loss of a live-in caretaker. I am informed that frequently problems arise out of normal office hours (e.g. recently two hot water systems failed, and the caretaker was able to attend to them promptly), and tenants are worried that they may have to wait days, or even weeks, for problems to be dealt with. I believe that the flats belong to the trust's stock of older housing, and may therefore need more maintenance than newer premises.

Could you please advise me whether the trust would consider reviewing its decision to remove resident caretakers where a strong case can be made for retention of their services such as in the flats at 40 George Street, Parkside. I look forward to your response. Yours sincerely [Kym Mayes] (Member for Unley).

That letter was written on 6 March to the General Manager of the Housing Trust by the Minister of Agriculture and Minister of Recreation and Sport, and it is right along the lines of the motion and of the discussion that I had with the General Manager before I moved my motion. I personally asked the General Manager to reconsider his decision to do away with these employees. So, there is a large split in the Government with the Minister of Housing and Construction making the most inane comments that I have heard in my 17 years in Parliament and moving an amendment that negates the request I am making on behalf of Housing Trust tenants, some of whom have been there for 28 years. Yet, at the same time a junior Minister is sup-

porting what I want to have done, while the member for Mawson is sinking her own Minister.

In response to my remarks on moving the motion, the Minister of Housing and Construction referred to the number of walk-up flats and of medium density properties, but I have referred to that already. These tenants have enjoyed a facility for up to 28 years and the trust has been able to maintain it, so why should it be taken away? I was worried when the Minister said:

> The trust is in the business of providing housing. It is not a welfare agency. It is not responsible in effect for the safety of the tenants and it is not there to wet-nurse tenants.

What a deplorable statement to be made by a Minister of Housing and Construction in a political Party that believes in people! I ask members to reject the amendment and to support my motion.

The House divided on the amendment:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan (teller), Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (13)—Messrs Allison, D.S. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Meier, Oswald, and Wotton.

Majority of 9 for the Ayes.

Amendment thus carried.

The House divided on the motion as amended:

Ayes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan (teller), Messrs Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (14)—Messrs Allison, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Meier, Oswald, and Wotton.

Majority of 8 for the Ayes.

Motion as amended thus carried.

PLANNING ACT AMENDMENT BILL (No. 1) (1987)

Adjourned debate on second reading (resumed on motion).

(Continued from page 4096.)

The Hon. JENNIFER CASHMORE (Coles): This Bill arises out of a select committee which looked at section 56 of the Planning Act, and that select committee arose out of a motion from my colleague the Hon. Diana Laidlaw in another place in an effort to resolve what has been a series of longstanding difficulties with section 56. The background to this Bill is contained in the fact that the section has been the subject of extensive litigation for several years, and over the past three years Parliament has considered no fewer than four Bills to repeal section 56 (1) *(a)* and to reword section 56 (1) *(b)*.

On each of these occasions the Liberal Party has opposed the Bills. In the meantime, paragraph *(a)* of subsection (1) has been suspended since 29 November 1984 and paragraph *(b)* has been suspended since 11 November 1987. Both suspensions lapse on 30 May 1987. Therefore, the goodwill of all Parties is required to secure the passage of this Bill through the House as soon as possible, and we hope for once and for all. I am sure that the Minister, who is in charge of the front bench at the moment, hopes so, too.

The select committee's report, which was tabled on 17 March this year, was agreed to unanimously. It was accompanied by a draft Bill which implemented the committee's seven recommendations. The recommendations are that the Planning Act should operate in such a way as to ensure the protection of established lawful activities from the operation of planning controls, with the exception of the existing provisions governing the display of outdoor advertisements; that the Planning Act contain an express provision to ensure that the continuation of existing lawful use is not subject to the development and control provisions of the Act; that the express provision protecting existing use rights be drafted in a manner so as to not in itself authorise further development as defined in the Planning Act and its regulations.

The fourth recommendation is that section 41 of the Planning Act be amended so as, first, to require referral of all supplementary development plans to the Parliamentary Joint Committee on Subordinate Legislation and, secondly, to require the joint committee to, among other things, ensure that such supplementary development plans recognise the issue of further development of existing uses and contain appropriate policies when relevant. The fifth recommendation is that section 47 (8) of the Act be amended to provide a right of appeal for applications for prohibited development, but only to the extent to which the development concerned is required under the provisions of some other Act. The appeal rights granted in this Bill are only prohibited development, and in that respect they could be described as somewhat narrow from the Liberal Party's point of view.

The sixth recommendation is that section 56 (1) *(b)* of the Planning Act be amended to provide that where a project is either permitted development and does not require planning authorisation or is not within the definition of 'development' under the Act and regulations, then an amendment to the development plan or to the definition of 'development', which makes a planning authorisation required, does not prevent the employee of a lawfully commenced project within three years of an amendment to the development plan or the definition of 'development'; nor does it prevent the carrying out of a project under certain conditions.

There is somewhat more legal verbiage appended to those recommendations. The requirement of this Bill to refer all supplementary development plans to the parliamentary Joint Committee on Subordinate Legislation is one which has its origins in an amendment moved at the time of introduction of the new Planning Act—an amendment moved by the Hon. Ren DeGaris and accepted, I gather somewhat reluctantly, by all Parties on that occasion. However, one benefit that I see coming from that is that it gives the Parliament some additional surveillance rights and therefore enlarges and enhances the rights of the constituency generally. Also, because those supplementary development plans are always referred by the committee to the local member for comment, I hope and believe that that practice will enhance and enlarge the appreciation of members of this House of the importance of planning and require all members to take a somewhat closer interest in planning than may have otherwise been the case if it were not for this requirement. I see that as a general, public benefit which may not have been foreseen by the mover at the time, but one which I think is beneficial.

The Bill as introduced in another place was worded slightly differently from that approved by the select committee. As a result of that slight change, an amendment was moved by my colleague, the Hon. Diana Laidlaw, to replace the wording which had been agreed to unanimously by the select committee. That is the state of the Bill as it comes to the

House of Assembly, and that is the Bill that the Opposition supports.

Mr S.G. EVANS (Davenport): In supporting this Bill, I will refer to one concern I have about it; that is, the power of referral to the Joint Committee on Subordinate Legislation. Although I raise no query about the actual referral, I think that the Parliament needs to be made aware that that committee could very easily be overburdened with work unless the right staff was made available to it. When I was Chairman of that committee we realised that it had an opportunity to ask for expertise, advice or help in any field that it thought necessary when considering any proposition before it.

I well remember that a Liberal Government was in power in 1979-82 when we asked for some legal advice when we clashed with a person from the Crown Law Department about different fines for the same offence being imposed by a local council, which fines were dearer than those imposed if a policeman booked somebody. It caused concern for the Minister of the day that a committee of the Parliament could suddenly call on that expertise and run up a not insignificant account for the State taxpayer to pick up. The amount involved hundreds of dollars, if I remember correctly, although I did not see the final figure. This Parliamment must say when passing this legislation that it is quite prepared for the Joint Committee on Subordinate Legislation to call upon particular planning and environmental expertise in relation to matters such as noise, dust, and so on, when making decisions. I raise this matter so that members are conscious of it as we accept this proposition.

Existing use is a very difficult matter which has caused the Parliament, Ministers, departmental officers, local councils and individuals much stress and trauma. I am not sure that we have solved this problem, because quite often people have had an existing use where a family has started a small business which has been in a particular place for decades. Then, if a neighbour suddenly subdivides their land, the people who built houses on that land say that they do not want the existing business next door, that they do not want it to expand or that they do not want it to change from making wood products to metal products, or from being a wholesaler to a retailer. Some fine points of law have had to be argued. Unfortunately, the courts and the planning appeals people tended to lean towards the residents—the people who had come to live in an area after the establishment of the business. That was a pity, because a lot of businesses were forced into industrial areas, taking away local jobs. I will give some examples of this.

The Happy Valley council has zoned very little land for local service industries such as plumbers, crash repairers, and so on. The Stirling council is exactly the same. There is a case in the Hills where unions are saying to a factory management that they disagree with a council decision to stop that factory expanding. I think that the factory makes leather goods for export. So, local councils have failed to provide areas for these types of businesses. The right Minister is in the Chamber at present, and I hope that he is concerned about the matter to which I am referring. When I was in Europe I saw in quite densely populated areas up to 10 acres of land set aside with a mound of earth and a 6 ft cyclone wire fence around it, with shrubs and trees planted on each side of that fence. When driving past one would not know what was on the other side. People who parked heavy motor vehicles in the street alongside neighbours' homes were told that they could park them in that compound area at night, when the businesses were not operating. They were secure and safe, and this meant that people did not annoy their neighbours.

Likewise, the businesses, such as carpenters, joiners, coffin makers, shoe repairers, motor mechanics, or whatever were located in that area. Sometimes there was a small parkland around the compound area. People knew that these businesses were there if they bought a house in the area. However, those businesses did not annoy their neighbours because the area was designed in that way. Unfortunately (and the Happy Valley council knows my views on this matter) about 2.5 hectares of land at Aberfoyle Park have been set aside for those sorts of industries, and that is peanuts in terms of what is required.

The Stirling council has a few bits of land set aside that were created because of existing use. The Mount Barker council has gone the other way and set aside quite significant areas for such purposes. I give them credit for doing that, and I can understand why the Government is looking at that as a growth area, because it has catered for all sections. At a time when transport is expensive for individuals, the Government's road maintenance costs are high, and when time is expensive, we should be creating jobs as near as possible to people's homes and not be forcing them to travel to industrial areas in the south, north or west. If this does not happen, the cost of servicing becomes more expensive to the consumer, as does the cost of getting to one's place of employment. Also, the cost to the Government to provide the services that are needed to enable people to shift about becomes dearer.

In talking about existing uses, I am aware of some very sad instances where people who reside near a small business suddenly realise that it is not quite as peaceful as they thought it would be, so a conflict arises and people develop a hatred of each other. That is the fault of the local council or the Parliament of the day. It also works in reverse. Sometimes a person who has been living in a home for years—perhaps an elderly person or a couple—is suddenly enclosed by industry. In other words, industry moves in on every side of the home and everyone is saying that that person should shift. That is also unfair.

But we should not restrict the right of the individual with the house to extend the house if that individual is prepared to put up with the situation, and the same applies to businesses with an existing use. Under this provision, however, there is no doubt that we will restrict individuals: they will not be able to extend their properties at all in most cases. With the economy as it is, we will force businesses to close, and some of them will never reopen. Through the pressures that can be applied by people giving evidence before the Subordinate Legislation Committee. I can visualise a group of Parliamentarians on that committee dealing with dogs, traffic, parking fines and so on—and I have experienced it—trying to assess the situation. One business owner can come in to give evidence, trying to get an extension, but 50 or 60 local people can come in and apply pressure, particularly if it involves a swinging electorate that is sensitive, and at least the members on one side of the political spectrum at the time will say, 'Hold on—don't touch this. We can't afford this mixup.'

The person who has everything invested there is placed at the whim of that vote. That is a pity, and I do not know how we can change it. I have seen it happen many times, because in areas I represent—the Mitcham hills, new Happy Valley area and Stirling—small industrial or manufacturing businesses have virtually been totally disregarded. I do not suppose that it will change now because there are too many homes there and it is settled for all time. The only change I think we will see is that eventually the community will

accept that some of the big old stately homes outside the inner metropolitan area with large gardens, which are too expensive for people to keep—and we have spoken about one in recent times—can be developed as, say, insurance or finance offices housing computers and communications systems. The cars of their 10 or 15 employees will be hidden behind the property, and from the outside the building will look the same, and it will not interfere with the neighbours by reason of noise.

Customers will not have to go to the property, and I can see the stately homes of Mount Lofty, as well as one or two in Blackwood and in other parts of the metropolitan area, being used as business premises for the sort of service industry that does not have customers coming to the door—insurance, finance and those sorts of businesses, and perhaps even Government departments.

I do not oppose the Bill but merely express my concern that in the late 1960s and the 1970s we have avoided siting small industrial businesses in a community, mainly because the environmenal argument was so strong. 'Business' was a dirty word, but 'environment' was an attractive word to discuss. That is a pity, because once the die is cast, homes are built and areas developed, the situation cannot be reversed. I hope that whoever sets out to interpret this piece of legislation will show as much sympathy as possible to the existing use provisions, because quite often they were there first; others have not been invited to come but have come into the area, anyway, and set out to destroy it. I will support the Bill.

Mr M.J. EVANS (Elizabeth): I do not wish to detain the House in relation to the main principle of this Bill which, I think, demonstrates the fine work of the select committee on existing use of lands. That work has been very comprehensive and the Government, the Opposition and everyone in this place accepts the basis of that work. I personally do, but I wish to speak briefly about the mechanisms proposed for consideration by the Subordinate Legislation Committee on the question of development plans which are to be amended.

I believe that the House needs to take some cognisance of the mechanisms proposed by the select committee, because I believe it places far too little emphasis on the ability of either House to exercise a veto provision. Unfortunately, mechanisms of this Parliament being as they are, there is a substantial workload on the House and on its committees. One need only look at the way in which this afternoon's business is being handled to observe the effect of that workload on the House itself.

I believe that we need to look in some detail at the mechanism proposed for that process. I personally have some difficulty with aspects of it in the way it is presently couched. I will deal first with the less serious aspect because it occurs first. The committee has 28 days under the Bill in which to consider a supplementary development plan. If the committee has not acted to approve or disapprove the plan at the end of that 28 days, it is deemed to have approved the plan. That is contrary to the normal basis of planning in a council where, if one lodges a development application and the council has not acted on that application within 60 days, the council is deemed to have refused, not approved, the application.

The consequences of approval are far more serious to the community than the consequences of disapproval, even though the consequences of disapproval to the applicant are quite severe. Here we are looking not at an application by an individual but at a proposal to change the basis of development planning in an area—a very serious proposal, as I am sure the House would agree.

Therefore, it seems to me that that mechanism places the committee under far too much pressure to simply acquiesce by doing nothing when the pressure is greatest at the end of a session or when plans are placed before it. Although I do not regard that as the more serious of the two matters I raise, I believe that that needs to be addressed by the committee either by increasing the period which the committee has available to consider those matters as well as all the regulations it normally considers or, alternatively, by reversing the onus of proof, in effect, to restore it to the normal planning situation.

The other aspect which I think is much more serious is that, if the committee resolves to disapprove a plan or, in the language of the Bill, resolves not to approve the plan, either House of Parliament then has six sitting days in which to disallow the plan. Under the normal process, given the way in which private members only have Thursday mornings in which to react to these things, six sitting days constitutes only two private members' days, and, given that a joint standing committee of the Parliament has resolved to refuse consent, the House is then quite likely to review that decision.

For the committee to have refused consent, obviously, a significant number—over 50 per cent—of the members of that committee would have had to oppose the resolution. If they do so, I believe there is then some possibility that Parliament will wish to address that matter. Therefore, rather than the House having to resolve within six sitting days to actually disallow the plan, I believe that the committee may wish to consider simply requiring that notice of disallowance may be given in either House within six sitting days and, thereafter, the House is free to consider the matter at its comparative leisure, so to speak, depending on whether the Government or a private member is initiating that action.

Of course, one must remember that even Government sponsored motions that go through a joint committee are dealt with in private members' time, so the time available to debate them is very limited. To expect the House to actually resolve the matter within those two weeks (the first week of which would be used to introduce the motion and the other week to consider it) is to expect far too much when we have reached a position where a standing committee of Parliament has actually rejected the proposal. I believe that that aspect of the matter should be strengthened to give greater veto power to the House.

We are not looking simply at an application; we are looking at a proposal to change the basis of planning law in an area. It is a very serious matter, where a standing committee of this House has opposed it. Therefore, I believe the House should have ample time to veto. Although I certainly support the Bill in relation to section 56 and the existing use provisions (which are certainly the most important aspect of the Bill), I believe that the concept of referring all of the plans to a joint standing committee and ultimately providing the opportunity for the House to exercise some sort of veto over that plan is a very important addition to the planning law of the State, the democratic rights of the people of this State and the improved involvement by Parliament in planning at the very highest level of consideration of development plans. I certainly support that broad principle, but I believe that we need to be in a position for Parliament to make effective use of that veto, and to do that we must take account of the way Parliament works and the way the processes of Parliament normally take effect. During the Committee stage I will commend further scrutiny of that aspect of the Bill.

Ms GAYLER (Newland): I take this opportunity to say a few things about this Bill. First, I am delighted that agreement and resolution have now been reached on this longstanding matter. More than two years has elapsed since the High Court decision in the Dorrestijn case, which led to this long running controversy about the law relating to existing land use and Parliament's successive consideration of, particularly, section 56 of the Planning Act. I have some reservations about the nature of the solution that has now been agreed and the amendments arrived at. I note in particular that Ms Laidlaw in another place commented on the select committee as follows:

> Legislation such as the Planning Act must be available and understood widely in the community, and that it is not legislation simply for the benefit of lawyers and judges. The more widely understood that we can make the legislation, the better we will be serving the community.

I agree with those comments, but it seems to me that the amendments drawn up as a result of the select committee's deliberations are extremely complex. Far from their being likely to be widely understood, I worry that they will result in a field day for lawyers and pose many difficulties for planners, local councils and members of the public who deal with Planning Act matters. I hope that these amendments will not lead to further moves by judges to create work from unnecessary words in the statute, and I wish the Bill well in that respect.

I note the concerns expressed by the member for Elizabeth. I think that his solution—which would extend the period for potential parliamentary disallowance of supplementary development plans—could have quite serious consequences. At present, as he mentioned, Parliament has six sitting days within which to disallow a supplementary development plan after the Joint Committee on Subordinate Legislation has considered such a plan. To adopt the solution suggested by the member for Elizabeth—by providing for notice of disallowance, instead of resolution, within six sitting days—would lead to further delay in what is already a very protracted process in preparing and putting through the various procedures for supplementary development plans.

As a member of the Joint Committee on Subordinate Legislation, I am aware that the committee regularly deals with supplementary development plans. We know that many of them are many months in gestation and, by the time they reach the committee, there has already been long preparation and waiting usually by local councils. To adopt the solution suggested by the member for Elizabeth would mean notice of disallowance going onto the Notice Paper and conceivably, in some circumstances, remaining on the Notice Paper for months creating a hiatus and very much holding up the planning and development control measures proposed in the plan. At this point I signal that I do not believe that we should be making that sort of substantive change to the present practice that the Joint Committee on Subordinate Legislation and the two Houses of Parliament have followed, I think reasonably successfully, since the new arrangements were inserted.

The Hon. LYNN ARNOLD (Minister of State Development and Technology): I thank members for their contributions to this debate. I will not speak for very long, but I indicate that the Government accepts the Bill in the form in which it has come from another place. When the select committee report was considered by Parliamentary Counsel, it was Parliamentary Counsel's considered opinion that the Bill needed to be drafted somewhat differently to achieve the objectives desired by the select committee. When the Bill was introduced in its original form in another place (in a form different from that presented in the select committee report), it was pointed out that exception was not being taken to the policy matters raised by the select committee but rather it was an attempt to address a question raised by Parliamentary Counsel in terms of drafting. However, that premise was not accepted in another place, and the Bill was amended back to its form essentially as it came out of the select committee; and it is in that form that it has come to this place.

It would be possible for the Government to reject the Bill and say that the advice of Parliamentary Counsel should be adhered to. However, the considered view of the Minister on whose behalf I am acting is that the Bill can be accepted in its present form, albeit that the drafting as originally proposed was preferred. There is essentially no policy difference between either the original Bill or the modified Bill. Apart from downright reasonableness on the part of the Government, a motivating factor behind our concurrence is that this matter must be resolved this session.

I believe that the present powers expire at the end of May and, if deliberations on the Bill are not completed by the end of sittings next week, we are in trouble. I make that point, because during the Committee stage members may wish to consider other amendments to the Bill. The Government's attitude will be, first, to examine every amendment and, secondly, to consider that question. If an amendment is accepted by this House, the Bill would have to go back to another place, be accepted there and a message then sent back to the House. I am not saying the Government would do this but, even if it did accept the spirit of an amendment, it may not be in a position to move agreement to it because of the difficulties with the Bill and the management of business between the two Houses.

I thank members for their comments, and I certainly know that they will be read with interest by the Deputy Premier on whose behalf I am acting. The Deputy Premier may feel that it is appropriate to make subsequent contact with members with respect to individual points raised which I am not answering now because of the limited time available to us.

Suffice it to say with respect to the comments of the member for Fisher, who alluded to my capacity as Minister of State Development and Technology, the Department of State Development did have a keen interest in this matter and made a submission to the select committee. It was pleased to note that the principles of that submission were adopted by the select committee in its recommendations. I just make that point to the member for Fisher to indicate that as Minister I was happy with it. I thank members for their support and I indicate that the Government will support the Bill into Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

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

Motion carried.

CORRECTIONAL SERVICES ACT AMENDMENT BILL (1987)

Returned from the Legislative Council without amendment.

FAIR TRADING BILL

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

Consideration in Committee.

The Hon. G.F. KENEALLY: In order to be brief and to shorten the sittings of the House, I move:

That the amendments be insisted upon.

Motion carried.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4091.)

Mr BECKER (Hanson): This Bill centralises power away from the hospitals into the Health Commission. The Bill has had a thorough investigation in the Legislative Council, particularly by Opposition members in that place. It has been suggested to me that the Sir Humphreys of the Health Commission will now be able to have total control and will rule supreme once again. We know what the Sir Humphreys of the world can do. In the old Health Department, before the Parliamentary Public Accounts Committee came along, they were having a field day. This legislation removes all self-management potential from incorporated hospitals.

The Liberal Party moved to prevent the Minister's move to compulsorily incorporate all unincorporated hospitals and it was successful in doing that. However, the Democrats, representing about 8 percent of the population, were not satisfied with that action and moved an amendment to provide for the Minister to be able to achieve this by regulation. Because the regulations do not become effective until after 14 sitting days, the decision to incorporate, which has been entirely in the hands of hospital boards in the community, is now taken away from them.

What the Democrats have done in reality is to take the power from country areas and country hospitals and give it to themselves in the Upper House. The reality is that a disallowance of regulations cannot be successful unless the Democrats support it. That is a disgraceful and treacherous action toward country hospitals and country people by the Australian Democrats. They have continually paraded around country districts purporting to want to assist those areas and now with one stroke they have exposed their hypocrisy. It is like being astride the proverbial barbed wire fence.

We have also attempted to delete a clause which gives the Minister and the commission power to direct incorporated hospitals if, in the opinion of the commission only, they are not carrying out their allocated functions. This means of course that these boards are effectively castrated and are merely creatures of the Minister from the time this Bill was promulgated.

The member for Victoria was a member of the Millicent Hospital board for 25 years and gave the board and the community excellent service. I did not realise he was that old, either. I would hate to see him or the board of that hospital treated in the way that the Democrats propose.

The Hon. J.W. Slater interjecting:

Mr BECKER: It would not be nice to see him castrated. What will happen is that the board will feel that way, particularly if the Democrats carry on as they have. If the hospitals fail to carry out the directions—and the words are 'they shall carry out' those directions—the board can be dismissed. This is terrible. It is shocking for country hospitals, where the community has worked so hard to build, establish and provide in the most cost-effective way an outstanding medical service, attract good staff and train local staff as well, and give encouragement where necessary to provide outstanding health services, to be treated by the Government, the commission and the Minister in this way.

There is no doubt that there is ill feeling, and resentment at the intrusion by the commission into community affairs. Not all that long ago views were expressed by the ALP and the Opposition that perhaps we should follow the lead of the New South Wales Government, abolish the Health Commission and return to a health department. At times different people have claimed that the bureaucracy created by the South Australian Health Commission is worse than any bureaucracy or any of the Sir Humphreys created under the old health or hospitals Acts or the old Health Department.

Certainly, we want not to step backwards to the old days but rather to improve the services that are provided by South Australian hospitals. The services provided by our Government hospitals are outstanding in many fields and they are backed up by strong country hospitals and auxiliaries.

I resent, as would any other member, the interference by the Health Commission and/or the Government that is proposed in this legislation. The real disappointment is that the Australian Democrats, this mob representing about 8 per cent of the population, have again failed to support the deletion of certain clauses and have thereby given the Minister and the commission absolute power. For a long time the Minister has sought to control all hospitals and he wants to be able to, in his own words, integrate public hospitals: in other words, to sit up there on his mantel and dictate to all hospitals, whether community, public or whatever. However, I believe that to give the current Minister that power would be extremely dangerous: it would be like giving Europe to Mussolini.

The first example of integration that we have seen is the move to transfer emergency patients from Flinders Medical Centre to the Royal Adelaide Hospital once the allocated emergency beds at Flinders are full. This matter has concerned the Opposition for many months. Tremendous pressure has been placed on Flinders Medical Centre and it has established itself as a centre of excellence as indeed has the Royal Adelaide Hospital. However, in using cost-effective methods, the Health Commission and the Government have set the wrong priorities and the transfer of emergency cases from Flinders to Adelaide is questionable.

Certainly, one wonders what would happen if, during an emergency transfer from Flinders to Adelaide, something happened to the vehicle that was carrying the patient. The transfer from Flinders to Adelaide is a long, slow process in the case of a patient suffering from spinal injuries. First, a special type of ambulance with a sling to carry the patient must be obtained and, secondly, the vehicle must proceed cautiously. In many cases a police escort is necessary because city motorists simply would not understand what was happening if an ambulance were travelling slowly. That is only one small feature of the dangers associated with transferring patients from one hospital to another. If a crash occurred and the patient was killed or injured while being transported, whereas that patient could have remained safe if treated at Flinders, it would be interesting to know where the Health Commission and the Government stood. They would no doubt find themselves liable for heavy damages because of the incompetence and mismanagement of the care and treatment by the health services.

I believe that recently Flinders Medical Centre has had up to 50 ordinary beds empty but, because the beds allocated for emergency were full, accident victims were transferred when the available beds at Flinders could have been brought into operation. Staff, including surgeons and anaesthetists, may well be standing around Flinders, but they cannot handle the patients because of the emergency bed set-up. Yet, when these patients arrive at the Royal Adelaide Hospital, that hospital is often full and some of the young trainee surgeons there who have been working for up to 30 hours straight have been known to fall asleep in the middle of an operation. That is terrible, and they are not the words of the Opposition: they are contained in a report drawn up for the Minister of Health.

I would not wish to detract from the excellent service provided at the Royal Adelaide Hospital. Indeed, I have been present there from 8 p.m. to 4 a.m. in the emergency ward and have experienced at first hand the outstanding dedication and devotion not only of the surgical team but also of the nursing staff and all the other staff involved at the hospital. The way in which staff members handle some of the patients who are delivered to the casualty section of the Royal Adelaide Hospital on a Saturday evening is far beyond what one would expect of a normal person, and their task is not easy. I realise and appreciate the pressure that is placed on the staff by having patients transferred there from Flinders Medical Centre.

The problem was that there were too many complaints coming from the Flinders catchment area about waiting lists, so the Minister put elective surgery ahead of emergencies in the list of priorities. If that is what is known as 'integration', the Opposition strongly opposes it. The Opposition opposes the second reading of the Bill and, in Committee, will oppose clauses that it believes cut across the self-management potential of incorporated hospitals and show the complete lack of faith by the Minister in both the Chief Executive Officers of those institutions and the boards.

The Opposition strongly condemns the Australian Democrats for taking away from country communities the power to incorporate and giving it to themselves, that is, the Australian Democrats. The Opposition further condemns the Australian Democrats for giving the Minister the power to direct boards on virtually any matter and condemns them for passing this Bill which will lead to the total bureaucratic control of what has been up to the present an excellent hospital system in this State. This Bill gives the Sir Humphreys of the Health Commission almighty power. I appreciate the concern that has been expressed by my country colleagues and their communities. In my younger days I helped some auxiliaries to establish country hospitals, to improve their equipment, to conform with the standards required by a modern community, and to ensure that everything possible was done to encourage a well trained doctor and support staff to work there.

I know what this legislation will mean to many of our country representatives, and it also affects district nursing, the Flying Doctor Service, and many other services that provide valuable medical support throughout the whole of the State. Certainly, the Opposition finds clause 3 most objectionable because it amends one of the objectives of the South Australian Health Commission that is acceptable to the Opposition. Clause 3 strikes out paragraph *(a)* of section 3 of the principal Act which at present provides:

> ... the establishment or continuation of hospitals and health centres under the administration of autonomous governing bodies.

So, the clause destroys that objective, whereas the Opposition considers that the removal of those words is bureaucratic nonsense because the current provisions are satisfactory and should remain in the legislation.

In Committee the Opposition will oppose clause 4, dealing with the matter of interpretation, because there is no need to change the definition of 'Government health centre' or that of 'Government hospital'. Both existing definitions are satisfactory. The Opposition believes that clause 9 is merely a bit of bureaucratic nonsense and does not see why the word 'general' in relation to the commission being subject to the control of the Minister should be removed. Opposition members believe that the Minister is being given absolute power, anyway, so why give him any more?

Opposition members, in Committee, will oppose clause 13, which deals with incorporation. We take offence at what has been done by the Australian Democrats in another place, and we will oppose this clause because it is the regulatory power that has been inserted by the Australian Democrats. It takes the decision (on whether to incorporate by an unincorporated hospital) away from the country community and gives it to the Australian Democrats in the Legislative Council, because their support will be needed every time an unincorporated hospital wishes to move.

That is dictatorial and involves a fascist sort of government. Surely the Democrats do not believe what that Party claims to be when it insists on these sorts of clauses. The opposition will oppose clause 20 for the same reason that we will oppose clause 13. We violently object to clause 29, which inserts a provision in relation to an incorporated hospital or health centre failing in a particular instance to properly discharge its functions. It provides:

> ... an incorporated hospital or incorporated health centre has failed in a particular instance properly to perform the functions for which it was established, the Commission may give such directions ...
>
> (2) The board of the hospital or health centre must comply with the Commission's directions.
>
> 58a. (1) Where the board of an incorporated hospital or an incorporated health centre—
>
> *(a)* contravenes, or fails to comply with, a provision of this Act or of its approved constitution;
>
> or
>
> *(b)* has, in the opinion of the Governor, persistently failed properly to perform the functions for which it was established.
>
> the Governor may, by proclamation, remove all members of the board from office.

Do not worry about who put them in there in the first place. It provides such great, sweeping powers and people will be removed by the bureaucracy which cares little for the local community. That is why we oppose this legislation.

Mr D.S. BAKER secured the adjournment of the debate.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

POTATO INDUSTRY TRUST FUND COMMITTEE BILL

The Legislative Council intimated that it insisted on its amendment to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs D.S. Baker, De Laine, Gregory, Gunn, and Mayes.

CORONERS ACT AMENDMENT BILL (No. 1) (1987)

Adjourned debate on second reading.
(Continued from 8 April. Page 3990.)

Mr S.J. BAKER (Mitcham): The Bill does two things. First, it allows the Attorney-General to direct the Coroner to reopen an inquest if he is not satisfied that justice has been done or that all the facts have been taken into account, or indeed if further evidence becomes available. The second item that the Bill canvasses is a right of redress for a person who has his or her reputation impugned by the results of a coronial inquiry. The Opposition supports both measures. However, I have one concern about the independence of the Coroner, and I will pose a question about this when we get to the Committee stage.

In relation to the first item, we have already seen where a coronial inquiry has had a significant impact, and I refer, of course, to the Azaria Chamberlain case. The original coronial inquiry concluded that a dingo was at fault. Of couse, subsequent events occurred and the matter went to trial. Significant amounts of money and energy have been expended in trying to arrive at the truth in this very complex matter. Fortunately, most cases do not involve such complexities. Nevertheless, if fresh evidence becomes available or if there is some question concerning the coronial inquiry, the Attorney-General should ask that the case be reopened. This right should be used very judiciously, and only in extreme circumstances. Pressure from a Government should not mean that coroners must go back and do work that they have already done.

The second item relates to the fact that when a coronial inquiry is reported on, on certain occasions a person may be named and some offence may be attached to him or her. It would be up to the Crown to pursue that matter and, if the evidence was very strong, a charge would be laid. Where the matter is not pursued in the courts and a person does not have the right to trial by jury or trial by judge then, as everyone would appreciate, the matter is left hanging. It may well be that a professional person or even a person off the street may be left lamenting when a coronial inquiry has found, on the balance of probabilities, that someone has committed a serious offence. As everyone appreciates when talking about coronial inquiries, one is in the main talking about death.

There is some reservation about the measure, and we will have to see how it works. The reservation arises in case process is abused. If that happened, coronial inquiries would be subject to appeal on many occasions, and a request would be made to the Attorney-General to reopen a case. I do not believe that that will occur, but it is something that we should keep in mind when passing this measure. If that should occur, it may be that the Attorney will have to come back and amend the Bill accordingly. There is some question about the independence of the Coroner. Every member of this House will recognise that the Coroner should be fiercely independent and able to go about his or her duties without the possibility of their findings in any way being tampered with. The Opposition realises that there are two elements to this Bill which should be recognised in legislation. We support the Bill.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I thank the Opposition for their cooperation in this matter and in particular the member for Mitcham for his willingness to address this matter on an urgent basis. I point out to him, but not in an argumentative way, that the independence of the coroner will continue to exist as it does now. At present the Coroner can be directed by the Attorney-General.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Repeal of s. 28 and substitution of new sections.'

Mr S.J. BAKER: I have a question relating to the matter that I raised during the second reading debate. When can a person ask for the findings of a coronial inquiry or inquest to be set aside as provided for under this Bill? I presume that that would take place after full details had been published and not before, but I would like that matter clarified.

The Hon. R.G. PAYNE: The situation outlined by the honourable member is correct: that is when it would occur.

Clause passed.

Title passed.

Bill read a third time and passed.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 April. Page 3993.)

Mr S.J. BAKER (Mitcham): The Opposition supports this measure, which provides for the establishment of a position of Master of the District Court and for registrars of the District Court and of magistrates courts. These offices are designed to give wide flexibility to the courts in disposing of cases. The Master of the District Court will have a primary responsibility to supervise pre-trial conferences, which should assist in the resolution of matters.

The registrars of both the District Court and the magistrates courts will have a responsibility to ensure that the administrative operation of their respective courts is efficient and effective. There is presently a registrar of the subordinate jurisdictions within the structure of the Court Services Department. In consequence of this Bill passing that position will become redundant and it is removed by amendment.

The proposal results from steps to restructure the administration of the courts to streamline their activities and to come to grips with a long waiting list for trials. We believe that this is a positive step. Everyone has heard mention before this Parliament, and before the Estimates Committees, of long waiting lists and of some cases taking up to two years to be dispensed with. It is important, as I have said before in this House, that justice is seen to be done, and that is not the situation when there are delays of that order.

I have dealt with the Master of the Supreme Court on one or two occasions when requesting advice on certain matters. That person has been invaluable in assisting me rather than my trying to contact other people associated with the case. The Master of the Supreme Court is a person with a legal background and experience in the court system. He is readily accessible and can assist with inquiries of a legal nature that cannot be answered by office personnel in the court system.

As the Bill states, the Master of the District Court will act in a pre-trial capacity. We all adhere to the principle that if people can possibly avoid the traumas of court they should do so and, if a matter can be straightened out in a pre-trial situation, we are in favour of that. So far as registrars are concerned, there is a need for persons with a legal background to occupy such positions so that cases can be disposed of a little more speedily than would perhaps otherwise occur. It may well be that, although they will undertake an administrative function, they may also be able to provide assistance because of their legal background.

I will not canvass that possibility because it would open a whole range of matters which are not covered by the Bill and which, indeed, are expressly left out of it. The Opposition thinks that this legislation is a positive move. I understand that some important criminal cases involving serious questions which should have been brought on within two months have taken six months to come before the court. Anything that can speed up that process I am delighted to support. The Opposition supports, indeed welcomes, the Bill.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I thank the member for Mitcham for his support of the Bill and for the succinct way in which he expressed that support.

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

BAIL ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4100.)

Mr S.J. BAKER (Mitcham): The Bail Act does a number of things. It makes some very important changes in the area of bail in South Australia. It generally has Opposition support because it will offer greater alterantives than exist at present in the way that people can be released if they are in gaol with a trial pending. The Bill goes further than that. It ensures that a person detained by the police for a maximum period under the Summary Offences Act is not eligible for bail until that period of detention has expired. Last year we made some specific alterations in that area to allow longer periods of detention. The Bill provides for certain procedural aspects of bail to be dealt with by regulation, but that would not affect the substantive provisions of the Bail Act.

That again is quite suitable: we do not want laws passed by regulation. We have received assurances that they are only procedural matters and, as such, it is quite fitting that they should be within the regulatory process. The bail authorities will be able to consider home detention, with the consent of the Crown: this principle is not opposed, because we believe that there are now further alternatives to consider, rather than filling up the courts and the prisons with people.

It has already been mentioned that South Australia has the highest rate of incarceration of people on bail. One concern is that we also seem to be having a crime wave, and that some of the people being released on bail have been involved in some very serious charges. To that extent, we will have to rely on the discretion of those people administering the system and on ensuring that the people concerned will be no risk to the community.

The Bill provides that a person, after being committed for trial, may apply to the committing court for bail. This is a change from the previous procedure where a person had to go to the court where the matter was being heard, rather than the committing court itself, and this matter should now be handled far more expeditiously. The Bill provides for a magistrate to review a decision of a bail authority, with the leave of the Supreme Court, and the Opposition has no objection to that. The Bill spells out a guarantor's obligation and creates an offence where the guarantor has reasonable cause to believe that a person who is the subject of any bail guarantee is in breach of a condition of bail and does not notify the authorities of that suspected breach. There have been cases where someone has stood surety for people so that they can go out on bail and, of course, in certain circumstances, the law has been left lamenting because the individuals concerned have skipped.

There must be an obligation on those people who are providing sureties to front up to their responsibilities. The Bill also provides for any consent required to be given by the Crown to be given by a member of the Police Force. That will obviously short circuit some of the administrative difficulties in dealing with bail applications brought on at short notice. One area of concern is that the Bill extends from six months to one year the period within which an offence under the principal Act can be prosecuted.

We want some responsibility placed on the Crown to dispense with cases as quickly as possible. I previously mentioned that justice is not being done when people have to wait an inordinate time before having their cases heard. Irrespective of whether they are guilty or innocent, people must understand that awaiting a trial can be quite a traumatic experience. People have said, 'I wish the whole damn thing was over.' The 'whole damn thing' indeed can take six months, 12 months or even two years. We must tackle that issue, and we have already addressed part of it in the previous Bill which introduces new positions within the court system.

Relevant to that question is whether the authorities—the Crown or the police, in particular—adequately take into consideration the views of the victim. In all bail applications we have this sometimes competing set of priorities. On the one hand, the gaols have difficulty in coping with the numbers of people who have offended; and, on the other hand, we must ensure that the victims and the community at large are protected. They are, indeed, competing interests.

I am not sure whether we will ever fine tune the situation to the extent where we can pick and choose, or pick the winners and the losers satisfactorily. Inevitably, those people who are regarded as having committed lesser offences such as breaking and entering do receive bail. What has happened on numerous occasions is that those same people, whilst on bail, have gone out and committed more breaking and entering offences. Often those breaking and entering offences are accompanied by problems of drug addiction; the courts have released these people into the community and, having to feed their habit, they go and extract some of the community's resources by breaking into houses and taking goods.

Where a person is under home detention while on bail, which can be granted only with the consent of the Crown, the alleged offender may leave the place of residence for the purpose of remunerated employment, medical or dental treatment, or for averting or minimising a serious risk of death or injury, of for any other purpose approved by an officer of the Department of Correctional Services or of the Department for Community Welfare.

The Bill really says—whilst on home detention, as with the other provisions regarding payment of fines—'You will have some privileges restored, although not all, because at

other times we expect you to be home.' We have watched with interest the scheme as it is operating today, and probably in about 12 months time we may well be able to fully judge its merits. At this stage it seems that if people are transgressing they are returning to the place where they properly belong, and that is the prisons.

It is an exercise in trust. Members would be well aware that, because of problems of gaol overcrowding, some of these people who have gone back in have been immediately released, and that raises a few other issues that I do not wish to canvass here today. It is obvious to me that we should not be using a system just to keep people out of gaol if we know that the system will fail. We should be trying to use a system that will improve the performance of the justice system.

We on this side of the House are willing to promote the experiment, and hope that the winners and losers will be picked satisfactorily. The conditions for home detention are the same as those provided elsewhere, namely, that an authorised officer, who may be a police officer or an officer of the Correctional Services or Community Welfare department, can actually enter a house to ensure that the person under that home detention scheme is meeting his or her obligations. That is understandable.

Some people say that it is an invasion of privacy but, given that we are providing such people with a greater range of opportunities and perhaps a little more dignity than they would have had in the past, there must be some give and take in the system. The question of 72 hours elapsing with no Supreme Court decision having been made on the merits or otherwise of a release on bail, and whether the bail should continue, was quite extensively debated in another place. The other place mentioned the case of a person who was out on bail. The Supreme Court judge decided that he would not pursue the matter for a period of seven days and, of course , in the process that person could have been released into the community.

Fortuitously, that person has committed a few other offences on which the police were able to take him back into custody. That situation will not arise frequently and as a result we have some particular concerns. Most of the Opposition's concerns have already been addressed in another place, and I note that there have been some modifications. From memory, the one outstanding matter involves the period of 72 hours. Generally, the Opposition support the proposition. We think that we must take these steps necessarily for the two reasons that I have already mentioned: that is, we should not be filling up our gaols if we can possibly avoid that; and we should be able to dispense justice in the most humane way possible. However, the Opposition warns the Government that, if it is found that offenders and transgressors are consistently using the system, we will raise the matter in the House, and some modification may be necessary to the legislation if it is seen to be not working in the best interests of the community.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I trust that the member for Mitcham is not going to be too overwhelmed when once again I take this opportunity to place on record the Government's gratitude for the way the Opposition has treated these matters and has been prepared to debate them. I believe it augers well for the future business of the House—on occasions, anyway.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'Repeal of section 16 and substitution of new section.'

Mr S.J. BAKER: During the second reading debate I mentioned that there was some concern about the automatic expiry of a review of bail if 72 hours had elapsed. I understand that my colleage's amendment in another place failed. I do not really wish to debate the matter again because that would only waste the time of the Committee. However, I draw it to the Committee's attention and point out that it will be incumbent on the Judiciary to ensure that the case in question fits within the rules laid down here. We should never have a situation where something is put aside and a serious offence is committed because someone has lapsed or the matter has not come to anyone's notice. I merely make the point that, if this happens more than once, we will have to alter the legislation.

The Hon. R.G. PAYNE: I remind the honourable member that during the second reading debate there was reference to the fact that there had been valuable input from all levels of the Judiciary in drafting the Bill. I expect that there would be the compliance sought by the honourable member.

Clause passed.

Remaining clauses (12 to 18) and title passed.

Bill read a third time and passed.

CROWN PROCEEDINGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 April. Page 3993.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill. The Crown Proceedings Act deals with proceedings involving the Crown and officers of the Crown. The Bill seeks to enable service of subpoenas and other processes issued by courts and other bodies on Ministers of the Crown to be effected by the Crown Solicitor. Presently, when legal processes are served, I understand that the process server must run around and find the appropriate Minister. We are aware that Ministers are extremely busy, and there are occasions when they are not in this State. I believe that this will be a useful device whereby the Crown Solicitor handles these processes so that the courts and the people concerned can be informed of the situation should a Minister be absent at any time.

In relation to recent events, it might be useful if the Crown Solicitor handled matters for all MPs. However, the procedure now will be that service on a Minister will be effected by the Crown Solicitor. I think that is a more than useful device which will speed up the process and ensure that the best possible advice can be given to both the litigants and the Minister. The Opposition supports the Bill.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I almost have a vested interest in the Bill. The Minister of Mines and Energy seems to receive a certain number of writs, almost as a matter of routine. I think the Deputy Leader of the Opposition (as the former Minister of Mines and Energy) would agree that it is not unknown for the Minister of Mines and Energy to receive writs. I am pleased to see that the procedure is to be streamlined.

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

PUBLIC FINANCE AND AUDIT BILL

Returned from the Legislative Council with amendments.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

Returned from the Legislative Council without amendment.

MARINE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

FAIR TRADING BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on certain amendments to the Bill.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 12.30 p.m. on Tuesday 14 April, at which it would be represented by Messrs S.J. Baker, Crafter, and Duigan, Ms Gayler, and Mr Ingerson.

POTATO INDUSTRY TRUST FUND COMMITTEE BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 12 noon on Tuesday 14 April.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

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

Motion carried.

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

A quorum having been formed:

CONFERENCES ON BILLS

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That Standing Orders be so far suspended as to enable the conferences with the Legislative Council on the Fair Trading Bill and the Potato Industry Trust Fund Committee Bill to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

VALUATION OF LAND ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 6.13 p.m. the House adjourned until Tuesday 14 April at 2 p.m.