HOUSE OF ASSEMBLY

Thursday 22 October 1987

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

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Mr S.G. EVANS (Davenport) obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

Mr S.G. EVANS: I move:

That this Bill be now read a second time.

Last year, I introduced a Bill to reduce the number of members in this House to 39 and in the other place to 18 but, unfortunately, Parliament rejected that proposal. Since then, I have given the matter some thought. A significant number of members of Parliament have indicated that they will not continue after the next election, so it would be possible to reduce the number of Parliamentarians by attrition. That is something about which we talk in respect of the Public Service and that opportunity is with us now, because enough members are retiring to enable us to reduce the number of members in this House to 43 and in the other place to 20.

By doing that a significant saving would be effected. As we are considering other matters in another Bill that relate to our salaries, this is one way to compensate for any salary increases. If it be argued that Opposition members in the Upper House are greatly understaffed, the four electorate secretaries who now work for those House of Assembly members who are due to retire at the next election could be transferred to serve Upper House members whose number would be reduced by two. So, it could be achieved by attrition and no member of this House need be afraid, because there would be a slot for each of us if we could convince the Party or, if the Party did not back us, the people that we should continue as members either of this place or of the other place.

Since last year, when the Bill was introduced, the Chairman of the Electoral Boundaries Commission has said that we face a very serious problem, that if we follow the normal process the electorates will be out of kilter, and it will be about 1988 before the provisions can be put into practice, by which time it is fair to assume that growth in some of the electorates in the south and in the north-east will be 100 per cent more than for some of the electorates in the inner metropolitan area. These sorts of figures are in the speech that I gave last year, and members who are interested can refer back to that speech; I will not go through all that procedure again. However, the Chairman of the body that sets the boundaries of our electorates has felt inclined to write to the Premier of the day and to say that we face a problem due to now going to four year terms of Parliament. This involves a further 33 per cent time frame on the situation that pertained when the legislation was first written. This has further exacerbated the problem.

I am suggesting in my Bill only a moderate change, involving four less from this House and two less from the other place. I believe there is a genuine need for this. The only way that we can vary the boundaries is to go to the people by means of referendum and say, 'Will you support the Electoral Boundaries Commission meeting now to decide new boundaries, because there is injustice at the moment?' It is the sort of injustice that the Don Dunstan brigade led in the 1970s and the late 1960s, arguing that there were inequities in the boundaries as drawn, with too many people in some electorates and too few in others. I make the point that some members of Parliament at the time who were successfully re-elected were representing 45 000 electors, while under this measure I am talking about a median of about 19 000—a vast difference. Members in those days did not have electorate offices, electric typewriters or the sort of support staff now available from the Library. So, we need to think about that. Notwithstanding, there are just as many injustices and inequities in the community that we represent.

The other way that the system can be changed is by increasing or decreasing the number of Parliamentarians in Parliament. We all know that it would be totally unacceptable to increase the number and we know that, in fact, members who represent metropolitan electorates could represent any two of them and, in some cases, most probably three of them—and do it with ease. Most people know that before the last election I virtually covered three electorates, just to keep the heat off—people know why I was doing it, and I was doing it successfully, I believe. So, there is no argument for an increase and there is no need for a referendum, but there is an argument for a moderate decrease if the sort of radical decrease that I suggested last year is not unacceptable. But I do not walk away from the point that in the long term this House could operate with 33 Lower House members, and I think that is a goal that we should seek to achieve. If there is concern about inequality of representation in relation to country electorates, involving large distances and difficulty in the provision of services, one day we might go to multiple electorates, under which system the situation would be made much easier. It would do away with the argument concerning inequality *apropos* the number of people in those electorates.

My Bill also provides for a 15 per cent tolerance in lieu of the 10 per cent contained in the legislation at the moment. Last year I went for a 20 per cent tolerance. However, if the number is decreased by only four in this House, instead of eight, a 15 per cent tolerance is sufficient. If properly used—and I emphasise that—by the Electoral Boundaries Commission, we can get a lot more justice than we have had in the past. For example, previously, electorates such as Fisher have been virtually on quota but everyone knew that the quota would be exceeded in a very short time. We then went to four year parliamentary terms, and what happened? We suddenly find that electorate numbers will be way out of kilter before we can correct the situation with the normal processes. There will be no argument from the public about our reducing the number of Parliamentarians—they will not complain about that.

Members of the public will not walk up to us and say that we should not be doing it—they will not disagree with us. Even our own Party structures—across the political spectrum—and our local financial members will tell us that it is a great idea. Surely we represent the total community. In the past I have argued—and I continue to argue—that, if we are better equipped, with fewer members, there will be a better result. At the moment we have the scandalous situation where six members of this Parliament have been provided with word processors, which some of them have programmed with the names of all their electors and their dates of birth and they can send them birthday cards, if they wish.

An honourable member interjecting:

Mr S.G. EVANS: Six members have been given them in addition to their typewriters. I complained—

Ms Lenehan interjecting:

Mr S.G. EVANS: If they have just been taken back, good luck! However, I know that they were given to six members on a trial basis.

Ms Lenehan interjecting:

Mr S.G. EVANS: I am not saying that they were given to them for all time—it was a six-month trial period. However, I believe that some members still have this facility.

Ms Lenehan interjecting:

Mr S.G. EVANS: The member for Mawson may believe that it is justice for one member of this Parliament—and I do not care who it is—to have this facility in their electorate office while no other member has it, but the Government knows and Government officers and the entire community are aware of the ability of this equipment, as are the staff using it. It is nothing short of a racket. This equipment was supplied to the six members whose seats are in a dicey position, and those members made sure that they had everything on record so that they could better communicate with their electors. My electors have as much right as have the people in the member for Fisher's rigged electorate (as it is at the moment) to communicate with their local member of Parliament. I wrote to the Minister's office recently about this equipment being made available and pointed out that it is improper, unnecessary and is a form of rigging the system, so the Minister knows my views on this; and I have written to a senior Minister on this subject within the past fortnight.

I return to the point I was making: if we were better equipped, fairly and on an equal basis, we could achieve this reduction. The Chairman of the Electoral Boundaries Commission has advised us that we are in trouble and that we must take some action. It is up to us to do that. I do not believe that we will have a referendum, and I do not believe that it is acceptable to increase the number of Parliamentarians. We have a golden opportunity, with some members voluntarily retiring at the next election (or some have said that they will), to achieve this goal. The member for Gilles interjected earlier and said, 'What about you stepping aside?' I will do the same as every other member who wants to continue—I will fight to stay here. If I am rolled, I will take it. Each and every one of us takes that risk, anyway, even though at times we may feel that we are safe. In fact, sometimes even the safest seat may not be as secure as we think it is.

It is our right to continue, just as it is the right of everyone in the community to stand for Parliament. We should be able to do that—and that should be accepted. We must accept the view held right throughout the community that more than 800 politicians is too many for a population of 16 million Australians. I am sure that, if one was fair about it and if we went outside and discussed it in a quiet corner, the moderate reduction that I am suggesting would be acceptable and could be achieved.

Politics being what it is, that is unlikely to happen; the Bill will get rolled. But whatever role I am expected to play in Parliament in future, members can be assured that I will not give up on this matter. I believe that there are too many politicians in Parliament. Certainly, the Federal Parliament has far too many members after it was rigged in the election before last. I ask members to accept my proposition 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 commencement of the provisions in this Bill to come into operation immediately before writs are issued for the next State election.

Clause 3 seeks to delete section 11 of the principal Act and substitute a new section which provides the method of reducing the number of Legislative Councillors from 22 to 20 over two general elections except if there is dissolution of the Legislative Council under section 41—the reduction would be automatically to 20 at the subsequent election.

Clause 4 amends section 14 to make provision for the number of members to retire and the number of members to be elected at elections to achieve and maintain a Legislative Council of 20 members.

Clause 5 clarifies the order of retirement in establishing a 20 member Legislative Council.

Clause 6 amends section 16, changing the number for a quorum in the Legislative Council from 10 to nine.

Clause 7 amends section 27 by reducing the number of the House of Assembly members from 47 to 43.

Clause 8 amends section 37 of the principal Act to change the quorum for the House of Assembly from 17 to 15.

Clause 9 amends section 77 by increasing the permissible tolerance to 15 per cent without affecting the principle as enshrined in that section, that is, a tolerance.

Mr BLACKER secured the adjournment of the debate.

REMUNERATION ACT AMENDMENT BILL

Mr S.G. EVANS (Davenport) obtained leave and introduced a Bill for an Act to amend the Remuneration Act 1985. Read a first time.

Mr S.G. EVANS: I move:

That this Bill be now read a second time.

Last week this Parliament passed a motion accepting the principle that South Australian parliamentary salaries be tied to Federal parliamentary salaries. That motion decided only the principle and did not decide by how much. Since that time, concerns have been expressed in the community about share market movements, but I believe that it is important that we follow through that principle and the Parliament should decide where it believes our base salary should lie in relation to Federal parliamentary salaries. Members of this House have agreed on the principle and I take it that the feeling is similar among most members of the other place.

The amount concerned will be the subject of some debate, and that point was well made recently by the member for Semaphore. I do not wish to go through all of the arguments that I put forward in an earlier speech on this proposal, but I say briefly that it must be a gradual process. This Bill suggests that the salary of South Australian MPs be fixed at $5 000 below the Federal level as at 1 January next year. If there is no change in the Federal salary between now and then, that will mean that we will accept roughly a $600 reduction. Each six months from then on, there will be a decrease in the variation from $5 000 to $1 000 by the year 1990. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Now that the principle that South Australian parliamen-

tary salaries should be tied to the Federal House of Representatives member's salary has been accepted by this House, this Bill seeks to set the method by which South Australian parliamentary salaries are tied.

About a year ago, another member asked me what my reaction would be if some action was taken to alter our salary arrangements. Now I do not know whether it was an individually motivated comment or part of an orchestrated move, but my answer was that, until a detailed proposition was available, there was no point in commenting.

Since that time there has been the usual stir by sections of the media, keeping up the traditional practise of suggesting that we are an unworthy lot and grossly overpaid with a lot of perks, etc. At the same time, around the corridors there has been genuine concern expressed by members that they were locked into a position of never being able to obtain what many see as fair reward. To politicians it appeared many in the public thought that there is never a right time to discuss parliamentary salaries and some media successfully keep that fire well kindled.

As 'pollies' we have to accept that to many we are seen as liars, cheats, rogues and, in the main, self-interested. There is no point in us discussing that, because to those people that view is fixed, although it is probably fair to say that overall we do reflect the society that elects us—even the media. Most of us have experienced the comment of at least some people, when talking to us personally, that we are all all right but it is the rest of the 'pollies' who are bad news.

With all my children now adults, I acknowledge that I can, and should, be able to get by on less than those who have younger families. Therefore, there is little need for an increase in salary for me. But by looking at the position of individual members, little is achieved, as some have dual incomes, with both partners in businesses or professional practises, etc. Then there are those whose partners may have devoted their work effort to voluntary community work, and I trust I can be excused in saying it would be fair to say my wife has probably given as much, if not more, in effort in this way than any other member's partner.

To what degree other MPs claim they give within their electorate or to any broader based causes is no concern of mine, but I do get the impression, accurately or otherwise, that my contributions within my electorate are appreciated.

There is one point that is quite frequently made by the media, and that is that being MPs is our choice (with electors' support), and we can get out if we wish. That is quite true—likewise that is the case with every other salaried person. The other retort is MPs knew the conditions of appointment—true, so did all other salaried persons who, at times, seek salary and condition variations.

In recent times there has been sections of the media who have surprisingly given some support for an increase in State Parliamentarians' salaries. Since the article appeared in the *News* and on radio stating I would introduce this Bill, I have, of course, received some criticism—which one would expect. At the same time, I have been amazed at the number of electors who have not only agreed with the principle—that is, tie our salaries to the Federal's so that, in the future, State MPs have no say in what salary they receive—but have indicated that an increase in salary is justified.

A few years ago, when there were recommendations to give South Australian MPs an 18 per cent catch-up, the Federal MPs condemned it enough to kill it. Under this scheme, we are giving the Federal Government the opportunity to decide the issue. The hypocrisy of Federal MPs comments at the time the 18 per cent catch-up was suggested was clearly displayed when they awarded themselves a large increase within months.

While the responsibility remains for a State Government to decide, and Oppositions to score political points as to when a State tribunal should sit, and more particularly use a tribunal decision as a points scoring excercise, rational debate on this issue is usually ignored.

When it comes to discussing parliamentary salaries, politicians are generally petrified of the media, in particular those holding the most senior positions, because the media is always able to get an Opposition to attack a Government suggestion on this topic, or *vice versa*, and admittedly I have been a prominent part of that scene at times. Regardless of all that has happened, this Bill gives Parliament the chance to eliminate most of the humbug and the 'pollies' should remember that the same philosophy will not always hold the reins.

It is obvious from what I have said thus far that the issue of how South Australian parliamentary salaries are to be varied, and the fact that they have fallen behind all other mainland States, has been a prominent lobby topic for a long time. Once that is understood, then automatically anyone with commonsense realises that figures have been considered.

From the discussion I have had, comments heard and reports back, it appears virtually unanimous that the appropriate figure would be no more than $1 000 below that of Federal MPs as provided in this Bill, but in times of constraint, even the strongest supporters might weave away from what they really believe appropriate. Therefore, I have had the Bill drafted so that there will be a phasing in period of over two years to bring our salaries $1 000 below those of Federal MPs.

This Bill also provides the opportunity for any member in the future to renounce, by a notice in the *Government Gazette*, entitlement to any part of the basic parliamentary salary if they so desire. Such notice would also be made irrevocable. If Parliament supports this provision, then the Superannuation Act may need amending to make sure that any revoked salary was not taken into consideration when deciding such member's superannuation.

Clause 1 is formal.

Clause 2 sets the date this Bill will come into operation.

Clause 3 amends the long title to conform to the changes proposed by this Bill.

Clause 4 amends section 3 of the principal Act by including those classifications for which the tribunal may decide additional remuneration for Parliamentarians which were previously encompassed in section 16.

Clause 5 amends section 16 by deleting subsection (1) which contains those matters transferred to section 3 and substituting a new clause leaving the power for the tribunal to determine other than base salary and allowances for members of Parliament.

Clause 6 amends section 23 (3) and substitutes a new subsection which limits the powers of the tribunal on fixing certain salaries.

Clause 7 inserts a new section 23A which seeks to set the salary payable to South Australian State MPs as at 1 January 1988 at $5 000 below the salary paid to members of the House of Representatives, then $1 000 reductions each six months in that variance so that as at 1 January 1990 South Australian MPs would be receiving a salary $1 000 less than the Federal House of Representatives members.

The Hon. G.J. CRAFTER secured the adjournment of the debate.

KALYRA HOSPITAL

Mr S.G. EVANS (Davenport): I move:

That in the opinion of this House the Government's recent decision on Kalyra Hospital is unjustified and should be reversed.

I wish to say a lot on this subject, bearing in mind present indications in the community. However, as a public meeting will be held next week concerning this matter, I hope that a Government representative attends and fronts up to the people who have shown so much concern about this great institution or facility that has been available to our community. I have read the speech made by the Hon. Martin Cameron, the official Opposition spokesperson on health matters, and I commend him on that speech. I believe that it quite clearly puts the views of that vast number of people in the community who are concerned—not just the 22 000-odd who signed a petition, but all the others who would like to be involved.

Last week the Premier was heard to say that the Government was concerned about care for people such as the patients at Kalyra, and he wanted to put them into another facility where, he said, there was 'first-class care' (I think they were the words he used). In other words, the Premier was implying that the care at Kalyra was not up to standard. I challenge anybody—the Premier, the Minister of Health, the head of the Health Commission, whoever—to go to that institution and say to the nursing staff, a team of paid professional people who have the support of a huge volunteer group, that the care that they are offering is not up to the standard of care being offered in other parts of metropolitan Adelaide. I believe that the Premier would soon be told and have displayed to him quite clearly how capable those people are. Through this speech today, I offer the challenge to the Premier or the Minister of Health, or both, to front up to that public meeting.

It is well known within the community that the Government is a fair-weather Government. It does not like the rough stuff. It does not like to front up to tough decisions when it has to tell the public something face to face. It runs for cover and sends a public servant, such as the head of a department; or, if an unpopular comment must be made to the press, we read the words, 'a spokesperson for . . .', 'a person from the department' or 'a person from the Minister's office'. However, it is a different story if it is a good news matter such as opening another hospital. If the Government does eventually try to take the patients away from Kalyra and open up the sixth floor at Julia Farr, one could be cynical and say that they are trying to take some of these wonderful people just a step closer to their final resting place.

These persons would then have nowhere near their present environment, bearing in mind the wonderful view and climate at Kalyra; one can bet that, if invitations are issued to inspect the new situation in an attempt to counter some of the criticisms that are being made in the community, it will not be a public servant or a spokesperson for the Minister opening it: rather, it will be the Premier or the Minister with all the glory and TV cameras, saying 'I am great'—

Mr Lewis: Like it was at the Mobilong Gaol yesterday.

Mr S.G. EVANS: I did not get to that, as I did not receive an invitation. They will say, 'We are great; this is the place we have created for those we kicked out of Kalyra.' There will be no great saving. It will end up getting back to about $750 000 or less as far as the Government is concerned. The Government claims a saving of $1 million, but does anyone in this place or outside really believe that the Health Commission has used the best figures on Kalyra's side of the argument? Of course it has not. Do we think it has used reasonable figures or those that are more likely to be the end result of a move from Kalyra? Of course it has not.

The Government, as we know, has used public servants in an attempt to preserve and justify their decision, and it has produced the best figures possible. The amount involved is minimal compared to what the Government will have to spend on other institutions in order to bring about this change. Certainly, I invite members to look at Kalyra and inspect its gymnasium, its equipment and its programs, and talk to the volunteers who give their service and who are established in the area. The Government cannot transfer all that personal volunteer effort to some other venue or venues, as would apply if part of Daw Road is to be used and if other institutions are to be involved as well. We know that that cannot be done.

Later, I hope to read out some letters that I have received on this subject. However, I would like to wait and give the Government the opportunity to attend the public meeting and to display the necessary intestinal fortitude to show up and tell people face to face what their view is. Government members should not run for cover: they should turn up and say, 'The service you are giving here is too expensive; you are not good enough; you have not enough compassion for the patients and you have not enough skills. Also, the equipment in your gym is not good enough.'

The Government should say that. If it does so, the people will soon show the Government where it is wrong. Such a description is not the truth, anyway. The truth has nothing to do with money or with the sort of care that is given at Kalyra; the truth is that the Minister's department decided that it had some unused areas in other institutions that it did not know how to utilise properly, and that Kalyra itself is partly private and is not under the thumb of the Health Commission. The commission wants to exercise its power to the nth degree, so it is going to wind down the operations of Kalyra to the disadvantage of the terminally ill and, the aged—sometimes the young terminally ill—in an environment that is as pleasant as it can be when one is reaching the end of the road. However, not everyone reaches the end of the road because there are the success stories, and one must bear in mind the other activities that go on in that institution.

We know of the present Government's hatred of anything that smacks of private enterprise, except of course if the Government owns it, is short of cash and wants to sell part of it. That is a different argument: then the Government will jump on the bandwagon. I hope that next week Government members will show up and have the courage to face the brickbats, rather than just being fair weather members of Parliament. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

WORKCOVER

Mr S.G. EVANS (Davenport): I move:

That in the opinion of this House the new workers rehabilitation and compensation scheme known as WorkCover is seriously disadvantaging many small business welfare agencies, charities and sporting organisations.

Recently I asked the Minister responsible for this area whether he could explain to the House why political Parties are charged .5 per cent of the salaries of their staff for WorkCover and gambling agencies are charged 1.3 per cent, whereas welfare agencies and charities are charged 3.8 per cent.

Let us look at those figures. The Minister answered that the people who are on boards, in unions and businesses make the decisions about the rates. I challenge members to go through that list—I will do it at a later date—and they will easily see why certain organisations were charged less and others were charged more. It is a matter of vested interests. The member for Chaffey made that point very well. If the unions do not want too high a rate for their staff and they have to make large contributions to a political Party, they know indirectly that if the political Party is put to too much more expense then they might be asked to pay a bigger levy.

The Hon. H. Allison: The builders labourers—

Mr S.G. EVANS: I am told the builders labourers pay 3.8 per cent. If one goes through that list one can see that there was a bit of patting on the back of one or two people saying, 'Jack, if you don't push mine up too much, I won't push yours up too much.' There could be no other logical reason. How can a group of concerned people, who head unions and businesses, agree that political Parties pay .5 per cent of salaries for WorkCover and yet a charity, such as the Deaf Society, which only employs people in the office doing clerical work and one or two interpreting with sign language, and welfare workers are required to pay 3.8 per cent? Also, gambling agencies—and that includes this monstrosity of a thing next door called a casino—for the gambling side of their businesses are supposed to be getting WorkCover at 1.3 per cent.

I have written to the Minister and asked him to confirm this state of affairs because if that is correct it is the disgrace of the century. A mob that runs a privileged business, and is given a licence to take money out of the community at the rate of tens of millions a year—some of it going overseas and interstate, out of our State and away from the place—is given a benefit under WorkCover of paying more than 50 per cent less than charities or welfare agencies and nobody seems to be worried about it. The Minister says 'She's right. Write to WorkCover.' WorkCover tells you to get lost. Don't bother because when you ring up you won't get anywhere. A letter has been sent and the WorkCover people have treated people who ring virtually with a take it or leave it manner.

I am making a point that nobody in their right mind would ever have expected society to accept those sort of comparisons: 1.3 per cent for gambling facilities, .5 per cent for political Parties and 3.8 per cent for charities and welfare agencies. Where is this concern for social justice from members opposite? The Minister saw the rates before they were ever published—he knew what they were. Did he not bother to read them? Did the Minister of Community Welfare or the Minister of Health read them? Did members on the back bench, who say they have a conscience for the disadvantaged and handicapped, read them? Political Parties are not handicapped, unless by us as members at times. We can go right through the list.

Television and radio stations and the print media all have a rate lower than the charities—I think 2.8 per cent. I wonder why! I wonder whether members opposite said that, if they hit that mob too hard, nasty stories would be run against them, so they would treat them moderately. The poor little charities do not have enough political slug, do not write the papers or run the television and radio programs. How did they get in at such a rate?

The media has TV crews driving around in motor cars, going to bushfire and flood scenes and collapsed buildings—all big risks. Yet, they get a rate less than the charities. Where is the justice in that? I see no other reason for that than the fear of a belt from big business. The guys like Murdoch, Packer and Bond are in the pocket of the ALP because it has become the multimillionaire socialist Party and is not concerned about justice in society. Everybody on the committee knew that if they gave that mob a belt they would be in trouble. The poor chiropractor or physiotherapist who employs a few clerical staff has a rate of 4.5 per cent. They are not involved with TV crews, disaster scenes, crime or whatever. There is no risk of employees being hurt.

Ms Gayler interjecting:

Mr S.G. EVANS: A good point! A person wrote a letter to the *Advertiser* yesterday—a small businessman selling furniture in the bedding line, I believe, Dreamland. He is one of my constituents and I received a copy of the letter that he sent to the Premier and Leader of the Opposition. He employs 19 people. The member for Newland—the vocal lady—asks, 'What is the claim rate?' That man gave the claim rate. Over four years he had one claim of $68. He employs 19 people and suddenly an industry that is feeling the effects of the Federal and State ALP socialist philosophies and struggling to keep in business and to survive is suddenly hit with many thousands of dollars more in workers compensation and he cannot carry it.

He has said that he will have to put off some people, yet the Minister jumps up in glory and says that he met somebody at a social function and they said that they were paying 27 per cent before and suddenly with WorkCover, because of their type of business, they are back to the lower figure of 4.5 per cent, which is the maximum figure, and they will be able to put on two more people.

It is obvious that what one picks up on the hurdy-gurdy will be lost on the swings in the employment area. Will the Government pick up the penalty placed on charities and welfare agencies? I am sure that the shadow Minister of Recreation and Sport will produce figures showing that sporting groups in this State have been hit to leg by this shonky deal. The unions with the greatest clout ended up with the best deal from WorkCover so far as their bosses were concerned. If members look they will see that, throughout the manufacturing area, groups such as the builders labourers got the best deal—the little people, such as those in small business and professional and semi-professional groups, were kicked in the teeth. Farmers are on the maximum rate, the same rate as a steeplejack.

An honourable member interjecting:

Mr S.G. EVANS: The honourable member says that farmers are not complaining, and I agree. However, do we tell one group that things are varied to such a degree that a ridiculous injustice will be placed on others? It is possible to have a maximum rate of 5 per cent, to place some of the burden where the accidents occur, and to ensure that those who do not have accidents move down the list. Where is the justice of a .5 per cent charge on political Parties, 1.3 per cent for the casino next door and the TAB, and 3.8 per cent for charities? Ask farmers' whether they believe that it is just for political Parties to pay only .5 per cent, and they would say 'No'. There are many letters coming in and, because I want to wait and see what is the WorkCover response, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

QUESTION TIME PROCEDURES

Members interjecting:

The SPEAKER: Order! I call the honourable member for Davenport.

Mr S.G. EVANS: (Davenport): I move:

That in the opinion of this House the practice condoned by the House, since the reduction of Question Time from two hours

to one hour, has given the Government a distinct and unfair advantage over the Opposition and ignores the guarantees that were given by Ministers at that time.

When I stood to move this motion somebody said, 'What, again?' In fact, this motion is almost a repetition of one I moved last year, and I have moved it with some feeling. I know that several of my matters have come up today and, if members do not want to suffer that, bad luck—this is a right that I have. Every person in this place has the right to put a notice of motion on the Notice Paper—if they have not bothered to do so, bad luck. However, they have from 12 o'clock to—

Ms Gayler interjecting:

Mr S.G. EVANS: I congratulate the member for Newland, the first Government member since this Government has been in power to say that there is not enough private members' time in this place—she has admitted that. If I had my way, I would not hog the time, but I would hock the Standing Orders, because that is what should happen to them. I point out to members opposite that certain practices introduced in recent times have become increasingly apparent in the past three or four weeks. The worst of those practices is backbenchers being given a dorothy dix question to ask a Minister and the Minister giving an answer that is really a statement that should have been given as a ministerial statement, as provided for under Standing Orders without interfering with Question Time.

Because Government backbenchers are not able to think of any significant questions of their own, they wait until the ministerial minders come along and give them a dorothy dix question. The minders say, 'Look, the Minister has a great answer on this. If you'll ask it, he'll get up and use 10 minutes of private members' time and kill off the Opposition.' In particular, it has been the practice to say, 'Today we have wind of the fact that the Leader of the Opposition' (or somebody from this side of the House) 'has put out a press release and the media has started to ask questions about it. It's a little dicey, and it will stir up members a little. We want to kill some time. Cut the argument. If we can ask this question, we can decrease the effectiveness of the Opposition.'

A clear example of that was when the member for Newland asked a question this week of the Minister of Recreation and Sport about the possible closure by the council of Davenport Road. The Minister and the member for Newland knew that weeks ago the council made the decision that it would not continue with the proposition, but the Government deliberately used the time of this House and not for the reason to convey information to the community.

I do not envy your position, Sir, as Speaker, because Speakers in this Parliament belong to a Party and it is difficult. On an earlier occasion the Deputy Premier stated that we could improve Question Time, but that has not happened. When the time was reduced from two hours to one hour, the Labor Government guaranteed that questions placed on notice that could be answered briefly would be answered by the next Tuesday, but they do not abide by that guarantee. At one stage the Hon. Mr Hudson (the then member for Brighton) said, 'I admit that on one day I have asked up to 11 questions and got the answers.' When we reduced the length of Question Time and increased the number of Parliamentarians, we were given a guarantee that that would not be abused, but it is abused.

Ms Gayler interjecting:

Mr S.G. EVANS: The member for Newland said that I abuse Question Time. In the past 18 months I think I have asked six questions. When Mr Hudson was a member of Parliament, he asked double that number of questions in one day.

Mr Hamilton: Private members' time—respond to that!

Mr S.G. EVANS: I have responded to it. If members look at the Notice Paper today they will see that Notice of Motion: Other Business No. 10 is the last one listed on the Notice Paper and it has to be finished by 12 noon.

Ms Gayler: We want a say on some of your crazy motions.

Mr S.G. EVANS: Can I again explain to the honourable member: there are 10 notices of motion on the Notice Paper and I am speaking on the last one. The time allotted for notices of motion is between 11 a.m. and 12 noon.

Mr Tyler interjecting:

Mr S.G. EVANS: Of course it does not have to go. Similarly, whenever the debate on notices of motion goes over the allotted time, it does not have to go past 12 noon, but at times we agree to that in this House. If members say that I do not have a right to express a view, or that they have some views that they have not been able to express, they should go back to the Caucus room and say that Evans is right and that private members do not get enough time in this Parliament to put their constituents' point of view.

I now turn specifically to the Standing Orders. The Standing Order says clearly in my view that no member shall debate an answer: in other words, the Minister cannot debate an answer. I accept that over the years there has been some leniency in that direction, but most of the argument for the leniency should have occurred before the change in the Standing Orders to allow only one hour in lieu of two hours when we were promised that we would get short answers instead of all that hogwash that meant nothing from people who belonged to the Australian Labor Party at the time. Since then, the Standing Orders should have been charged. Guarantees were given and members opposite should go back and read those speeches and at least honour them a little better than they are being honoured today, because they are not honoured. Ministers get up and do not answer the question. They use the time for political debating and on different topics not relating to the question. That is not what the Standing Order says.

Ms Gayler: What about the important issues of the State and the country?

Mr S.G. EVANS: That is a great statement by the member for Newland. If there is a more important issue than elected members of Parliament being given a reasonable chance to put questions on behalf of their constituents, I should like to know what it is because that is the only way in which we can bring points to the Government. However, if the honourable member is saying that Ministers have important points that should be brought to the Parliament, I say, 'Let the Minister stand up and give a ministerial statement.'

If, on the other hand, the member for Newland is saying that individual members of the ALP have no chance to bring up important issues, I ask her how it is that I got the last two notices of motion on this Notice Paper as late as yesterday when they had all the other days on which to put notices of motion, and the same applies in respect of 5 November and 12 November.

Ms Gayler interjecting:

Mr S.G. EVANS: There are no notices on there. I have taken items off the Notice Paper sometimes to let them get on. On a future date, subject to what happens in this place, I will get down to specific numbers of lines and other details including the length of speeches and how speeches have been rigged and organised, but at this stage I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Mr ROBERTSON: On a point of order, Mr Speaker. The member for Davenport assured us that he had to fill in until 12 noon, whereas he had not reached that time.

The SPEAKER: Order! That is no point of order.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 8 October. Page 1084.)

The Hon. H. ALLISON (Mount Gambier): I support the Bill to the second reading stage. Capital punishment was repealed in South Australia 10 years ago. On a number of occasions I spoke in support of capital punishment and I am unashamed about that because I believe that a number of crimes warranted and still warrant the extreme penalty. However, in the intervening years, the last 10 years or so since we repealed that legislation, I believe that the vast majority of people in civilised countries across the world have consistently come out against the reintroduction of capital punishment.

I am reminded that, although I supported capital punishment on the occasions on which it was brought to the vote in this House, some hangings have taken place in error and that, in the Craig/Bentley case in the United Kingdom, Nicholas Craig, a minor, was not executed while Bentley, over the age of 18 years and an accessory to the murder, was executed although he was not the one who perpetrated the crime.

I recall the work of Ludovici who wrote about the murders that took place at 10 Rillington Place, where one who was accused of having carried out murders within that house was subsequently judged to have been not guilty. In fact, all the murders that took place there were perpetrated by Christie.

So, obviously mistakes have been made, and it was Evans, the young man who was accused of having been an accomplice of Christie, who was hanged. Well, we have accepted that. But the member for Davenport has brought legislation into this House reminding members that in the absence of the extreme penalty we still need penalties of such severity that, when a life sentence is awarded, it is indeed life which is meant, and 'life' in the true sense of the word. The intent of the Bill is to protect society from the repetition of horrific crimes and to emphasise that society generally has had enough of the kid glove treatment of those committing those heinous crimes—and in some cases recently not for the first time but for the second time.

Even now we are reminded—and I refer to an excellent television program into the state of Australian prisons that was shown recently—that there are criminals who have committed the worst of crimes, the worst possible, who enter gaol knowing that parole is certain before the expiration of the given court sentence. If they behave themselves they get remission for good behaviour and in many cases they can look forward to being released long before the expiry of the actual sentence given to them.

I was quite amazed at the number of people in our gaols who admitted to being vengeful and recidivist in their outlook on life; they were going out of gaol ultimately with the intent of committing further crimes to get their own back on society. There was no acknowledgment on the part of some of those hardened criminals that they had in fact been judged and sentenced appropriately for crimes that they had committed—and that they had been punished appropriately. Instead, they were looking at the conditions within Australian gaols and saying, irrespective of the crimes that they had committed, 'This is where we have been put. We don't like it, the conditions are awful and therefore we are going to take it out on society when we are released.'

I remind members that in recent months paroled criminals have committed villainous crimes within just a few months of being released. In recent years there have been instances of, for example, terrorists of different nationalities, who have been imbued with a patriotic fervour, with a religious zeal on occasions, and who have been prepared to kill hundreds of innocent people with absolutely no connection with their cause, people not antagonistic, necessarily, towards their aims and their causes. However, such people are prepared to kill hundreds of people by, for instance, plane sabotage (one aircraft can take down 450 people), by airport attack (the machine gun attacks at Tel Aviv a few years ago resulted in innocent passers-by being injured), or by hotel and street bombings. They are quite prepared to promote their cause in this manner. They are prepared not only to promote their cause but to sacrifice their own lives in the attempt, and many innocent people suffer as a result. They are without remorse, they are without scruples, and I do not believe that they deserve the leniency which can be afforded by contemporary criminal and parole legislation.

I do not think, either, that the burden of the decision as to early release should be left entirely with the parole boards such as those that we have in South Australia. In such cases I believe that there are exceptional circumstances, and Parliament should have the courage to indicate that it wants to have the final say in such matters. That course is provided in the member for Davenport's Bill.

Mr Tyler interjecting:

The Hon. H. ALLISON: It is not a reflection on today's Judiciary, if the honourable member interjecting infers that. I remind the honourable member that on occasions some of us have been asked by leading members of the South Australian Judiciary to include in legislation not the Minister's comments (such as those offered by way of firm commitment in legislation introduced by the Minister of Housing and Construction yesterday) but a preamble to the Bill clearly stating the Minister's and Parliament's intention. The preamble is firmly indicative of what Parliament intends. If Parliament wants to set a life sentence, it will say so in the preamble to the Bill—it will not say that the Parole Board can subsequently release a prisoner after a short stay.

Mr Tyler interjecting:

The Hon. H. ALLISON: I understand the legislation very well. The honourable member should recall that as long ago as the fifteenth or sixteenth century—back in the Elizabethan days, the days of the Henrys, the Tudors—preambles were included in United Kingdom legislation and they are still relevant today: laws which are still extant and worked on and contain preambles clearly setting out the intention of Parliament. Therefore, the pardon which is now decided by the Governor (although it is the Government in real terms in the form of Cabinet meeting in Executive Council), is simply an act of the Government of the day or the Cabinet of the day. In effect, Cabinet acts as a small section of Parliament.

I was saying that it is not a reflection on today's Judiciary but is simply intended as a firm statement of Parliament's intention. It is intended as a guideline to those members of the Judiciary who have had doubts as to how to interpret parliamentary legislation. It is intended as a strong guideline—a direction from Parliament, from the public and ultimately from the people who put us into Parliament, the electors. The electors do not elect members of the Judici-

ary—they elect members of Parliament. The Bill simply says that the violent crime that we are experiencing is no longer to be tolerated, that punishment should not be lenient towards crimes of extreme viciousness and extreme brutality.

Mr Tyler: Tell the judges that!

The Hon. H. ALLISON: I ask the honourable member to hold his water for a little while. Parliament enacts legislation and the Judiciary interprets our enactments, so I feel that our intention should be made clear and unambiguous. The Bill is quite clear in its intent. I support the Bill to the second reading stage with one reservation—and this may satisfy the interjector. The Australian Constitution provides for three completely separate and divided arms, the first of which is the Crown. Her Majesty the Queen is currently the senior representative of the Crown, and then there is the Governor-General in Canberra, supported by Governors of the individual States. The Queen consents to legislation. She does not equivocate over giving that consent—it is a rubber stamp. She assumes that Parliament knows what it is doing and the assent is pretty well automatic. I know that one or two Governors and Governors-General have equivocated over the Executive Council table as to whether a Bill should be signed, but ultimately it is signed, and there is no question about that.

The second arm is the Parliament, those of us here in State Parliament and also Federal Parliament who enact legislation. We put forward legislation that we believe is appropriate to the needs of the public. Occasionally—and only very rarely these days—is there a preamble. Frequently, reassurances are given by Government Ministers who may remain in office for only five minutes after having given that reassurance.

They may resign or be knocked down in an accident in the street. Another Minister may come in and have a different opinion of the legislation. The Judiciary points out that, if it is not included in the Bill, no members of the Judiciary will go through *Hansard* to assess the Minister's opinion and that of other members of the Government and the Opposition, and come to a value judgment outside the Bill itself. That is just not on. The courts are far too crowded for that sort of nonsense to take place, although it has been suggested that we might resort to it. There are not enough hours in the day in the judicial system and we should not ask judges to resort to reading *Hansard* in order to find out the opinion of the Parliament. It is in the Bill or it is not. Let us be clear and unambiguous as to our intentions.

The third important arm of the constitution is the Judiciary, which, in Australia, is appointed for life unlike other countries, such as the United States.

Mr Duigan: They retire at 70.

The Hon. H. ALLISON: Yes, judges retire when they reach the age of 70.

Mr Duigan: I thought you said 'for life'.

The Hon. H. ALLISON: I did say 'life' but I recognise that an age limit is imposed. The point that I was making is that the Judiciary is not moved aside as Parliaments are. A new Parliament does not bring with it a new set of judicial officers. If judges are appointed when they are young and live to old age, they outlive many Parliaments. The Judiciary is there to stay and worthy to be given direction by Parliament and in many cases it has asked for firm direction and support.

I point out to members that our system has three arms: the Crown, the Parliament and the Judiciary. In this legislation, it is suggested that members cross the area between Parliament and the Judiciary and, in certain extreme cases, we not only enact the legislation but if we sit as a court of judgment if an appeal is brought to Parliament and both Houses are called upon to assess whether a criminal who has committed an extreme crime, for which he has received a life sentence, should be freed, members would sit in judgment upon our own laws. That is the one reservation that I have about this legislation: it crosses the constitutional distinction between Parliament, the enactors of the law, and the Judiciary, which interprets the law and passes judgment acting on the law.

I support the second reading of this legislation and ask members to bear in mind that it is precedential, because we could be pulling people out of the judicial system back before the Houses of Parliament. I do not suggest that that is not already provided for in Parliament. Some years ago, when the Khemlani affair was before Federal courts, it was suggested that, because one of the people involved had South Australian connections, the South Australian Parliament should call a person before the bar of this House and sit in judgment.

Mr S.G. Evans interjecting:

The Hon. H. ALLISON: The member whose Bill we are debating calls to mind the scientologist case in which the calling of people before the bar of the House was seriously considered.

Mr S.G. Evans: It was put into practice.

The Hon. H. ALLISON: That had escaped my notice. So, it has been done before; Parliament can sit in judgment. I ask members whether their intention is to give firm directions to the Judiciary that the Parliament and the people of Australia have had enough, that sentences should be severe—that life should be life—or that the Parliament wishes to take it a step further and say that, in extreme cases, members will sit in judgment, by-pass the judicial system and assess whether a person who has perpetrated a heinous crime should be assessed for release by Parliament.

Do members want that? That is a point that they will have to consider when debating this legislation. When thinking about it, let us call to mind a few of the crimes that have been committed in recent years. I refer to rape—not for the first or second time but sometimes gang rape by people who have been before the courts on other occasions, who are on parole and who perpetrate rape sometimes coupled with murder. Of course, recidivism is an integral part of such crimes involving attacks on the aged, the infirm and on the very young—those people in our society who are completely unable to defend themselves.

Terrorism—the destruction of aircraft with hundreds of people on board, attacks on airports, attacks on supermarkets—has taken place, if not in Australia, in other countries. I refer also to people threatening to poison whole food supplies—it could be a reservoir or food sent out from a supermarket; that has happened quite recently with a man being judged interstate concerning that.

These matters are worthy of consideration. This Bill simply highlights the cry for help from the member for Davenport on behalf of society in general, and asks Parliament at least to consider the legislation and give our courts some direction. I support the Bill to the second reading.

Mr LEWIS secured the adjournment of the debate.

HILLS TRANSPORT SERVICES

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House the Government has ignored the transport needs of many disadvantaged people and everyday commuters with its decision to remove STA public transport from Bridgewater and other Hills residential areas,

which Mr Tyler has moved to amend by leaving out all words after 'That' and inserting in lieu thereof the words:

> this House congratulates the State Government for its policy of providing adequate access to public transport throughout the Adelaide Metropolitan area; however, this House urges that its commitment to an investigation into viable long term public transport options should be implemented quickly with full consultation with commuters, community groups, local government and trade unions.

(Continued from 8 October. Page 1085.)

The Hon. D.C. WOTTON (Heysen): I am delighted to take part in this debate and to support the motion put forward by the member for Davenport. The previous speaker on this subject, the member for Fisher, made quite a considerable representation in this House last week, and I am very pleased to have the opportunity to clarify some of the many incorrect statements that he made regarding the situation that has arisen as a result of the closure of the Bridgewater railway line.

He even had the audacity to move an amendment on the motion, and I will have a bit more to say about that later on. I am certainly opposed to his amendment. However, let us look in the very short time that I have available—and I do not want to take up a lot of the time of the House, because I have spoken on this subject in the past two weeks—

Mr Peterson interjecting:

The Hon. D.C. WOTTON: I am pleased to know that the member for Semaphore has heard me and is totally supportive of what we are trying to do in getting the Bridgewater service back. The member for Fisher started off by saying that the member for Davenport fails to understand the role of Government and, particularly, the policy of this Government as it relates to public transport. I ask the member for Fisher how long it is since he read his own policy on public transport?

Members interjecting:

The Hon. D.C. WOTTON: He probably wrote it.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. D.C. WOTTON: Of course it is not a policy. I am talking about the member's policy, and I doubt very much that anybody else was involved in the writing of that policy other than the member for Fisher. Quite an incredible amount of garbage is in that policy such as that the Government will provide public transport for the people of South Australia across the metropolitan area. I am sorry that I do not have that policy, and I hope that somebody who may pick up this debate a little later will be able to relate exactly to the words of the Labor Party policy on transport that was brought down at the last State election.

For the member for Fisher to have the audacity to say in this place that the Opposition does not understand the policy of the Government as it relates to public transport is absolute tripe. Certainly, we understand. We know what the policy is; we only wish that the Government would properly implement that policy and many others. The member for Fisher stated:

> This Government has a policy of providing adequate access to public transport throughout the metropolitan area.

That is a laugh. It has a policy of providing transport into marginal seats, and there is no doubt about that. The Government is continuing to increase services to marginal seats but, as far as the rest of the metropolitan area and the State is concerned, it is left begging. The member for Fisher goes on to say that the Government has a very impressive track record. If the member for Fisher was prepared to listen to a lot of people out in the community, he would be put right in relation to that statement. He went on to say:

> The whole area of public transport in this State is under the microscope as never before.

I would be the first to agree that, where transport services are not required, they should be removed. However, where it can be demonstrated that there is a need and where the Government of the day is prepared to listen to the community to determine whether or not a service is required, it is a totally different situation. As to the Bridgewater line and the people who have been affected as a result of its closure, I wish that they had the opportunity—

Members interjecting:

The Hon. D.C. WOTTON: Your Premier and your Minister will not listen to them. Perhaps the member for Fisher might be willing to listen to them, so that he can get the absolute facts instead of the garbage that he said last week. He went on to say that another important group who should be involved in any review of public transport are bus drivers, train drivers and guards. He goes on to state:

> They are a vital component of the transport system.

Of course they are, but did the Premier or the Minister of Transport listen to the unions? For weeks the two unions were present at the Bridgewater station when they set up their camp. Time and time again they sought an opportunity to speak personally with the Premier. However, he was too busy until a couple of days before the last Federal election, when he thought, 'Goodness, this is a far bigger issue than I thought it was going to be.'

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable member to sit down. I ask the House to come to order. Members on my right might not like what the member for Heysen is saying, but he is entitled to say it. I ask the House to give the appropriate courtesy to the speaker.

The Hon. D.C. WOTTON: Thank you, Mr Deputy Speaker. I repeat what I said: neither the Premier nor the Minister of Transport was prepared to listen to those unions. About 600 people attended our public meeting, where there was strong union representation and a resolution came from it. The shadow Minister of Transport was present, and he was certainly willing to show his face, despite what has been said on the other side about his not being prepared to come out. He was at the meeting, which was a lot more than can be said of either the Minister of Transport or the STA Chairman, neither of whom was prepared to come and face the 600 people, who decided unanimously that a deputation should meet with the Premier. That was supported strongly by the unions but what happened?

The Premier would not be in it; he did not want to listen and he palmed us off to the Minister of Transport. That was an absolute waste of time, yet the member for Fisher has the audacity to say that we and the Government ought to listen to the unions and the people employed, such as drivers and train guards. What a lot of hogwash from the member for Fisher. I agree that we should be listening. Indeed, not once have I ever criticised the actual people involved in the STA—either the drivers or the guards—about whole situation. I know where they stand.

I commend the stand that they took in this situation. The member for Fisher goes on to say that these are the people that make the transport system work, and he also urges the Government to continue to consult with the unions. As I have already said, the Government was not happy to listen to the unions at that time. He says, 'We need to work closely with local councils.' How closely did the member for Fisher work with the Stirling District Council and listen

to the strong representation that it made at the time that this debate was taking place as to whether or not the service should be retained? How closely is the Government listening now to that council, which strongly recommends that the service be reintroduced on a limited basis? He goes on to say that the STA should be sensitive and receptive to community needs, and that he has found the Minister particularly receptive to, and conscious of, the changing needs of his own district, as has been the STA. Of course the STA and the Minister have been receptive; Stirling is a marginal seat, so what else would one expect?

The Minister has been very interested in what is happening to increase the number of services in that area. During the school holidays I travelled by train to the Noarlunga Centre, and was amazed at the number of services operating. I just about got run over in the railway station by the number of trains that go to the Noarlunga Centre, they were going backwards and forwards. On my train to Noarlunga I think there were seven people, and probably half that number on the way back, in an area that is a marginal seat.

An honourable member interjecting:

The Hon. D.C. WOTTON: Well, perhaps four. That is a marginal seat. Take a drive down Henley Beach Road and some of the other main roads in that area and see the number of buses operating. One can hardly drive down Henley Beach Road for the number of buses that are on that service. It is no good the member for Fisher saying that the Minister is very conscious of the needs of his district; we all know that. In my own district it is a different situation: one continually sees overcrowded buses. In the past few days I have received repeated representations from my constituents who are complaining because up to 25 people have to stand on buses all the way down the Mount Barker Road. We all know the difficulties that can be experienced in such a situation.

I could spend hours on this garbage that has come from the member for Fisher. He goes on to say that it is interesting that the member for Heysen's constituents have the choice of a couple of transport options into Adelaide. I wish the member for Fisher would come up to Bridgewater some time or other: I would be very happy for him to find his way to Bridgewater by public transport. There is no public transport to Bridgewater; there is a private service, but there is no STA service to Bridgewater. Certainly, there is no alternative but to catch these very overcrowded buses and take the associated risks.

There are plenty of areas in my district—as with many others of my colleagues in the Opposition—that have no public transport; certainly those areas are not serviced by the STA. The member for Fisher says that the STA is very conscious of the need to provide a service to the whole of the metropolitan area. Well, perhaps to the marginal seats but certainly not to the whole of the metropolitan area. The member for Fisher urges the Government quickly to implement its promised review of transport options. I suppose that shows the importance of this matter to the member for Fisher, because another review was announced very recently. We have seen stacks and stacks of reviews.

Mr Tyler interjecting:

The Hon. D.C. WOTTON: The honourable member should go down to the Library and have a look or ask for copies of the reviews that have been carried out in the past few years. It is a pile so large that one can hardly jump over it, yet now we have another review. We are simply asking that the Government do something instead of bringing down all these blasted reviews all the time, and then putting them in little boxes, forgetting about them and bringing out all these lovely comments about what it would like to do to implement its policy. I strongly oppose the amendment that has been moved by the member for Fisher and I urge the House to vote against it and to support the motion as introduced by the member for Davenport, namely:

> That in the opinion of this House the Government has ignored the transport needs of many disadvantaged people and everyday commuters with its decision to remove STA public transport from Bridgewater and other Hills residential areas.

I strongly support that motion.

Mr LEWIS (Murray-Mallee): I will not detain the House very long. I simply wish to lay the lie to the amendment moved by the member for Fisher to the motion of the member for Davenport. So that those people who are perusing this debate in future will have the opportunity of knowing what it is that I am addressing, I will read the amendment as follows:

> That this House congratulates the State Government for its policy of providing adequate access to public transport throughout the Adelaide metropolitan area: however, this House urges that its commitment to an investigation into viable long-term public transport options should be implemented quickly—

that is an investigation that he wants implemented—

> with full consultation with commuters, community groups, local government and trade unions.

The Hon. H. Allison: He realised that he shot himself in the foot.

Mr LEWIS: I do not think the bullet got quite that far. The important point is that that amendment is a contradiction in terms. One cannot congratulate the Government for a policy on which it is not prepared to make a commitment or has not announced. Yet, that is what the honourable member is asking us to do. He cannot do that because in the next part of his proposed amendment he says, 'Let's have an investigation, because we do not quite know what is our policy.' Either under the heat or the cold, the flush or whatever it is from which the Government is suffering now, it has decided that it will quickly get together a policy so that it can commend itself for having it and can then implement it. Presumably, that is what the member for Fisher intended in moving this amendment.

The Hon. H. Allison interjecting:

Mr LEWIS: It would not surprise me if some sort of inane approach of that kind were taken. I suggest that the Government's present policy is dishonest and dishonourable. In fact, instead of, as the member for Fisher has said, having public transport policy under a microscope, I put it to him and to the House that by this amendment he clearly indicates that the Government has the policy behind smokey glass, and is certainly, as far as possible, encouraging the development of a fire that will put even more smoke on that glass, thus obscuring the real issues wherever they are embarrassing. In this instance they are certainly embarrassing.

If one considers the distance between the Bridgewater railway station and Adelaide one sees that the time taken to travel that distance would be very much less than taken previously if restrictive work practices were removed. Those practices have had an adverse effect in two major ways; first, the way in which maintenance gangs and engineers supervising those gangs have failed abysmally in their responsibility to the rest of us to maintain that track as it is in a shocking mess—they spend more time sitting around talking about sporting events, drinking cups of tea and doing whatever takes their fancy than they do in maintaining those tracks.

Mr Klunder interjecting:

Mr LEWIS: I did not catch the interjection, but I would like to have answered it.

The Hon. H. Allison: He wanted to know if calling 'Question Time' would be regarded as restrictive work practice.

Mr LEWIS: No, definitely not. It is saving embarrassment, I assure the honourable member for Todd. As the track is in such poor order, it is quite understandable that drivers cannot move trains at an efficient speed. The track from Bridgewater down through the Hills is in poor shape and could be upgraded—the radius on the curves needs changing thereby allowing the trains to travel from Bridgewater to Adelaide at a vastly improved speed.

Ms Gayler interjecting:

Mr LEWIS: I cannot hear the honourable member, who needs a megaphone; I am deaf. If she is to shout me down she will have to have a stronger voice. I suggest to the Government that it should stop these trains picking up passengers at stations after Clapham Junction, from where they should be express to Adelaide. There are ample bus services for commuters closer to Adelaide and it would be far more efficient for them to use the bus. If this were done the train could travel more quickly from the Hills to Adelaide. My proposition is that, if the journey time were reduced from Bridgewater, Blackwood and Belair to Adelaide—by more efficient speed and part express service—more people would use the service. A system of small limo type feeder buses could then be introduced to carry people to the railway stations. If this system were introduced people would not travel the overcrowded and dangerous Mount Barker road in public transport or their own cars but would travel down the railway line. Problems would then be solved—those created by a lack of a sensible and suitably efficient Government policy to deal with this matter.

Given the total capital cost to make modifications to the Mount Barker Road, and the total dislocation to people using it, whatever the rearrangement of the route from Glen Osmond to Crafers or Stirling, if my proposition is not accepted I invite the Government to suggest an alternative solution. I am prepared to bet that careful consideration of my suggestion would show that it meets all the goals in relation to providing adequate transport for people living in the Hills who commute regularly to Adelaide. There would then be no need to bring private vehicles or STA buses down the Mount Barker Road to the same extent as at present, and that will continue to happen unless something sensible is done, such as my suggestion, about this railway line.

Mr S.G. EVANS (Davenport): I do not support the member for Fisher's amendment and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

VICTIM TOYS

Adjourned debate on motion of Mr Tyler:

That this House congratulates the Federal Government in establishing an inquiry into whether the characteristics of 'victim' toys are likely to have undesirable or anti social, psychological effects on children exposed to them and further this House urges the South Australian Government to cooperate fully with this inquiry.

(Continued from 15 October. Page 1217.)

Ms LENEHAN (Mawson): I congratulate my colleague, the member for Fisher, on moving this important motion and on his excellent speech which was thoroughly researched and very well presented. As the member for Fisher highlighted, the Federal Government has established an advisory committee to ascertain the effects of victim and violent toys on the emotional and psychological development of young people.

The member for Fisher also outlined the widespread community concern presently being expressed across Australia about these distasteful and sometimes disgusting and destructive toys. It is interesting to note that, while for a long time in Australia we have banned toys that are physically dangerous, toys that could be psychologically and emotionally dangerous are freely available. Such toy nasties or victim toys depict children who have suffered horrific accidents mutilations and deformities. Among these are the likes of Katy Cutup, which is a physically safe soft vinyl toy which squirts water and whose face, which is a caricature of a girl aged about two or three, has huge bleeding slash wounds down each cheek.

Another one is Sammy Stop Sign, which depicts a boy about nine or 10 on a skateboard who has black eyes and a bleeding mouth as a result of colliding with a road sign which is now permanently wrapped around his neck. Another one is Unstitched Mitch, which depicts a baby who lives in a garbage can and is black-eyed, bruised and bandaged, with his entrails spilling out from a gaping wound in his stomach.

Toys such as these have added a whole new dimension to the long-running debate over the psychological effects of war toys, monster toys and action figures from violent cartoons on children's television programs. It seems to me that the critical issue in this debate is whether such toys and cartoons have a long-lasting effect on a child's acceptance of violence and their subsequent behaviour towards others, or whether these toys are just jokes which, played with alongside other more conventional toys, have no real effect on young minds.

In a recent article of a monthly magazine, Dr Di Bretherton, a Senior Lecturer in Adolescent and Child Psychology at the Melbourne College of Advanced Education, was quoted as saying that these toys are too realistic to be funny and the violence too obvious to be considered mere fantasy. Dr Bretherton is quoted as saying:

I find the idea of presenting mutilation and deformity and injury as a plaything for children totally unacceptable. There is a wealth of studies to show that children given violent toys will become more violent in their actions.

Kids will identify with either the victim or the aggressor. If they identify with the victim then they start to accept violence towards children as normal. If they identify with the aggressor, the unknown person who slashed Katy Cutup's face, then they are rehearsing sadism.

On a broader and deeper level, it should be of concern to members of this Parliament and indeed to the community generally that, while society is trying to prevent violence against children and women through legislation and programs to prevent child abuse and child sexual abuse, these toys try to make the results of abuse and violence amusing, thus promoting such violence and abuse.

Dr Bretherton further asks what sort of adult mind would devise such toys as Patty Plate Glass, a young girl who has been through a plateglass window and now has deep cuts and glass embedded in her limbs. Such toys, having obviously sustained injuries through the violent actions of someone else, give the impression that this is all right, that violence is normal and, through the comic aspect of the toys, that violence is somehow funny. Many people believe that this could totally desensitise a child's view of violence.

Parents around Australia have raised their voices against the continued sale and distribution of these victim and violent toys. As my colleague the member for Fisher said, many people are calling on the Federal Government for a total ban on such toys. However, in the interests of balanced debate I should like to canvass the viewpoint of the Australian Consumers Association, which is asking retailers to

choose not to sell violent toys. The Federal Government's committee of inquiy has received an average of 30 letters a day from concerned parents, and during the last week in South Australia the media has reported the concern of parents in this regard. In fact, last weekend's *Sunday Mail* contains a letter under the heading 'Toy nasties make us sick' from Sheidow Park parents Barry and Mary Nolan, who say:

As parents of two young children, we are deeply concerned at the proliferation of violent, macabre and sickening toys on the market today.

They then ask the following question:

Is it coincidental that there has been a rise in violent and sadistic crime since the increase in availability of many violent and gruesome films, videos and computer games in the past 10 years?

They answer: 'No, similarly with toys.' Their letter continues:

We believe that it is time society took stock of the situation and we commend any efforts to stop the marketing of these dangerous and offensive toys... It is time the toy manufacturers and retailers realised their responsibilities towards children in society and that children's futures are more important than a few dollars.

It seems from that letter that those parents support the Australian Consumers Association's plea to manufacturers and distributors not to produce and not to distribute such toys. However, because these toys are designed in America and produced in China and Taiwan, and therefore imported, I strongly support the member for Fisher in his call for a total ban on the importation of such toys. Such a move would cut the toys off at the source of supply, and I believe that that would be a much preferable way to go rather than to appeal to the good nature of people.

In conclusion, I point out that the Federal Government's committee of inquiry will be considering all aspects of the debate and the committee's report is expected to be available by about the end of November. I congratulate the member for Fisher on moving the motion and the Government and the Attorney-General of this State on fully supporting the motion and cooperating with the Federal Government's committee of inquiry on this matter. I call on all members, in the interests of the welfare of the children of our State, to support the motion and to support public calls to ban such toy nasties and victim toys.

Mr OSWALD secured the adjournment of the debate.

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House the implementation of the Police (Complaints and Disciplinary Proceedings) Act 1985 is having an adverse effect upon the effectiveness of the South Australian Police Force as a criminal investigating authority.

(Continued from 15 October. Page 1218.)

Mr DUIGAN (Adelaide): I oppose the motion, and I want to remind members of some of the allegations that the member for Davenport made when speaking to his motion last week. He indicated that a number of police officers had spoken to him expressing some concern about the process that was being followed and, more generally, about the consequences of the processes that had been established by Parliament in creating a Police Complaints Authority. He told the House that he had raised the matter because:

... certain members of the Police Force have made the point to me that this situation is tending to create a climate in the criminal investigating area where, rather than take a punt and challenge a known criminal... it is better to shuffle paper around in the office and not take the risk of perhaps being reported to the Police Complaints Authority.

The member for Davenport did acknowledge that there were no complaints against the Police Complaints Authority as such, but he indicated that there was fear in a certain officer's heart about the process that was being followed. He said that generally that was creating a sense of mediocrity in the Police Force, where toughness is needed rather than mediocrity. Further on in his contribution, the member for Davenport said:

I knw that within the Police Force there have been (and there most probably still are) a few ruthless men and women.

The honourable member indicated that he had been advised by some police officers of the consequences of being involved in the criminal investigation area and of their not being prepared to follow through some complaints because of the consequences that would result (so he believed) from the processes involved in the Police Complaints Authority. The member for Davenport concluded by saying that it was a reality that mediocrity was coming into the criminal investigation area and causing confusion in the community.

I refute those allegations and suggestions, and I shall support that stand by going through a number of very valid points concerning what the Government and I, and indeed that the Police Force itself, sees as the value of the Police Complaints Authority. Before doing so, I believe I should ask the member for Davenport whether he has any evidence at all of police officers feeling threatened or being restricted by the processes established under the authority. If he has any evidence, he should tell the Police Commissioner. I think that he should divulge any evidence concerning where a criminal investigation has been jeopardised or where there has been a going slow on investigations or where police officers have run dead on investigations, because of fear of the consequences that would flow from the Police Complaints Authority. I do not think it is satisfactory for the honourable member to indicate very generally in this House that police officers have advised him of a general feeling that is around, unless there is evidence.

The other point is that the police officers who may have given this information to the member for Davenport could very well be wrong in their understanding of the processes to be followed when an officer is reported to the Police Complaints Authority. So it is important for him on two accounts: first, to give the evidence to the Police Commissioner if there are people who feel that their investigations are being jeopardised; and, secondly, so that the Police Commissioner knows which officers have been speaking to him so that they can be put right about the processes that are to be followed.

In regard to what I believe might be some of the substantive issues raised by the honourable member in this motion—namely, that there should be a different approach in dealing with and determining the different types of complaints about the police as alleged by different sorts of criminals—there is absolutely no substance in it at all. If complaints have been made against the police, I do not see how it can be justified that a different methodology should apply in terms of complaints by people who, it may be suggested, are the ruthless criminals and the complaints made by other people who have broken the law. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TOBACCO ADVERTISING (PROHIBITION) BILL

Adjourned debate on second reading.

(Continued from 8 October. Page 1082.)

The Hon. G.F. KENEALLY (Minister of Transport): I do not intend to speak at length to this Bill. It goes without saying that the Government has given considerable consideration to its provisions. Obviously the Government supports the general spirit and intent behind the legislation. It would be an irresponsible Government indeed which ignored the fact that smoking prematurely kills some 20 000 Australians every year, or that it costs Australia more than $2.5 billion each year—and that is a conservative estimate of the economic cost of smoking induced illness.

Similarly, to ignore or to trivialise the effect which the images of advertising and sponsorship have on inducement of people, particularly young people, into a health threatening and, indeed, life threatening habit is to show a reckless disregard for the health of South Australians. The Government does not intend to stand on the sidelines while our young people are bombarded with images of style, sophistication and social success. The stakes in that game are too high; we are talking about the lives of our young people—lives that are too good to waste.

The Government has formally adopted the principle of the phasing out of tobacco sponsorship and the replacement of current grants to sporting and cultural organisations in 1988. Some international sporting events will be exempted. Restrictions on advertising will also be considered, but there will be no ban on print advertising. The Government will not be supporting the Bill currently before the House. We do not see that Bill as the most appropriate vehicle for implementation of our strategy.

Details of the procedures and mechanisms to implement our strategy will be contained in Government legislation to be introduced in 1988. I give an undertaking on behalf of my colleague the Minister of Health that under the Government's strategy there will be no need for employees in the advertising industry to fear loss of employment, nor will current recipients of sponsorship be financially disadvantaged. The administrative and legislative package will ensure that all sporting and cultural organisations which currently receive tobacco sponsorship will have on-going sponsorship, at least at their current level of support, guaranteed. The Government opposes the Bill.

Mr INGERSON secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 15 October. Page 1219.)

Mr HAMILTON (Albert Park): I oppose this proposition by the member for Davenport. One could almost call this the Liberal policy Bill or the Thatcher Bill. It is clearly designed to defeat a Labor Government. Democracy means majority rule. The member for Davenport has tried to convince the Parliament that we do not have a majority; only a small percentage of people go to the polls to elect a particular Government. That is a nonsense and the member for Davenport knows that only too well.

If only 25 per cent or 30 per cent of people elect a particular Government, is that the wish of the majority of people in the community? Of course it is not, and he knows that. He wants to try to con the people out there who traditionally support the Labor Party that they have to go to the voting place only when they feel like it. We all have responsibilities in the community. Indeed, we have a responsibility to the society in which we live. We have a responsibility to give evidence in court; we are compulsorily required to pay rates; and we have compulsory education. Because of the time available to me, I will not go through a number of other aspects in our community. We know that we are compelled as a society, for very good reasons, to show that we are aware of the reason why we should go and vote. If we are not aware, we should be educated about it. What are the issues? Why are we voting? What is the role of a member of Parliament? What can he or she do for me if I go to the polls?

The member for Davenport knows that what I am saying is correct. He wants to con the people out there that they do not have to go and vote twice every three or four years. He knows that the people of this State want democracy, as they have for a long time—and that they have it. They register their vote in the community. They elect the Government or the person of their choice and I know that, in my patch, if people are educated and know what the issues are about, they will respond appropriately. The member for Davenport wants to give the people of South Australia the old mushroom treatment: keep them in the dark and feed them you-know-what. We all know that. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 12.59 to 2 p.m.]

ABORIGINAL HERITAGE BILL

His Excellency the Govenor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PETITION: ADOLESCENT DETENTION FACILITY

A petition signed by 22 residents of South Australia praying that the House urge the Government to reject the Department of Community Welfare's proposal to establish an adolescent detention facility at Enfield was presented by Ms Cashmore.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Transport (Hon. G.F. Keneally):
- Dental Board of South Australia—Report, 1986-87.
- South Australian Psychological Board—Report, 1986-87.
- West Beach Trust—Report, 1986-87.

CENSURE MOTION: GOVERNMENT'S PERFORMANCE

Mr OLSEN (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move a motion forthwith.

Motion carried.

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

That the time allotted for debate on the motion be until 4 p.m.

Motion carried.

Mr OLSEN: I move:

That this House censures the Government for its financial incompetence, deceit and dishonesty.

In this debate, the Opposition will deal with two specific issues: the Premier's determination to subvert key national economic objectives by deceitfully and dishonestly borrowing money in breach of Loan Council guidelines; and the Government's incompetence in managing its borrowings as highlighted by its investment in the New Zealand timber venture. The Opposition will prove its case with evidence and with documents.

We will show that while the Premier, publicly, has supported Mr Keating's calls for restraint, for strict limits on overseas borrowings to reduce our crippling overseas debt so that we can arrest the decline in living standards by reducing interest rates and inflation, he has been working behind the Federal Treasurer's back to undermine this strategy. We will show that, while this Government has been putting South Australia into more debt, it has adopted a cavalier and careless attitude to the management of these borrowings.

I have in my possession a letter dated 19 November 1986. It was written by the Chief Executive of the South Australian Government Financing Authority, and addressed to the General Manager of the State Government Insurance Commission. The letter implicates the Premier. First, it makes the point that, while SAFA is constrained by Loan Council guidelines applying to offshore borrowings, the State Government Insurance Commission, as a financial institution, is not. It then goes on to reveal how the Premier asked SAFA to develop an arrangement with SGIC to effectively hide $35 million of borrowings by SAFA. What SGIC was being told was that the Premier had instructed SAFA to find ways to get around Loan Council guidelines, which limit borrowings in the national interest.

SGIC was being proposed as a front, as a conduit, for overseas borrowings not by the commission but by the State Government. To do this, Mr Emery proposed an arrangement with SGIC which essentially amounted to a paper shuffling exercise. It involved $35 million being regarded as borrowings by SGIC when in fact this money went direct to SAFA. For its part in the exercise, SGIC received a fee of $100 000. This cosy arrangement exposes the Premier as the political equivalent of Luigi Locarno. Norm Gallagher could not hold the BLF's assets, so he put them in Luigi's name. SAFA could not borrow all the Premier wanted, so he put some of the money in SGIC's name.

Let me return to SAFA's letter. It also told SGIC (and again I quote):

> I should add that we see considerable scope for use of this concept in further transactions in the future. If we can settle this proposal satisfactorily, the probability is that it can be built on, again to the mutual benefit of our organisations.

To obtain the full picture of what actually happened last financial year, it is necessary to study the Auditor-General's Report. At page 440, the report reveals that last financial year SGIC was the front for total borrowings by SAFA of $108 million. There was the transaction to which I have referred of $35 million, and two more deals worth $50 million and $22.7 million respectively. The terms in which the Auditor-General has reported these transactions suggest his concern about them.

The borrowing of $50 million involved SGIC being issued with inscribed stock in South Australian Finance Trust Limited. Elsewhere in the Auditor-General's Report, we find that South Australian Finance Trust Limited is a public company ultimately controlled by the Treasurer. We also find that, at the time he reported to Parliament, the Auditor-General had not received the audited accounts of this company, which has two subsidiaries—one domiciled in London, the other in Hong Kong. Mr Sheridan notes:

> I have requested SAFTL to expedite this matter.

This is a completely unsatisfactory state of affairs. Yet again, the Premier has been caught out. In 1986 the Federal Treasurer acted after this Government's involvement in a $100 million deferred annuities scheme was exposed. Now, we find he has been resorting to further devices to borrow more—to put South Australians into more debt. While SAFA's borrowings should have come within the Loan Council limit of $86 million set for last financial year, we find that it was able to significantly exceed this limit through these three transactions alone with SGIC.

The $108 million of borrowings involved in these transactions contributred to a 26 per cent rise in net public sector borrowings last financial year. The budget papers reveal that in 1986-87 net borrowings and all other financing arrangements by the South Australian State public sector amounted to $297 million. This year's borrowings are budgeted to be $385 million—a further 30 per cent rise. So much for restraint. So much for this Government's willingness to play its part in trying to reduce our crippling national debt. It begs the question: how many more funny money schemes is the Premier involved in? Are other agencies outside the global borrowings limits of the Loan Council being used to raise money for SAFA to circumvent the limits it is supposed to recognise? These borrowings effectively mean that this Government is thumbing its nose at attempts by the Federal Government to control our overseas debt. It is deceitful and it is dishonest.

The Premier taxes South Australians more and more, yet at the same time he plunges them into more and more debt. As a result, this financial year, 56 cents in every dollar of their tax will have to pay the interest on the debt that this State has chalked up. Many South Australians have been caught out this week by the share market crash—by borrowing to buy shares which have dived in value. They are counting the cost of living beyond their means, but they have a State Government which is doing the same—living beyond its means. It is a Government which spends more, taxes more and borrows more, yet it is completely unwilling to be accountable for its actions. This has been shown up in the latest Auditor-General's Report. In this Government, we have logs for financial managers. I refer in particular to the New Zealand timber venture, and I now turn to the issue of this Government's investment of $12.8 milion in that venture—an investment described by the Minister at the time that he announced it as 'the first international joint venture of its kind undertaken by the South Australian Government'.

On Tuesday this was the subject of an unprecedented letter to Parliament from the Auditor-General. Mr Sheridan very directly, and very seriously, criticised the quality of advice available to the Government at the time Cabinet made the decision to invest this money in December 1985—and he went further. He also very clearly suggested that the Government itself should have done more to ensure that the advice that was available was adequate to protect taxpayers' money from undue and unnecessary risk.

Let me briefly analyse the letter. The first major point it made was that, in any investment of this type, there should be an independent assessment of the viability of the joint venture by a person at 'arm's length' from that venture. Did that occur? Mr Sheridan supplies the answer—it did not. His letter also reveals—indeed, it states in the plainest of terms—that the accountant commissioned by the Government to look into this matter had not reported on the viability of the joint venture, nor had the Government even asked him to do so. In other words, the Government did not take the elementary action considered necessary by the

Auditor-General to, first, independently assess the viability of that joint venture.

Instead, blindly ignoring the warnings raised by the independent accountant expressed in a report of 28 November and in a letter on 13 December, the Government proceeded to approve this investment. That last date is important. This week, the Auditor-General has told the Parliament that on 13 December 1985 the independent accountant wrote to the Government advising that the investment should not proceed before much more information was sought, yet, only 11 days later, Cabinet decided to risk taxpayers' money in this venture.

What is more, within weeks of this fateful decision, the accountant made a further written submission to the Government, an extensive submission, suggesting various courses of action which should be taken immediately to protect the investment. However, I understand that this further advice was also ignored for almost 18 months until the financial failure of this investment became a distinct possibility earlier this year.

Compounding this gross irresponsibility and incompetence of the Government is the future fact that the accountant whose advice was ignored was not even invited to assess this proposal until after the heads of agreement were signed. I understand that the initial heads of agreement were in fact signed in July 1985, but the accountant was not brought into the matter until several months later. All of these facts demonstrate beyond dispute that the Minister of Forests has misled this House persistently and deliberately about the quality of the advice sought and received about this investment, and the Premier is also seriously implicated, as I shall prove.

The Opposition first asked questions about this matter on 25 August. In a direct reference to the advice of the accountant, the Minister said:

> The work carried out by John Heard in relation to verification of balance sheet items appeared to be thorough and adequate at the time.

On the same day the Minister also said:

> This matter was gone into very thoroughly before the Government took the decision to enter this joint venture.

On the following day he told the House:

> We had all the information that we sought.

To his Estimates Committee on 22 September the Minister said:

> The work done by the legal and accounting consultants did not discover the asset discrepancy now in dispute, nor did it signal particular alarms about the viability of the proposal.

These statements were efforts by the Minsiter to convince Parliament that the Government had been at all times responsible and diligent in this matter, that it had taken every effort and every possible precaution to prevent taxpayers' money being exposed, but all of these statements were patently untrue, as exposed by the Auditor-General's letter this week.

Let me just dwell for a further moment on the Minister's claim that the accountant had not signalled 'particular alarms' about the viability of the proposal. We now know, in fact, that the accountant was not even asked to report on its viability. That is the revelation of the Auditor-General. If the Minister is to press his claim that he has not misled the House and that he was diligent and responsible in this matter, he will have to question the credibility of the Auditor-General, who is the officer of this Parliament required by statute to report on the Government's financial performance.

I suggest that Mr Sheridan is far from happy with this performance, but this has not stopped the Premier also pretending that it has been satisfactory. He told his Estimates Committee on 15 September:

> The initial investment received Treasury scrutiny and Cabinet was in receipt of advice across the board when approval was given.

That is not true. The Auditor-General does not believe that the Government sought or obtained sufficient advice.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: The Auditor-General's Report and his letter that was tabled in Parliament say that. Just read it and it will clearly answer your question. The Premier also said:

> A study was made and it transpired subsequently that the accountant was not given some of the material that should have been forthcoming.

Again, this misrepresents the position because we now know that the accountant warned the Government that it should be seeking much more information. In this House on Tuesday, the Premier added to his complicity in this matter by claiming, 'We have nothing to hide in this area.'

I suggest that, when the select committee of another place is finished, the Premier will live to regret this statement, He will live to regret his failure to take action against the Minister over his incompetence in this matter; and he will live to regret that the Government ever made this investment. However, if the Premier in his reply again wants to assert that the Government has nothing to hide in this matter, I challenge him to answer the following specific question: Is it true that heads of agreement for this venture were signed before Allert Heard and Company was commissioned to provide advice?

Is it true that after the accountant's initial assessment the Government was advised that the proposed deal was deficient in many respects? If the Premier has nothing to hide, will he table the report prepared by Allert Heard and Company, dated 28 November, as well as the company's further letter to the Government dated 13 December and its further written submission on this matter of early 1986? If the Premier has nothing to hide, will he table the two reports on the joint venture that it received earlier this year from Coopers Lybrand? Further, if the Premier has nothing to hide, will he table all the correspondence between the Auditor-General and the Government on this matter?

If the Premier maintains that the Government has nothing to hide, let the Government come clean for a change, let it put all the information on the table so that Parliament can assess for itself the background to this investment decision. Let us also determine who is right: the Auditor-General, with his concerns about the manner in which the Government has proceeded in this project, or the Minister, who said yesterday that he was a little puzzled by Mr Sheridan's suggestion that the Government needed further independent advice. Such an abject, pathetic response only further confirms the inability of the Minister to come to terms wtih this matter.

I shall provide further evidence of this. Yesterday, the Minister said that a Mr Sanderson had not been the Government's principal negotiator in this matter. However, let me quote from the minutes of meetings held on the second half of 1985 by O.R. Beddison Pty Ltd, in which the Timber Corporation has a 78 per cent ownership and whose assets were brought into the joint venture with New Zealand. Mr Sanderson was a director of O.R. Beddison. Its board meeting on 18 July 1985 resolved:

> That Mr G.A. Sanderson be authorised to continue negotiations regarding the New Zealand timber venture.

The minutes of the meeting held on 31 October record the following (clearly indicating that, yet again, the Minister has got it wrong):

Mr Sanderson reported that good progress was being made in the negotiations with New Zealand and that a further report would be made at the next meeting.

On 6 December, the minutes signed by Mr Sanderson recorded that the New Zealand project 'is now at the final acceptance stage and we expect agreement to be reached next week'. Those are extracts from the minutes, yet the Minister said yesterday that Mr Sanderson was not the principal negotiator. The minutes clearly indicate that he was.

We now know that one week after this meeting the independent accountant, Allert Heard and Company, warned the Government not to proceed without seeking much more information. We now know, as the member for Victoria revealed yesterday, that this same Mr Sanderson has a significant shareholding in the New Zealand Company which was brought into this joint venture. As the facts unfold, despite the Government's determination to cover them up, it is patently clear that the Government has been taken down by some New Zealand businessmen. They were dealing with a financially ignorant and incompentent Government, and they saw an opportunity to put one over the Government, which is lazy and lax when it comes to discharging even basic financial responsibilities.

As a result, the Government has invested $12.8 million of hard-earned South Australian taxpayers' money in a venture which might have been insolvent at the time this money was first committed. What is more, the Government has attempted to conceal its incompetence from the House. As a result, it is guilty of financial incompetence, deceit and dishonesty. It is guilty of the same failure, the same unwillingness to be fully accountable to this House, which attracted the concern of the Auditor-General in his 1987 report.

Today I have revealed further action by the Premier to borrow more money by devious means. I have also shown how this Government cannot be trusted to responsibly manage the money it raises and spends on behalf of taxpayers. In short, the Government is financially incompetent, deceitful and dishonoured. As a result, it is no longer deserving of the confidence of this House.

The Hon. J.C. BANNON (Premier and Treasurer): Let me get right to the substance of this motion that has been dredged up today by the Opposition for various reasons, which I will analyse in a minute. First, the Leader of the Opposition places great stress on what he claims are deliberate attempts by this Government to circumvent the Loan Council, particularly in relation to public sector borrowings. That is not true. The Government is not in the business of circumventing national guidelines or of trying to subvert the national economic direction. Indeed, despite enormous criticism from the Opposition, over the past few years the Government has attempted to ensure that South Australia plays its part in supporting the economic directions of the Federal Government, although on some occasions that has cost us in the short term. We have done that because we believe that it is in the long-term interests of Australia.

Among those aims has been to reduce our international debt, to try to improve our balance of payments, and to ensure that public sector borrowings are kept under control and make less demands on the overall borrowing requirement in Australia. In all those areas, we have played more than our part. It is just not true to say that we have in any way tried to subvert or get around those problems. It is certainly true that we have tried to get maximum financial advantage from the money that we have in South Australia. We have helped to establish institutions and given them briefs to operate widely within the law, within the tax law and within the guidelines—to the greatest possible extent. If deferred annuities are within the tax law and are an appropriate financial vehicle, we will be involved in them, as is only appropriate.

However, we will not in any way go beyond those guidelines and those important financial rules and constraints that we, as part of the Loan Council, set with the Federal Government. Despite that, we have been constantly criticised by the Opposition, as usual, in its opportunist way. It wants to have it both ways: it wants to be able to accuse us of undermining what is going on nationally while at the same time attacking those national policies and precepts. The Opposition is totally inconsistent: we have been consistent. We have not been into that phoniness that we have seen constantly coming from the Opposition.

In relation to the particular transactions referred to by the Auditor-General, I would have thought that that matter was disposed of long ago. There has been extensive investigation and inquiry, a full statement made, and even members of the media contacting the Federal Treasury have been told that, in these respects, South Australia provides more information and performs more impeccably within the guidelines than any other State. That is the way we play the game and that is the way we will continue to do it.

All the borrowings referred to have been approved by the Loan Council, including those noted in the Auditor-General's Report. The matter that the Leader of the Opposition raised was followed up directly by officials of the Loan Council who said that there was nothing inappropriate or illegal about such borrowings. That, indeed, is the case. I repeat, as I have done before: on behalf of South Australia, I will look for all those means to maximise and use our financial institutions and capacity. But I will do it within the guidelines of the Loan Council, and that is what we have done.

I turn now to the nonsense about South Australia's debt. The per capita debt in this State has been lower in each year that this Government has been in office than when its predecessor was in office. In terms of a proportion of access to public sector borrowings in this country, South Australia has about 5 per cent, which is well below our population and economic activity share. In the past few years, we have been making a very low demand upon the loan borrowings that we require. For instance, whereas South Australia has $300 million at its disposal in this financial year, Western Australia, with the same population, has access to more than $600 million—twice the amount.

I think that, if you examine the record, Mr Speaker, you will see that proportionately not only has South Australia kept its borrowings well under control—and indeed, our last budget was devoted primarily to that effort—but we are making far fewer demands on public sector borrowing requirements than any other State proportionately in this country. But what do we get? We get this nonsense from the Leader of the Opposition. Far from being concerned, Treasurer Keating sees this State as one that he can rely on and has relied on to play the game by the rules at all times, to provide the appropriate information, and innuendo to the contrary is absolute nonsense.

Secondly, of course, the Leader of the Opposition picks on one particular financial transaction, the problems of IPL (New Zealand), which is part of IPL Holdings, which also has an Australian arm, which in turn is part of the investments of Satco, which in turn is part of the Woods and Forests operations, which in turn are part of the broad Government operations totalling some $3 billion or $4 billion.

Let us get down to it. IPL (New Zealand) is certainly a headache to the Government. Who has denied that? Who

has attempted to cover up that? I have not: the Minister of Forests has not. Indeed, at all times when this matter has been raised, we have provided information to this House. We have shown what we are doing to set the record straight, and the Auditor-General's Report confirms that. Indeed, I spoke personally with the Auditor-General in response to some of his queries a long time ago, and satisfied him that we were going to take the action he required, and said to him then that I wanted him to be rigorous in his approach to this to provide us with the advice and information that we needed because we wanted it fixed up. The Auditor-General has an important role to play in that. So, there are no problems for us; no problems whatsoever in that scrutiny. IPL (New Zealand) is in great difficulty and, rather than just walk away from the whole thing, wash our hands and cut our losses, we have attempted by a number of means to restructure and revamp in order to minimise any loss that may accrue from that operation or, indeed, move into profit.

Meanwhile, IPL (Australia) is in fact in profit. Our overall operations in Satco obviously have to be looked at in the context of what earning return they have to Government, and until this past couple of years, with the industry downturn, they have in fact made a substantial return to Government. The Woods and Forests Department contributed some millions of dollars in the last budget to Government revenue because of its performance. This year it is not doing so because of the problems in the industry overall—of which IPL (New Zealand) is simply a small segment.

So, it is an attempt to build this into some great event, when, in fact, in any well conducted company problems like this occur quite frequently. They have to be dealt with and they will be dealt with. I do not need to explore that any more because, as the Leader of the Opposition has mentioned, a select committee of the Legislative Council has now been formed. We did not want it formed because we thought it was a complete waste of time, but, nonetheless, it is the wish of the Legislative Council to do so. It will be looking into this whole area, and that is fine, and we will cooperate with that committee and provide it with the information it requires. I look forward to its report. Just as I and the Minister are relying on the input of officers from a number of Government departments and on outside consultants, such as Coopers and Lybrand with their report, so indeed the Legislative Council report may provide some assistance.

My concern is that it does not prejudice current legal procedures and proceedings being taken by our Government. I do not believe there is any great fear of that but, nonetheless, that is something that I hope the Legislative Council select committee is very careful about, because there is no point in attempting to assist public information on something while at the same time people who could well be in default and owe this Government money are allowed to escape scot-free because of prejudice to legal proceedings. However, that matter will be handled, and I am confident that the select committee will conduct itself in such a way that it will get that information. So, we welcome the report. We are not hiding or saying that there are no problems. That is not the style of this Government. It is certainly not my style, and we will certainly not be seen operating in this way into the future.

So, having addressed both those matters of substance in the speech made by the Leader of the Opposition, being able to quite categorically refute what he said and the innuendos and smears that accompanied what he said, what are we left with? We are left with the concept that he is trying to develop that in some way this Government is not forthcoming with information. I know that the latest budget and the Estimates Committees were an enormous disappointment to the Opposition. Why was the Opposition so disappointed? It was disappointed because it thought the Government was going to sit through those proceedings and not provide information as more grist to the mill so that members opposite could say that we were trying to hide things and not put details before the public. The facts show completely the opposite.

The fact that the Opposition was not able to get grist for the mill as it thought from the Estimates Committees was twofold. First, there was nothing to find, but the questions asked were answered promptly and accurately. If detailed information was required it was followed up so that there was no way the Opposition could use that kind of objection. Secondly, it is partly its own performance. It has the audacity to call this Government lazy with the things we have achieved and the things we are working on. Lazy and incompetent! We could turn the mirror on the Opposition and ask why the Leader of the Opposition, who supposedly has all these major questions to ask and statements to make in the estimates, found it possible to be absent for a large proportion of the day. He wandered in and out during the course of the day and did not appear at all in the evening. That is the kind of interest that took place in the estimates. The member for Light sat there stolidly, single mindedly and alone for a large part of the proceedings. That is the importance the Opposition puts on the estimates. On our side there was no laziness or inability. Our members remained in their places and asked their questions.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: The Deputy Leader interjects—the man who got the time wrong!

Members interjecting:

The SPEAKER: Order! I ask the Premier to resume his seat for a moment. Motions of no confidence are the most serious that can be dealt with by the House. It is traditional that those who contribute to the debate are heard in absolute silence. That courtesy was extended to the Leader of the Opposition, and I expect members on both sides to extend the same courtesy to the Premier. The honourable Premier.

The Hon. J.C. BANNON: The Deputy Leader was attempting to get into the act. What a case of leading with the chin! He is the shadow Minister of Mines and Energy and in fact held that portfolio at one time. One would have expected him to play a leading role on the Committee, but he could not even turn up on time—he arrived an hour and a half late.

The SPEAKER: Order! We have a point of order.

The Hon. J.C. Bannon: He can't take it either.

Mr LEWIS: I fail to see the relevance of the remarks the Premier is making to the substantive motion before the House.

The SPEAKER: There is no point of order. The honourable Premier.

The Hon. J.C. BANNON: That was a valiant attempt by the member for Murray-Mallee to rescue his front bench, but he is wasting his time. Let us turn now to the issue of secrecy. The Auditor-General has been constantly invoked by the Opposition in letter and statements in the House, in questions without notice and questions with notice. The Opposition refers to the Auditor-General's revelations. They are not revelations, but reports appropriately given to this Parliament. They are called revelations, because there has to be some kind of drama or innuendo attached to them. I will quote from the Auditor-General in his most recent report. In his own words, he states:

> In recent years I have expressed concern that an auditor's report, which tends to focus on deficiencies, may leave the impres-

sion that those deficiencies are indicative of performance in the public sector as a whole. I repeat again that to draw that conclusion would be quite wrong.

How much more clearly can the Auditor-General spell out his role and purpose? He is not there to be a political football used by the Opposition. He is there to provide information to be objectively assessed. I am glad that he does.

We should bear that statement in mind, because the Opposition certainly does not want to read it. All criticism by the Auditor-General has been canvassed in this House either publicly by the relevant Ministers or in some other way put before the public. We have anticipated and tried to deal with these problems. The Government has continually offered the Opposition briefings on economic matters. It took the Leader of the Opposition well over a year to respond to my invitation to a detailed briefing on the operations of SAFA. I understand why it took him so long because, although he had it, it did not do much for his education.

A lot of the nonsense that we have heard lately comes from a misunderstanding or an inability to understand the complexities of financial institutions such as SAFA, despite the clearest explanations and the fullest reporting. The Government has continually reported to the House, through ministerial statements, on matters of public importance such as the ETSA leasing arrangements, the Timber Corporation, the Jubilee 150 events—we have put all those matters before the House and we have been prepared to respond to any questions.

Further, we have undertaken a major review on the budget that has been made available to the public. Let me point out that, in terms of accountability, this Government provides far more information in a far more intelligent and digestible way than any previous South Australian Government or Government in Australia. I defy the Opposition to refute that statement. What about the Public Finance and Audit Bill which was one of the most far-reaching measures of its kind? The development of the program of budget papers helped to emphasise the targets that the Government was trying to achieve. I refer also to the various attachments to the budget on national accounting presentations and the change to accounting procedures that we have introduced to line them up with the Commonwealth so that one can better understand the basic nature of public sector debt (and that is something that all previous Governments ignored or obscured). We have set that out clearly, because we think it is in the public interest that it should be set out clearly, even though it is prone to misunderstanding by Oppositions that want to play politics with it.

I refer also to the SAFA annual report and the wealth of published material. The Opposition does not read any of this material. One constantly sees questions on the Notice Paper that indicate that the Opposition does not bother even to look at the documents that are tabled in this House. Material that is readily available in a series of reports can be seen in tabular or draft form in those reports, but we continue to be asked questions that waste hours and hours of public servants' time who send it through the system, get the material together and regurgitate it for the benefit of the Opposition, because it is too lazy to read the reports that the Government presents to this Parliament.

The combination of the information that we provide in those reports and in the budget papers, the Government Management and Employment Act (and the way in which it operates) and the Public Finance and Audit Bill (and all the changes that it has implied) more than show how totally wrong the Opposition is when it says that this is a Government that seeks to remain obscure in its dealings. We lay it open. Indeed, interstate colleagues have commented that South Australia makes itself vulnerable to these sorts of attacks and misunderstandings of the Opposition because we publish information that they would never publish. I will continue to publish that sort of information.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: When one looks at how readily one can deal with the substance of this motion and its timing, one really has to begin to speculate about why we are dealing with it today. We have had an extraordinary session. At the beginning of a week, when there have been issues of public importance or feelings of frustration by the Opposition, it is normal that urgency or no-confidence motions are moved. This one comes at the end of a week—at the end of a week of questions not really on issues of substance. There have been one or two questions about IPL, but the Leader of the Opposition did not ask them—he was not concerned about it. A great series of questions was asked about transport, but today we do not have a motion on transport.

This has come at the end of a week in which a whole series of bizarre questions have been asked by the Opposition. I have been asked about the Queen Victoria Hospital and Adelaide Children's Hospital amalgamation, about the bail of a certain Terrance Haley, about Filipino bride statistics (the new interest of the Leader of the Opposition), aspects of the parole system and, finally the other day, the *coup de grace*, an obscure side road in Murray Bridge. Obviously, this has the Government reeling on the ropes. It shows the sort of priorities that the Opposition has and, really, it sets one thinking about today's motion.

I tried to place myself back in those days when I was Leader of the Opposition, when I tried at least to present as an alternative Government with some constructive policies for South Australia, and I compared that with how this Opposition is behaving. I am sure that today Opposition members sat down and thought, 'Where do we go from here? Peter Lewis has his Murray Bridge question in, and Dale Baker may have something on the prawn catch for this year—'

Members interjecting:

Mr S.G. EVANS: On a point of order, Mr Speaker, I believe that Standing Orders provide that the Premier should refer to members by their electorate, not by their name.

The SPEAKER: At the moment that the member for Davenport rose to his feet the Chair was already considering that point and was of the view that, since the Premier was quoting real or imagined conversations where the actual names of the individual members were raised, he was not in breach of Standing Orders. However, I take this opportunity again to remind members that in a debate on a no-confidence motion members should be heard in silence. The honourable Leader of the Opposition was heard in relative silence, but there has been a repeated barrage of interjections on the honourable Premier over the last 10 or 15 minutes, and he should be treated by members on both sides with the same courtesy as was shown the honourable Leader of the Opposition.

The Hon. J.C. BANNON: Thank you, Mr Speaker, I take the point. The conversation was imaginary but pretty accurate in its general substance. Opposition members asked themselves, as it was Thursday and they had no questions to ask, 'What do we do?' It was probably the Deputy Leader of the Opposition, who has been around a long time, who said, 'Don't worry about that, Leader. Let's bring on a no-confidence motion. That will fill in the time and in fact we'll get an extra hour if we like.'

So we have this motion before us. I do not know that that is the whole story. Indeed, I think the story relates to the fact that over Friday, Saturday and Sunday the Liberal Party council is to meet. This council has posed an enormous number of problems for the Leader of the Opposition. He has abandoned the 'new right' and gone towards the 'new wet' as part of his policy. However, there are many problems there. There is a fierce presidential contest between two businessmen, both of whom enjoy cordial relations with the Government—and so they should, because in both instances the Government has provided considerable support for their businesses. I do not back away from that, because they are businesses which it is appropriate for the Government to support. However, it is interesting to see that contest.

There are new rules on preselection about whether the Party shall hire a footballer or a film star, even though the person concerned has been a member of the Labor Party for years, or alternatively whether there should be a process of preselecting a candidate by Party members voting. That will be all debated. Then, the Gallup poll this week has shown that the Opposition is making a nil dent on the Government, that the Liberal vote has fallen to 36 per cent, and that if an election were held tomorrow the member for Hanson, who is not in his seat at the moment, could not sit there even if he chose to do so because he would not be in the House.

All those things are building up. Rather than the lack of questions causing this motion to be moved, I believe that it was the idea of members opposite to say, 'The Leader of the Opposition must put on a macho performance before the conference. He must show the troops that he is tough, that he has the Government on the run and that, contrary to every other appearance, he is in control. If he does not do that, it will affect the vote. We will find it difficult to crank up the votes in support of the candidates and policies that he wants, so how about getting up, stomping around, making phoney gestures in front of the television cameras, and showing that you are putting the Government on the ropes over this ridiculous motion about incompetence, and so on.'

Well, that will not work. I can certainly understand the Leader's uneasiness. Which Party President was it that recently said that his Party had run out of ideas and could not get its act together, that it must change its direction, and then weakly said, 'Not that that is an indictment of the people who have been leading us for the past five years. They have been doing a great job. It is everyone else'? That is what the State President of the Liberal Party has said. I can understand why the Leader is feeling a little uneasy.

The Hon. JENNIFER CASHMORE: Tempting though it may be to let the Premier run on and discredit himself by doing so, I draw to your attention, Mr Speaker, the fact that the Premier's statements have nothing whatever to do with the substance of the motion before the Chair.

The SPEAKER: Order! The Chair does not accept that as a point of order. Traditionally, motions of this nature have been associated with a very wide ranging debate. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: Yes, the member for Coles would also have noticed the member for Alexandra and the Hon. Dean Brown, a former occupant of this Chamber and leadership contender, sitting together at lunch in earnest conversation. I know that the Hon. Dean Brown is an agricultural adviser, and of course the member for Alexandra has a number of rural constituents on Kangaroo Island and elsewhere, so perhaps they were talking about the future direction of grain seed typing, the size of fleece, or world prices, or perhaps indeed they were talking about how it is time that changes were made in the leadership of the Liberal Party and about the fact that the only way that the Hon. Dean Brown could get back in there and play his part could be by taking up a seat vacated by the member for Alexandra. Obviously, all of that would make the Leader just that little bit more insecure and force him into this posturing and this pomposity that we have seen in this ridiculous no confidence debate.

I shall conclude on this point: apparently, we are a Government of incompetence and financial incapability; apparently we are a Government that is hiding things and not getting on with the job because we are lazy. Well, there are dozens and dozens of business operators, people in employment and those involved in projects who would totally disagree and who would know that that is not the truth—and so would the broad group of voters in this State. I think that a fitting closure would be to refer to a major article that appeared about some of the movers and shakers in South Australia—some of whom perhaps are in the Liberal Party, perhaps even trying to stand for office there, although God knows why. In this article about what is happening, three or four points were listed as to why South Australia is now being marked out Australia-wide as a State that is coming, the State that is really getting things done, and the State that is developing.

The first point concerned good employer relations, and so on. The second concerned confidence in the Bannon Government's ability to find a balance between the interests of capital and labour, a confidence in the way in which we are competently managing this State—and that confidence is what this debate is all about. I suggest that not just the vote in this House but the vote out there in the community demonstrates clearly that there is confidence, and that is why this State is going ahead, despite the Opposition.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): In answering the Leader's speech and in dealing with the matters of substance involved, the Premier was his usual tricky, evasive self. He spent more than half his time plainly abusing the Opposition, with a few selective quotes from the media and a heap of scuttlebutt that he had managed to collect in the past two or three weeks. However, on matters of substance which the Leader put to this House the Premier was clearly dissembling and, quite clearly, he had no answer.

The problem for the Premier is that he cannot get around the facts and he cannot get around the Auditor-General's Report. Further, he cannot get around the fact that Mr Keating is at this very moment having a good, hard look at what he has just been made aware of. The points made by the Premier in rebuttal were very scant, very few and far between. He said, 'Oh no, we love Mr Keating, we accept his economic strategy.' The Premier has said that more than once publicly. He has said that the Government would not do anything to damage the national economy. Let me remind the Premier about the deferred annuities scheme, which the Government was surreptitiously entering in South Australia. This scheme was dreamt up here to get around Loan Council strictures. What was Mr Keating's response to that? It was to rule it out. Mr Keating said in the Federal House today that he did not know about this arrangement with SGIC to get around Loan Council strictures. What has the Premier got to say about this? What has he got to say about the deferred annuities bottom-of-the-harbor scheme?

The Government is cooperating with the Federal Government, all right. On the one hand the Premier is arm in

arm with his mate Keating and supporting his economic policies, heading Australia in the right direction and trying to put a global limit on borrowings; but behind his back, the Premier sneaks out the back door, cooks up this deferred annuity scheme, which was chopped off, and now he is on to another scheme. Talk about bottom-of-the-harbor!

I will quote from the report of the Loan Council about the 1986 guidelines:

> The June 1986 Loan Council meeting agreed to certain amendments to the global limit arrangements, including borrowings by institutions exempt from global limits which are on-lent to a State Government . . .

That was repeated at this year's Loan Council meetings to reinforce the point that the global limits would include borrowings by institutions exempt from global limits that are on-lent to a State Government. In this case, the institution is the SGIC. It will get a $100 000 fee for its trouble: 'Here you are, boys. If you are party to this bottom-of-the-harbor like scheme, here is $100 000 for your trouble.' That is the fee that SGIC will get. It will raise the loan and hand it over to SAFA for Government purposes.

If that is not a rort, a device or a flagrant breach of what the Premier agreed at the Loan Council meetings, I do not know what is. If that does not stand alongside the Premier's earlier attempt, through his deferred annuity scheme, to subvert what he is supposed to have agreed with his mate Keating in Canberra, I do not know what does. So much for the first point he made before he got into the scuttlebutt and abuse. He said, 'There is no way that I [the greatest thing in South Australia since sliced bread] would subvert my mate in Canberra.' This is the second time that he has tried to do it, and I suspect that it will be the second time that he is found out.

What else did he say? He claimed that the Government is reducing the State debt. The problem in this exercise is that he cannot get around the Auditor-General. What did the Auditor-General say about public sector indebtedness? The Premier could not have read page 12 of his report. It was stated that, in 1985, public sector indebtedness was $3.4 billion. Two years later it is $3.975 billion. It is not the Leader of the Opposition who needs a lesson in arithmetic: it is the Premier, who is not prepared to deal with the facts. Members have heard a tirade of abuse and scuttlebutt from him about Liberal Party affairs which I for one know is a load of garbage. The Premier is trying to mislead the public with statements that are false. I suggest that he turns up the Auditor-General's Report and has a look at page 12 in relation to public sector indebtedness—there it is in black and white.

The third point that the Premier wanted to make was really a pretty small aside about my turning up late for the Estimates Committee. He also wanted to know why the Opposition does not ask more questions. I happened to turn up late on the Friday sitting because it started at a different time from every other day and I had not been apprised of that. That found its way into one of the gossip columns fed by the Labor Party. What were the facts? I would not have got down to this level but, as the Premier has made such a deal of it, let us consider the facts. I asked all the questions that I needed to ask. Labor Party members on that Committee were so keen to get out of the place by 6 o'clock that, at 3 o'clock in the afternoon, they said 'Come on, Roger, push it along.' They asked no questions after 3 o'clock so that the Committee could be through by dinner time. One member asked no questions at all. I would not have mentioned that if it had not been for the fact that the Labor Party members made such a big deal of my turning up half an hour late because I thought the Committee started at the same time as the day before. That shows how they can scrape the bottom of the barrel.

The Minister of Housing and Construction came in here and did more than that; he not only scraped the bottom of the barrel but he told a pack of lies—sorry, I cannot say that—complete untruths to the Parliament about the staff available to Upper House members. He said that four staff are available to the Opposition: yes, two to the nine Liberal members, which is one per 4½ members. The Labor Party has two staff members for seven backbenchers, which is one to every 3½ members. The Democrats get preferential treatment; they have one full-time and one part-time staff member. Liberal Party members do not have access to them. They look after the Democrats; they suck up to them so they can do a deal with them with some of the legislation they want to put through.

The Minister deliberately misled this House yesterday, and it was similar to the sort of argument mounted by the Premier today with his scuttlebutt about the performance of the Opposition in the Estimates Committees. I will not deal at length with the letter from Mr Emery to Mr Gerschwitz—the Leader has dealt with it adequately—but I will just reinforce what the Loan Council guidelines provide and how he, at the Premier's instructions, sought to get around them. The words speak for themselves, as do the words in the Auditor-General's Report that I will refer to in a minute. The letter states:

> Under Loan Council guidelines applying to off-shore borrowings by State semi-government authorities (excluding financial institution authorities such as the SGIC—

come in, boys—

> and the State Bank), there is a limit to the amount of off-shore borrowings that such authorities may undertake in any one financial year. However, off-shore borrowings by the central borrowing authorities of a State . . . do not count against the limit if the borrowings are undertaken on behalf of one of the State's financial institutions.

Come in, suckers! Well, they are not suckers. They grabbed the $100 000. Of course they would! As the Leader pointed out, the last paragraph of that letter states that they believe they can really work this rort to death. There is plenty of scope for more of this. So much for the Premier who is supporting Mr Keating in trying to come to terms with the insolvency of this country which has been contributed to so largely by the operation of Labor Governments in recent years! So much for his answer to that substantive point!

In relation to SAFA, the record is most interesting. The Premier did not take time out to defend his hapless Minister, I notice. 'Hapless' is not quite the word; I think 'hopeless' is probably more appropriate. The Premier did not take time out to defend his Minister, I notice, and I can well understand that: not a word of defence. I have perused all of the *Hansard* records since this matter was raised back in August to see just what the Minister has had to say in relation to this matter which so sorely troubles the Auditor-General.

Before I get to the Minister's performance, let me quote what the Auditor-General said, because the Premier stated in defence of that, 'We are in the clear.' This is all the Premier said, in effect, before we got the tirade of abuse about the Government's record regarding the Timber Corporation. He said, 'I went to the Auditor-General long ago to explain this.' That is what he said today. Why then, if he went to him long ago, did the Auditor-General state the following in his report which was tabled in this place a few weeks ago? I suggest that the Premier turn to page 12, from which I quoted in relation to the State indebtedness, do his sums again to see just how the State indebtedness is ballooning, and turn to page 405 to see what his little pow-

wow with the Auditor-General a long time ago did to reassure the Auditor-General about how the Premier was going with his investments in this timber corporation. I hope the Premier is listening on the intercom. The Auditor-General stated:

> For several yearas I have expressed concerns that unless the corporation could significantly increase its resource from investments, losses would continue to accumulate. That position still exists.

The Auditor-General is still concerned that losses will continue to accumulate, and they are not making any profits. In fact, they cannot even pay their interest. He goes on to say:

> The corporation's indebtedness to the South Australian Government Financing Authority increased by $14 million to $37 million.

No wonder they are fishing around by these backdoor schemes to get more money and subvert the Loan Council guidelines. They need $14 million to prop up the Timber Corporation. They have gone another $14 million down the tube this year, and he is still concerned. So much for the Premier going off and having a little tete-a-tete with the Auditor-General 'quite some time ago', to use his words, and say that all is rosy in the garden. Garbage! They cannot even pay their interest. They are capitalising interest. That means when the interest bill comes in, they do not pay it: they just add it to the debt—capitalise it.

While I am dealing with the Timber Corporation, I point out that there are other references at page 411, but, before I get to that, I must press on with the Minister's account and accountability to the Parliament. We in the Opposition have asked something in excess of 60 questions—no less—including during the Estimates Committes (where we were told by the Premier that we were slacking), and some were double barrelled, being subsequent, but on 60 occasions since August the Minister has been questioned by the Opposition in relation to the Timber Corporation. I have looked at the answers and I have drawn out those where he said something. The answers range from 'I don't know,' repeated many times over; 'I will get a report,' several times; 'This matter is *sub judice*', several times; 'I would appreciate it if the question were put on notice'—

The Hon. Jennifer Cashmore: Several times.

The Hon. E.R. GOLDSWORTHY: —many times; 'I have not got that information with me,' and I fished out the questions where he did say something, and they are very revealing. When he did say something, he misled Parliament. He gave information which was plainly incorrect. I have them here. They go back to 25 August. This is the nearest I can get to what the Government is all about in this deal and what its current thinking is. The Minister said:

> This matter—

this timber deal with New Zealand—

> was gone into very thoroughly before the Government took the decision to enter into this joint venture.

Later on he says that it went to Cabinet three or four times. These are the only answers where he said anything other than the summation I have given. He continued:

> Subsequently, it became clear—

after Cabinet considered the matter on three or four occasions—

> that the New Zealand operation was not functioning profitably. Some of the early reports indicated that there were quite significant losses and as a result we called for further investigations and reports.

That is after they got all the information they needed. Cabinet had discussed it with the Treasurer there, the man who holds the purse strings, three or four times. They got all the information they needed. And all of a sudden they find out that the company is broke. He continued:

> These reports are now under consideration by the Government.

So, the Government at this moment does not know where it is going. That is one of the few answers where the Minister said something. In the next answer where he said something, he said:

> I took this matter to Cabinet on no fewer than three or four occasions . . .

I can understand that the Minister is trying to spread the blame, and so he ought to. It was a Cabinet decision—they looked at it three or four times. He is not going to go up the old creek in this barbed wire canoe on his own. He is going to have his mates with him, and so he ought to. The Premier is the Treasurer; he had three or four looks at it, and away they went. The next answer where the Minister said anything at all was:

> I have demanded regular reports on the performance operation . . . if the situation does not improve, we will reconsider our investment in this company.

Lord help us! We are only $37 million down the tube with the Timber Corporation so far. No wonder the Auditor-General is concerned and continues to be concerned.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: There it is in black and white. The Premier can shake his head. At least I am dealing with facts and I am not into scuttlebutt. Here it is in black and white from the Minister's own mouth. On 8 September 1987 he stated:

> If the situation does not improve, we will reconsider our investment in this company.

There it is. On 26 August, the Minister said:

> The statement quoted by the Leader was only a short-term arrangement, as I understand it.

That was an answer relating to this very questionable Mr Geoff Sanderson whom the Minister praised yesterday, who runs this company O.R. Bettison in the South-East and who had done such a great job. He was not the negotiator for the Government, he said yesterday. That is one of the answers we got from the Minister which was clearly wrong.

The Hon. R.K. Abbott: You can't read.

The Hon. E.R. GOLDSWORTHY: I can read, all right. The Minister was asked why Mr Sanderson had gone public in New Zealand and said they got $3 million out of the Government. The Minister stated:

> The statement quoted by the Leader is only a short term arrangement, as I understand it, and he had no authorisation to say that we had injected an additional $3 million into the company.

That was stated on 26 August. The Auditor-General said that they did not inject $3 million but rather $3.8 million. I ask the Premier and the Minister to turn to the Auditor-General's Report, page 411, wherein he refers to the total loans of $37 million. The Premier wags his head as though I am not speaking the truth. The problem is that he cannot get around the Auditor-General's Report, despite his long-term powwow some time ago. The Auditor-General stated, only a couple of weeks ago:

> The corporation indebtedness to the SA Government Financing Authority increased by $13.9 million to $37 million. This increase consisted of funds to meet the corporation's involvement in the scrimber development $4.2 million, and additional advances of $3.8 million to International Panel and Lumber (Holdings) Pty Ltd.

The Minister said that he did not make another $3 million available. They made $3.8 million available—and there it is! The worrying thing about it all is that the Government has to find another $22 million to prop up Scrimber International. It has gone into this new developmental project. To 30 June the corporation has invested $4.7 million of its

share in the project, the estimated total cost being $22 million. It has gone into it hand in hand with SGIC. The Timber Corporation has to find another $8.7 million to prop it up. This is a sorry saga of taxpayers' funds going down the gurgler. I only have time to finish with one quote from the Minister. The classic was on page 489 of *Hansard* where the Minister stated:

I am one of the few honest politicians in this Parliament.

All I can say is, 'Lord help us.'

The Hon. D.J. HOPGOOD (Deputy Premier): I congratulate the House for its wisdom in agreeing to set aside two hours for this debate. That is the usual practice in any event, but it is not impossible that somebody from the Opposition may have said, 'We do not need two hours in which to demolish the Government—60 minutes will do.' Had we been so misled to agree to that, we would have been denied the entertainment that we have had for the past 12 minutes and in addition we would have been denied the third speaker for the Opposition. We await that third speaker with a great deal of anticipation, whether it is to be the member for Light, the member for Victoria, the member for Coles or, just possibly, the member for Mitcham. I can only assume that the substance of the Opposition attack is to come in the third speech that we are to hear.

I will welcome that speech, because one of the things I have noticed in recent weeks is that this place has been trying very hard to earn the 4 per cent second tier increase. Members will know that that is possible only through increased productivity, and little doubt exists that there has been considerable increase in productivity on the part of this Chamber in this session. For that, both the Opposition and the Government members are to be praised. However, I doubt very much whether most of the last hour indeed could have been attributed to any approach that we might make to the arbitration authority so far as productivity is concerned. We look forward with great interest to whatever the third speaker from the Opposition will say in this debate.

A great deal of need exists these days on the part of State instrumentalities for novelty and imagination in the use of public assets. The way in which that has been exercised over the last five years has been absolutely vital to the fiscal health of this State. Without the imagination and novelty exercised by SAFA, little doubt exists that we would have been in a great deal of financial difficulty or, on the other hand, there would have had to have been a savaging of public services and services to the community the like of which this State certainly would not have seen since the very early 1930s.

It is only necessary to read the budget documents to underscore that. It is important that that proceeds. We have a loan agreement and there has been one for a long time. We know the reasons for that loan agreement. The States in the 1920s were borrowing very heavily in boom conditions, and that had two effects: first, to run up indebtedness considerably and, secondly, to run up the cost of the money being borrowed. On one of those rare occasions when a referendum was approved by the people of Australia, it was agreed that a Loan Council should be set up to coordinate the borrowings of the public authorities of this country so as to keep debt under reasonable control and keep down the interest rate, the price of money that those public authorities would have to pay. No such agreement can be an absolute straitjacket. Any such agreement has to take account of the realities of the way in which we finance our institutions and the way in which we should operate.

It is important that in the exercising of novelty we should not substantially add to the public debt of our institutions and, indeed, we should be working very hard to reduce it. This Government has been doing that. It is not necessary for honourable members to take my word for that or to take the word of the Premier. They simply need to look at the published tables available from Loan Council and elsewhere on the performance of this State so far as public indebtedness, outlays, loan funds, and so on, are concerned. I will not spend too much time on statistics. In fact, I will not spend too much time at all as I want to ensure that the third speaker is available to enlighten us.

If we look at net indebtedness per head of population in real terms, in 1982-83 (the last Liberal budget) we see that it was $2 526. We know that in 1986-87 it dropped to $2 505. Where is the suggestion there of this Government spending money like a drunken sailor when we have been able to keep that net indebtedness well in hand? If we look at the State public sector's *per capita* deficit levels of the various States, we see that we have the second lowest. New South Wales is lower than South Australia, with Victoria at $628, Queensland $428, Western Australia $734, Tasmania $603—all well ahead of South Australia at $360. They are very telling statistics indeed. Thirdly and finally, I leave members with these statistics. If we compare the fiscal situation in the last Liberal budget with the present situation we find that total budget outlays, as a percentage of GSP, in 1982-83 were 20 per cent and now, in 1986-87, are 19.5.

Recurrent outlays as a percentage of GSP were 16.7 and are now 15.6. Net debt as a percentage of GSP was 23.4 and is now 19.3, and the public sector work force as a percentage of the State work force was 19.1 in 1982-83 and is now 18.2. It is simply not true to say that this Government has taxed irresponsibly, that it has borrowed irresponsibly or that it has stacked on large numbers of people to the Public Service without any concern for the level or quality of services being provided, or indeed that we have ignored the total indebtedness scene. The thing that most drives the budget strategy at present is simply our desire to reduce the total net indebtedness, which in turn will reduce the impact of that figure on future budgets and therefore the taxes and charges that have to be levied. Where is the objective evidence that this Government has acted in any way irresponsibly or in such a way as to earn the displeasure of the Federal Treasurer? If the Federal Treasurer wants to investigate any of our financial dealings, they are, as they always have been, completely open to him and his officers.

The Loan Council global limits specifically exclude State Government financial institutional borrowings; for example, things like the State Bank, the Commonwealth Bank, the AIDC, the SGIC and, in New South Wales, the SGIA. It excludes also borrowings by central borrowing authorities on pass to financial institutions. This is known as the VEDC rule, which was first approved by the Loan Council secretariat in relation to the Victorian Economic Development Commission. What is the effect of all this and what is the motivation? Let me be very specific indeed. The on loan to SGIC proceeds were used to acquire non South Australian semi Government securities. A commercial interest coupon swap was entered into between the SAFA and the SGIC to eliminate certain interest rate and cash flow risks for SGIC, resulting in the margin earned in the investment up front of $100 000. The effect of all that is to place both those institutions in a more secure position. Further, the effect of that is—

Mr S.J. Baker: That's not true.

The Hon. D.J. HOPGOOD: —not to lead in any way to a deterioration in our financial position. It is clear that the

member for Mitcham, who interjects in his disorderly way, just does not understand—

Mr S.J. Baker: I certainly do understand.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: —the way in which such transactions—

Members interjecting:

The SPEAKER: Order! First, interjections are out of order. The Chair does not want to have to repeat for a third time the call to the House to provide courtesy to members on both sides when they make their contribution to the debate. Secondly, the Leader of the Opposition should be aware that brandishing documents is out of order.

The Hon. D.J. HOPGOOD: Thank you, Mr Speaker. I am trying very hard not to be provocative, but it has been clear that, for the most part, the grasp of members opposite as to the operations of SAFA and the general productive use of public access is very weak and very slender indeed. That is a tragedy, because there is little doubt that the future for all States very much rests with these sorts of transactions. After all, for a long time people have been puzzling as to how the States can get out of the bind of having to provide the bulk of the services, particularly the social and community services on the one hand, while having a very narrow and unsatisfactory taxation base on the other, and without, in turn, borrowing, which obviously impacts on our necessity to levy taxes and charges down the line.

The sort of productive and novel use of public finance that has been exhibited by SAFA in the past few years has been one way of getting us out of this bind. All States are in it; they know that they have to be in it and they have been in it with the blessing of the Federal Treasurer. Of course, he will keep his weather eye open for anything that could in any way be seen to be counter to the spirit of the Commonwealth-State loan agreement. What has been reported to the House this afternoon is neither novel nor in any way against the spirit of that agreement.

This Government does not hide things and it is not in the business of deflecting criticism. It is only too happy to confront that criticism and to make available that information that will enable the people of South Australia to judge for themselves whether the sort of nonsense that is contained in this motion is in any way firmly based. The wording of the motion itself is a joke. One would expect that anybody putting forward a motion would have something more substantial. Upon receipt of the motion there was no way that Government members could have any idea as to what members opposite had in mind, except in so far as they tend to be predictable—predictable in a boring sort of way. I simply make the point that we have always answered the questions that have been put before us.

Mention has been made of the Minister of Lands and the way in which he has handled the questions posed by the Opposition. I point out that, during the Estimates Committee, the Minister of Lands and Forests answered something like 61 questions from Opposition members regarding the investment in IPL (New Zealand).

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: So much for ignoring the questions that come from the Opposition! There is little doubt that the timing of this motion is very much related to certain things that will happen at the weekend—certain things that I think will be considerably embarrassing to the Leader of the Opposition and, indeed, quite possibly to his Deputy. It is widely touted that, by mid next year, the member for Coles probably will be the Deputy Leader of the Opposition, and I think that is quite likely. I believe that the numbers probably are already being organised for it this weekend. Although I think the Liberal Party has given up any prospect of replacing the Leader of the Opposition before the next election, that is an intimation that it has given away the next election and that the hard heads in the Party really are planning for the run-up to 1994 and getting people into the right place, hence the strenuous efforts that are being made to woo Mr Dean Brown back to the parliamentary ranks.

This motion is a fraud and a sham. It is not supported by any evidence that would have any credibility in the wider community. The standing of this Government is demonstrated by the sort of praise that it has received from the investing community and others and by our continued high standing in the polls. I heard somebody say earlier that the Government's support had slipped slightly. If it has, it has slipped to the level that we had at the last State election, which resulted in 29 members being seated on this side of the House. That is the sort of poll result that I am prepared to cop any time.

Members interjecting:

The SPEAKER: Order! I believe that the honourable member for Victoria has the call and he should be extended the same courtesy by members of the Opposition as was requested for the Premier and the Deputy Premier. The honourable member for Victoria.

Mr D.S. BAKER (Victoria): We are debating this motion this afternoon because of the financial management that the Premier and the Government claim to have carried on over the past 12 months. It is farcical to hear the Deputy Premier say that everything is okay and that everything is being well managed. I do not think that it befits the position that he holds for him to carry on and denigrate members on this side of the House.

I was interested to hear him say that all questions on notice and all questions asked during the Estimates Committee about the Timber Corporation (Satco) were answered. That is not correct. The Minister has ducked most of the questions asked of him. Time and time again he has said that the matter was *sub judice* and that the questions could not be answered. That was not correct. Most of those questions could have been answered, but he chose not to do that, because it is a State scandal that the South Australian Timber Corporation has losses and indebtedness of $37 million in borrowings from SAFA in this State alone. He is not able to tell us how those losses have occurred or who was responsible for them. He is not even game to table the reports of the consultants who were commissioned by the Government, because he knows that the recommendations contained in those reports have not been followed by his advisers, who, in many cases, have gone ahead and invested before the consultants' reports were received by the Government.

In this debate I wish to look at the South Australian Timber Corporation, to ask the Minister of Forests some questions and see whether he can answer them. Yesterday, I asked the Minister about the position of Mr Geoffrey Sanderson, who is well known in Satco. I asked whether Mr Sanderson had disclosed his interest in Westland Industrial Corporation when he was giving advice to the Government. The Minister replied that Mr Sanderson was not the principal negotiator in the joint venture with IPL (New Zealand). The Minister was technically correct when he said that, because IPL (New Zealand) had not even been formed when Mr Sanderson started on his merry way with Satco. In fact, Mr Sanderson has been dealing with Satco and offices of the Woods and Forests Department for many years.

Indeed, I will show Mr Sanderson's involvment in Satco. Mr Sanderson, who the Minister said was not a principal negotiator, was involved the whole of the time in the negotiations with Aorangi Forest, which was later to become IPL (New Zealand), but not until December 1985. That was a wholly owned subsidiary of Westland Industrial Corporation. While the negotiations were going on, Mr Sanderson was the fifth largest shareholder in that company and also a shareholder in Westcoast Investments, which held 15 per cent of Westland Industrial Corporation, so Mr Sanderson had a substantial shareholding in that company.

According to the Minister, Mr Sanderson may have helped fficers of the Woods and Forests Department and Satco in negotiations. Some negotiations! Those negotiations went on for over two years with Mr Sanderson engaged in them. Can the Minister say how many times Mr Sanderson went to New Zealand on behalf of Satco? How many times did he go overseas negotiating on behalf of Satco? How many times did he act as a consultant to other consultants who were making reports to Satco? The Minister's replies to these questions will be of great interest.

I have extracted from company records the minutes of monthly board meetings going back as far as 12 February 1985, and they make interesting reading. Concerning the Minister's statement that Mr Sanderson was not a principal negotiator, the board's minutes of 12 February 1985 contain the following reference under the heading 'Acquisition':

Mr Sanderson reported that negotiations were proceeding.

That is interesting. The minutes of the board meeting held on 18 July 1985, at the time when we believe that the heads of agreement for the takeover of Wincorp were already signed, contain the following reference:

It was resolved that Mr Sanderson be authorised to continue negotiations regarding the New Zealand venture.

And that even though the Minister would have us believe that Mr Sanderson was not a principal negotiator! The company secretary tabled a preliminary report from Peat Marwick Mitchell referring to certain concerns about the company's procedures, but Mr Sanderson was instructed to investigate at a time when he already held shares in Wincorp and in another company which also held shares in Wincorp. Yet he was being asked to conduct the deal on behalf of Satco. Well after we are told the heads of agreement was signed on 31 October, Mr Sanderson reported that good progress was being made in the negotiations with New Zealand and that a further report would be presented at the next meeting. The minutes of another board meeting, on 6 December 1985, state:

New Zealand project—Mr Sanderson says the project is at final acceptance stage and that we can expect agreement to be reached next week.

Members should note the date on which the report from Allert Heard was asked for. Further, we should note the alleged date on which we are told the heads of agreement were signed, yet we are given to understand that Mr Sanderson was not a principal negotiator. How could he not be? He put the whole deal together and conned Satco into it.

I believe that Mr Sanderson already had substantial shareholdings in this New Zealand company. Indeed, if he did not have such shareholdings, how did he get them? When one looks at the shareholders in Wincorp, it is interesting to see that the shareholders are listed in alphabetical order, except that the name of G.A. Sanderson appears at the top of the page out of alphabetical order. The entry shows that Mr Sanderson, of 4 Main Rose Crescent, Melbourne, Australia, was the holder of 100 000 shares. Now that is a nice round figure. How did Mr Sanderson, who was already a director of IPLH, come to hold shares in the company that was being bought? Surely it would be easy for Mr Sanderson to explain how that happened. However, such a practice is against the Companies Code and it will be interesting to find out how that was allowed to go on.

Then, we wonder about the statements in the Auditor-General's two most recent reports and in his scathing letter to this Parliament that $36.5 million had been poured down the drain in these types of investment. Yet the Premier says, 'We are good money managers.' It is a disgrace. The Premier, who has no financial backing whatsoever, and no-one on his front bench with any such background, tells the people of South Australia that his Cabinet knows something about financial management, and Satco is but one example of what is going on. As this matter unfolds, I assure the House that more revelations will be made. Indeed, the facts will continue to be released to this House because it is important that the South Australian taxpayer knows exactly what is going on.

Not only is Satco going ahead with Mr Sanderson racing all over New Zealand and buying up companies in which he has shares: now we have an investment by Satco in Scrimber International. When SAFA started to ask questions about where its funds were going and the Auditor-General started to inquire about the same thing, SAFA said, 'We're sorry. We can't advance you any more funds unless you can produce consultants' reports that back up the decisions that you have made.' Such reports could not be produced, so it was decided to start up this new scrimber plant, which SAFA refused to finance. But there was no need to worry: the State Government Insurance Commission came along to finance it—another $22 million! So, it was a case of 'If you can't get credit from one line, you can get it from another.' However, that is just not good enough.

Apart from the $37 million, there could be a further $22 million provided for the scrimber operation by SGIC. So, it is a sham for the Premier to say that he is a good financial manager. If we heed what the Auditor-General says in his report (the Premier is trying not to) is time that the South Australian public woke up to what is going on within the Government in this State.

Members interjecting:

The SPEAKER: Order! I call the House to order. The honourable member for Hartley.

Mr GROOM (Hartley): This is nothing more than a cynical—

Members interjecting:

The SPEAKER: Order! I caution the Deputy Leader of the Opposition, and I caution the member for Eyre.

Mr GROOM: Thank you, Mr Speaker. This is simply nothing more than a motion going nowhere and doing nothing, except downgrading South Australia in the process. It follows the familiar pattern demonstrated by the Liberal Opposition between 1982 and 1985, that is, to downgrade South Australia for no motive other than for short-term political gain. As a select committee has been established by this Parliament to deal with the Timber Corporation matter, why raise this motion at all? There were some half-baked attempts to introduce some other matters, but really the motion was about the Timber Corporation. As a select committee has been set up, one asks why the Opposition should raise this motion at all.

The Premier gave the answer to that. He exposed the true reason for it: it has come at the end of the week because there is to be a Liberal Party conference and members opposite know that they are in trouble, that their performance will be analysed and criticised at the conference, and they want to create a smokescreen for that conference, to

show that they are doing something. So effective were the speeches of the Leader of the Opposition and the Deputy Leader that they had trouble stopping the member for Light from dozing off during their contributions.

Members opposite should analyse the events that occurred during the Liberal Government's term of office from 1979 to 1982. That is when the real incompetence occurred. Members opposite presided over the most incompetent Government this century. They inherited a $1 million surplus from the outgoing Corcoran Government, but in a few short years they had used capital works money and had transferred some $96 million of that money to refund recurrent expenditure, and at the same time there was a reduction from a $1 million surplus to a $63 million deficit.

Mr Gunn interjecting:

Mr GROOM: I will come to that. In three short years they frittered away something like $150 million of South Australia's finances. The allegations that have been made by the Opposition pale in significance alongside the incompetence that was displayed during those years from 1979 to 1982. The present Government has been the most open Government since the founding of South Australia in terms of its financial record. Let us consider some of the successes of the South Australian Government and its instrumentalities. Why do members opposite not emphasise the positive benefits provided by South Australian statutory authorities? For example, members opposite criticise SAFA and yet this financial year it will contribute $240 million to South Australian revenue. SAFA contributed $164 million for the 1986-87 year; what a remarkable record that institution has.

In addition to a contribution of $240 million this financial year, it has reserves of some $209 million. Further, the Electricity Trust of South Australia will contribute some $32 million; the State Bank another $20 million; and SGIC, $750 000. These Government instrumentalities will contribute some $53 million, and the return on capital from these State Government instrumentalities is significant: the State Bank, $18.5 million; Woods and Forests Department, $6 million; ETSA, $36 million; and so on.

This is a very successful and competent Government, and the record speaks for itself. I refer to what the independent opinion-makers in the community have said about the record of this Government. For example, the following statement was made in the *Financial Review* of March this year:

> The Bannon Government's initiative to improve the underlying structure of the economy is beginning to bear fruit.

Mr Lewis: Who wrote that rubbish?

Mr GROOM: The *Financial Review* wrote it. It further stated:

> The economic gains being made in South Australia are resulting in a structurally healthier economy than existed prior to the 1980s.

In April this year an article in the *Business Review Weekly* stated:

> South Australia has embarked on a transformation of its economy. The State is rapidly moving away from its former dependence on agriculture and low tech manufacturing operations. The Bannon Government is also noted for having a good rapport with business, for its eagerness to help with the infrastructure to start up enterprises and its dislike of red tape.

How does that stand against the allegations made by members opposite? In its quarterly report of March 1987, the State Bank indicated:

> A notable feature of the local economy is the apparent strength of employment despite the downturn in major sectors, such as housing and motor vehicles. This suggests a growing diversity of employment which has not yet been reflected in the broad data. The high level of ongoing, non-residential building activity is good news for the South Australian economy, both for the work that it generates and because it implies a high level of longer-term business confidence.

How does that stand against the allegations made by members opposite? In March 1987 an article in the *Australian* stated:

> South Australia is poised to capture a big high tech industrial development and is making a dramatic bid for national and international tourism, to an annual value of $1 billion.

How does that stand against the allegations made by members opposite? Finally, the following statement was made in the *Australian* of 16 September this year, a matter of only a few weeks ago:

> No South Australian Premier since Playford has presided over such major development activity.

Those are the sorts of things that members opposite should be saying in this State, instead of introducing in this Parliament short-term and cynical motions for no reason other than political gain, at the fag end of a week, just because they have a conference coming up and because members opposite know they are in trouble and that their performance is going to be analysed. They know that they will be criticised and they have attempted to put up a smokescreen in order to get out of it.

I agreed to limit my time, to ensure that the Leader of the Opposition can use the time that has been allocated and so I will cut short my remarks. However, I want to conclude by underpinning and stressing my comment that this is nothing more than a cynical political motion; it goes nowhere and does nothing other than to downgrade South Australia. I heard the word 'shonky' used during this debate: if anything is shonky, it is the motion.

The SPEAKER: I call the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition has the call.

Mr OLSEN (Leader of the Opposition): Thank you, Mr Speaker—I hesitated because I thought that the Minister would at least rise at this stage to participate in the debate. What an extraordinary state of affairs: before the House is a motion censuring the Government, and the Minister responsible for the portfolio with which it deals has not uttered a word during the debate—not a word. Apparently the Government is simply not game to put him up in the debate today, given the Minister's track record in the Estimates Committee hearing. His performance in the House is on record. The record clearly indicates that the Minister has misled Parliament persistently and consistently on this subject. I think principally it is because he does not know what it is about. He fumbles about and is guilty of gross mismanagement and incompetence in this matter. I also note that no member has attempted to defend the Minister of Forests in this Parliament today.

Members interjecting:

The SPEAKER: Order! Will the honourable Leader please resume his seat for a moment. Members on both sides of the House are not extending sufficient courtesy towards the Leader of the Opposition with his concluding remarks, and I call the House to order. The honourable Leader.

Mr OLSEN: Thank you, Mr Speaker. I was just making the point that, in the debate today, the Premier did not utter a word in defence of the Minister, and neither did the Deputy Premier nor the member for Hartley.

An honourable member interjecting:

Mr OLSEN: That is right. He gets up so infrequently in this Parliament and it is only when there is an impossible task to do. So much for the regard in which the honourable member is held by his Party colleagues: they give him the impossible task of defending the indefensible. That is what the Government has tried to do today—to defend the indefensible. That is why the Government did not use its time

constructively and objectively putting forward good points in rebutting the Opposition's argument. For half the time, Government members raised extraneous matters that have nothing to do with the motion before the House because their argument did not have any substance with which to rebut the points put forward by the Opposition.

Let me take up a couple of those points. The Premier said that this measure has Loan Council approval. Following his claim this afternoon that the Loan Council was advised of that transaction, we have been able to do some checking, and we have established that, in fact, the Loan Council knows nothing about it. We regard the sources of that information as impeccable. That suggests that the Premier has completely misled the House. It is further evidence of this Government's deceit and dishonesty, which is the reason for the motion before the House today. I suggest that our information is backed up by the fact that in Question Time today in the Federal Parliament the Federal Treasurer—Chairman of the Loan Council—said that he knew nothing about this matter when it was raised in Federal Parliament and would have it examined in full.

The last time the Federal Treasurer made a statement like that about the Premier's action was when the deferred annuities were ruled out of order as not following the ground rules. So much for the Premier's statement earlier today that Keating sees this State as the one that he can rely on to play the game at all times. I suppose that is why the Federal Treasurer has lowered the boom on the Premier so many times. It is pretty clear that he walked away from the Premier today. Once again in this Parliament we heard broad statements that cannot be substantiated but no facts in an attempt to whitewash the issue.

The Hon. Ted Chapman: The Premier walked away from one of the Federal Ministers the other day—

Mr OLSEN: The Premier walks away from anybody who has a problem, as he walked away from the Minister of Forests today. We need go only one step further to look at the level of indebtedness in this State. The Premier said, 'We are reining in the debt in this State. We are on top of it; we are controlling, we are good economic managers and are not applying the bankcard approach to financial management in this State.' The Auditor-General puts paid to that very clearly. Over the past three years public indebtedness has risen from $3.4 billion to $3.6 billion to $3.975 billion. If that is not an increase in total State indebtedness, confirmed by the Auditor-General—the independent accounting umpire, I do not know what is. That is blowing the whistle on the Premier. The Premier makes these broad statements, but they cannot be backed up with fact or substance.

The Government says that it has been honest, that it is prepared to tell all and that it will answer all of the Opposition's questions frankly, openly, giving all the information that it can muster. I suppose that is why the Minister of Forests has continued to say, 'I don't know. I will get a report.' The point is that he did not have any answers in the Estimates Committee. That is not an open and frank response to a question asked by the Opposition in the Parliament. Today the Minister of Forests has not even attempted to respond to rebut the arguments that we have put forward. He sits there silently, because he has put the Government in so much trouble on this issue, and that will be revealed. It will roll out over the next month or so. We will see taxpayers' money poured down the drain because of this inept, lazy and lax Administration. We will also be able to identify that John Heard from Allert Heard and Co. has been dragged in as the person who authorised, checked and cross-checked; the fact is that that is simply not right. It was the Auditor-General who drew the attention of the House to that fact.

An honourable member interjecting:

Mr OLSEN: Indeed, the whole Cabinet is responsible. The Premier has stated that the whole Cabinet has received a broad cross-section of information and, in the final analysis, the Premier and Treasurer is the one who authorised the expenditure of these funds. They are all in it together, but they do not seek to rebut the statements, the reason being that there is no rebuttal, because what we have put down is factual, accurate and truly represents the position on this issue. That cannot be denied; they cannot get around it.

The Hon. R.G. Payne interjecting:

Mr OLSEN: The Minister should not worry about the time. The Opposition will fill it in debating the substance of the motion, not extraneous matters that have nothing to do with it. During his contribution to the debate, the Premier went on to say how the South Australian economy was well managed. The Institute of Public Affairs put paid to that. It carried out an analysis of all the States and their financial management over the course of the last 12 months and released a statement. The Premier's response to that was to say, 'The Institute of Public Affairs does not understand our State's finances here in South Australia.' Anybody who disagrees or takes issue does not understand. You start questioning authoritative sources that have made clear, concise analyses of your budget. Incidentally, these bodies back up what the Liberal Party has been saying about your financial management in South Australia.

The SPEAKER: Order! I hate to have to pull up the Leader of the Opposition at this stage, but he must direct his remarks to the Chair and not refer to members opposite in the second person. The honourable Leader.

Mr OLSEN: I would be pleased to do so. If, as the Premier keeps saying, the Government has nothing to hide in this matter, where are the reports? First up today we asked for the reports of 28 November, 13 December and the foot long telex that the Minister received in early January, on which no action was taken eight months or so later, to be tabled. The Opposition asks that this information be tabled. There is nothing to hide! If, as the Government professes, this deal is so good and stands up, put them on the table and let us have a look at them. Open them up to public scrutiny, but you will not.

Members interjecting:

The SPEAKER: Order! I call the Government front bench to order. The Leader of the Opposition has again strayed into the area of referring to members opposite as 'you'. He must use the third person and direct his remarks through the Chair. The Leader of the Opposition.

Mr OLSEN: Thank you, Mr Speaker. The point that I want to make clearly and concisely is this: the Premier says that he has nothing to hide. We threw out the challenge today: put the reports on the table. The Premier did not even refer to the reports. Neither did the Deputy Premier nor the hapless member for Hartley in his contribution. They ignored it, because they do not intend to table the reports—because they will back up the allegations that the Opposition has made in this debate today and the background and explanation of questions that Opposition members have been asking of the Government on this issue over the month. That is why the Government will not table the reports. They are working on the principle, 'We will not table the reports, will keep them locked away and hopefully the media will report it for 24 hours and then the matter will go away.' There will be a day of reckoning for this issue and this Administration. You have faltered and failed the

taxpayers of South Australia, you have used dishonesty and deceit—

The SPEAKER: Order! The Chair does not wish to have to remind the Leader of the Opposition for the third time about the use of the second person. The honourable Leader.

Mr OLSEN: The motion was about financial incompetence, financial deceit and financial dishonesty. We have put facts before the House today that are backed up by evidence and documentation. They are irrefutable facts. The Government has not sought to rebut them but has merely sought to bring in a whole range of extraneous matters that have nothing to do with this motion, which indicates clearly that it does not have a defence. It has been caught out. I commend the motion to the House.

The House divided on the motion:

Ayes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore, Messrs Eastick, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen (teller), Oswald, and Wotton.

Noes (25)—Mr Abbott, Mrs Appleby, Messrs Bannon (teller), Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Payne, Peterson, Rann, Robertson, Slater, and Tyler.

Pairs—Ayes—Messrs Becker, Chapman, and S.G. Evans. Noes—Messrs L.M.F. Arnold, Mayes, and Plunkett.

Majority of 10 for the Noes.

Motion thus negatived.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments and suggested amendment to which the House of Assembly had disagreed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with an amendment.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the National Parks and Wildlife Act 1972. Read a first time.

The Hon. D.J. HOPGOOD: 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 National Parks and Wildlife Act 1972 provides for the establishment and management of reserves for public benefit and enjoyment and for the conservation of wildlife in a natural environment. The Act has remained largely unamended since its introduction in 1972. The purpose of these amendments is to bring the Act into the 1980s and beyond, to service the requirements and needs of nature conservation within this State.

There are a number of amendments proposed to the Act and it is intended subsequently to amend the supporting regulations to reflect the new look Act. The major areas of amendment include the provision of a new Reserve Classification to be known as Regional Reserve, a requirement in the Act for a consultation with the Minister of Mines and Energy before constituting new reserves, defining the activities of the Crown in relation to exploration and mining within reserves, the upgrading of existing flora protection provisions, a revision of the provisions of the Act as they relate to hunting and food gathering by Aborigines both within the reserve system and on alienated land and the establishment of a Reserve Services Fund to enable the responsible Minister to request licensed concession holders to pay for municipal services provided.

I now wish to cover some of these matters in more detail. The first major amendments relate to clarifying the powers of wardens operating under the provisions of the Act. These powers have been in place since 1972. The proposed amendments will make the difficult job of wardens easier including indemnity for wardens enforcing the provisions of the legislation. Members will note that provision is available for wardens to break into premises or a vehicle if they are authorised to do so by a warrant from a Justice of the Peace. These powers are similar to those of authorised officers under the Fisheries Act and are regarded as essential if the legislation is to be properly administered.

A significant amendment is being made in relation to substantiating the tenure for game reserves. As the Act is currently written, National Parks and Conservation Parks are the types of reserve which can be abolished only through a motion of two Houses of Parliament. Most game reserves and recreation parks which are the other two types of reserves can be abolished by proclamation, with the exception of Belair and Para Wirra Recreation Parks. It is our intention to secure the tenure of all game reserves so that their security is the same as that which applies for conservation parks and national parks.

The present Act gives the responsible Minister the ability to lease reserves or portions of reserves to any person under conditions that he thinks fit. The park service has been concentrating on increasing the involvement of the private sector in development works on reserves. The Government believes this to be a highly appropriate activity, subject of course to private sector groups operating within the provisions of the legislation. It is important if major developments are to take place within the reserves system that the park service be able to request private sector groups to make a financial contribution to the provision of what can best be described as municipal services. These services include capital infrastructure such as drainage, sewerage connections, water supply, power, and so on. The intention of the Bill is to establish a Reserves Services Fund under which a person may be required to contribute to the cost of maintaining and improving a reserve, where a private sector development is contemplated or has taken place.

Members will note a new provision in the Bill whereby the Governor may by proclamation alter the boundaries of a reserve to provide for minor alterations or additions to public roads that may adjoin that reserve. We have been in the situation in the past where a minor realignment of a road reserve established adjacent to a park cannot be undertaken legally where the realignment may involve lands within the park, because of the provisions of the existing Act, which require a resolution of both Houses of Parliament to alter reserve boundaries. It is our intention to allow logic to prevail and have the opportunity for slight modifications to reserve boundaries to provide for issues of road align-

ment, where problems of safety mean that such a decision would be in the interest of the community as a whole. The powers to undertake these alterations are qualified by the restriction that such boundary alteration should not prejudice the objectives of management contained within the Act and not be contrary to any plan of management prepared for the particular reserve.

There are some further alterations to the Act in relation to mining and exploration. We intend to include a provision within the Act which requires submission of any proposals to establish a new reserve or alter the boundries of an existing reserve to the Minister of Mines and Energy, and the Minister administering the Act must consider the views of that Minister in relation to the proposal. The Bill includes a provision allowing the Minister of Mines and Energy or a person authorised by him to enter onto a reserve to undertake any form of geological, geophysical or geochemical survey that does not involve disturbance of land.

Another major amendment is to provide for the creation of a fifth classification of reserve. The current Act contains the classifications of National Park, Conservation Park, Game Reserve and Recreation Park. Within these reserve classifications, no mining or exploration can take place under the existing provisions of the Act without the declaration of a joint proclamation at time of creation of the reserve, or unless existing rights to enter for these purposes were in existence at the time the reserve was created and are provided for in a proclamation, or if a resolution is made by both Houses of Parliament. It is our intention to establish an extra classification of reserve to be known as Regional Reserve which will allow for the reservation and protection of lands under the National Parks and Wildlife Act 1972, but at the same time allow for the utilisation of natural resources under agreed conditions in such reserves. The provisions of section 43 of the existing legislation relating to exploration and mining would not apply to these reserves.

The Bill recognises that exploration and mining are likely to be principal activities involving utilisation of natural resources within regional reserves. These activities under the Mining and Petroleum Acts are not prevented by the Bill. The Minister of Mines and Energy can grant exploration tenements in regional reserves, but must not grant such tenements without considering the views of the Minister administering the Act. In the case of mining tenements involving production, the Minister of Mines and Energy must seek approval of the Minister before granting production tenements. If approval is desired, the Minister of Mines and Energy can refer the matter to the Governor for resolution. Members should note that the requirement for approval cannot restrict the rights of parties to the Cooper Basin Indenture. The granting of any form of tenement in a regional reserve will mean that management of the reserve is to be in accordance with the exercise of the tenement holder's rights.

The Bill also provides for the responsible Minister to enter into an agreement with a mining tenement holder within a regional reserve. Such an agreement could limit or restrict the full exercise of rights under the tenement. If a person who is party to such an agreement fails to comply with its conditions, the Minister of Mines and Energy can cancel the tenement.

A regional reserve will have the same strength of tenure as the existing conservation parks and national parks and indeed game reserves once this Bill becomes law.

In relation to wildlife, we propose to establish new schedules which reflect the status of native species of both flora and fauna in their natural habitat. These schedules will categorise species of flora and fauna into either endangered, vulnerable or rare species classifications. These will serve as a basis for identifying those species requiring monitoring and special consideration to ensure their survival in a natural habitat. It follows that higher penalties will apply to the taking of or illegal possession of species listed on these new schedules.

The schedules include endangered species—these are species in danger of extinction and whose survival is unlikely if the casual factors which have brought about their plight continue to operate. This category includes South Australian species and those on the Australian endangered species list. The second category is to be known as vulnerable species—these species are those believed likely to move into the endangered category in the near future if the casual factors mentioned before which have brought about their decline continue to operate. This category will include species where most or all of the population of that species are continuing to decrease because of over exploitation, extensive destruction of habitat or other serious environmental disturbance.

It will also include species with populations which have been seriously depleted and whose ultimate security has not been assured. Furthermore, it will include those species with populations that are still abundant but are under threat from severe adverse factors throughout their range. The third category, rare species, concerns species with small world populations that are not at present endangered or vulnerable but are thinly scattered over an extensive area.

The provision for permits to keep rare species of animals has been incorporated into the general keep and sell permit provisions of the Act. These will be supported by new wildlife regulations to be introduced next year.

Provisions for the keeping of prohibited and controlled species which were formerly applied to exotic species of animals have been repealed. Controls under the Animal Plant Control (Agricultural Protection and Other Purposes) Act 1986 now replace these provisions.

A new section prevents the release of any native animal without a permit. This provision is intended to control the indiscriminate release of animals into areas outside their normal range of distribution. A mechanism has been maintained to prohibit the keeping of native species of animals where their release or escape would threaten populations of naturally occurring species or subspecies. This is particularly necessary in areas such as offshore islands, where unique species are vulnerable to introduction of other species.

In relation to provisions for the protection of native flora, we propose to amend the Act by extending control over the taking of native plants to all native plants on any reserve under this Act, any parcel of Crown land, any land reserved or dedicated to public purposes and to any forest reserve. A permit will be required to remove native plants from these areas. We also intend to make provisions for the declaration by regulation of prescribed species, the unrestricted harvesting of which would be detrimental to individual species. Therefore, these species could not be taken or sold without a permit. These plants will be able to be sold under a permit where they have been propagated by the owner, or taken lawfully under the provisions of the Act. We also propose to include a new section to provide a penalty for the possession of native plants taken illegally in this or any other State. This section will also act to deter those who may wish to use South Australia as a clearing house for illegally acquired ferns, orchids and other plants.

I wish to make clear that the emphasis of these provisions is to provide for the conservation of native plants in a natural environment. The word 'wildlife' in this Act covers both plants and animals, as indeed it should. The intent of

these provision is to concentrate on the taking of particular species of native plants or their flowers, branches and roots, where such plants would be used for commercial gain through horticulture, cut flower trade, for scientific purposes or personal gain. This intent is complementary to the provisions of the Native Vegetation Management Act 1985, which is primarily aimed at the controlled clearance of native vegetation for agriculture and other development purposes. The way in which the two parcels of legislation will be used in their application is that:

> The collection of native plants or their parts for horticulture, sale of cut flowers, propagation, personal interest or scientific purposes will require a permit from the National Parks and Wildlife Service in line with the provisions of wildlife legislation interstate. Broad-acre removal of vegetation is covered by the Native Vegetation Management Act 1985, and will continue to require a permit issued by the Native Vegetation Management Authority. This will include the broad scale cutting of vegetation such as broombush and firewood.

In relation to protected animals, the same categories of endangered, vulnerable and rare species will apply. As with the flora provisions, substantially increased penalties will be applied where a person takes protected animals or eggs of protected animals without the necessary permit. Provision is made to allow the Governor to proclaim protected species of fauna as exempt from the keep and sell permit provisions of the Act. It is intended that very common species of native fauna which are not adversely affected by keeping and trade will be able to be kept and sold without a permit.

Members will note that the Act has been amended to provide that the responsible Minister may declare open seasons for the taking of protected animals rather than the current provision which provides for the declaration by Governor's proclamation. This is to allow for greater flexibility in declaring and revoking if necessary open days following consultation with appropriate bodies and examination of seasonal factors.

The provisions of the existing Act have been upgraded as they relate to hunting. Penalties for illegal hunting without written permission of the landowner and without the necessary hunting permit have been significantly increased. Also the Bill provides that hunting cannot take place on unalienated Crown land without the approval of the Minister of Lands.

An additional division has been added to the Act to provide for hunting and food gathering by Aborigines. It is important to provide an appropriate definition of an Aborigine to enable these provisions to work effectively. The definition we have selected has been included after exhaustive investigation and discussion with the Australian Law Reform Commission, the Minister and his office of Aboriginal Affairs locally and consultation with other interested groups. This division generally provides for the taking of both native animals and native plants by Aborigines, where the taking of the animals and plants are for the purpose of food for the person who takes it or for his or her dependants. Additionaly, native flora and fauna can be taken solely for purposes that are cultural in origin. These provisions for the taking of protected species of animals and plants will prevail outside of the reserve system but may apply to zones within some reserves, where a joint management agreement for allowing the taking of selected fauna and flora under prescribed conditions has been ratified by proclamation.

Members should note that in relation to private land, written permission of the landowner will still be required for Aborigines to take native species of plants and animals.

The final important amendment is provided for a regulation to restrict or prohibit the removal of wood, mulch or other dead vegetation from reserves. This amendment is being included to deal with the problem of harvesting of firewood from reserves by wood gatherers.

Penalties for all offences against the Act have been increased. Penalties for the taking and illegal possession of native fauna are aimed at curbing illegal activities and are consistent with similar provisions of other States' wildlife protection legislation.

Clauses 1 and 2 are formal.

Clause 3 inserts and replaces definitions of terms used in the principal Act.

Clause 4 replaces a divisional heading.

Clause 5 replaces the delegation provision with a similar provision that includes a number of minor improvements.

Clause 6 repeals sections 13 and 14. The requirements of section 13 are now provided by the Government Management and Employment Act 1985, and the provisions of section 14 are obsolete.

Clause 7 requires wardens to carry identity cards and to produce them on demand.

Clause 8 provides for assistance to wardens in carrying out their powers under the Act.

Clause 9 substitutes a new section dealing with powers of wardens. The warden is empowered, on suspecting the commission of an offence, to—

- *(a)* enter and search premises or vehicles;
- *(b)* give directions to a person in a vehicle;
- *(c)* require the statement of name and address;
- *(d)* order persons off reserves for periods up to 24 hours.

A warden may enter premises on which an animal is kept, or require production of a permit.

A warden may break into premises or a vehicle if authorised by warrant of a justice or if there is reason to believe that urgent action is required.

Clause 10 substitutes a new section dealing with forefeiture of objects if—

- *(a)* the object has been used in the commission of an offence;
- *(b)* it furnishes evidence of the commission of an offence;
- *(c)* being an animal, carcass, egg or plant, it was taken in contravention of the Act.

A warden may seize an object if the warden reasonably believes it to be liable to forfeiture. Where an object has been seized—

- *(a)* if proceedings are not commenced within 3 months it must be returned to the owner;
- *(b)* if the owner is convicted of an offence—the court may order that the object be forfeited to the Crown or in the case of an animal or plant—the court must so order an application by the prosecutor;
- *(c)* if the owner is not convicted or there is no order for forfeiture, the object must be returned to the owner;
- *(d)* a forfeited object may be sold and the funds paid into the Wildlife Conservation Fund.

Notwithstanding the foregoing—

—a living animal that has been seized may be released from captivity;

—if the owner cannot be found, the object may be sold as above.

Clause 11 substitutes a new section dealing with hindering wardens. It is an offence to—

- *(a)* hinder a warden or an assistant;

(b) use abusive, threatening or insulting language to a warden or assistant;

(c) assault a warden or an assistant.

Clause 12 replaces section 25 of the principal Act.

Clause 13 inserts a section exonerating wardens and assistants from personal liability while acting under the Act.

Clause 14 is a procedural amendment relating to the constitution of game reserves by statute.

Clause 15 inserts a new Division dealing with regional reserves.

Clause 16 replaces section 36 (2) to bring the terminology and style up to date.

Clause 17 makes minor changes to section 37 and inserts a consequential provision in relation to regional reserves.

Clause 18 increases the time within which representations can be made to the Minister in relation to a proposed plan of management.

Clause 19 inserts a new subsection in section 40 of the principal Act that makes it clear that the management of a regional reserve is subject to the rights of the holder of a mining tenement even though the tenement may have been granted after the land became a regional reserve.

Clause 20. New section 40a provides for an agreement between the holder of a mining tenement and the Minister of Mines and Energy and the Minister administering the principal Act restricting the tenement holder's rights. The tenement holder can refuse to enter into such an agreement or may require compensation before doing so. However restrictions set out in the agreement can be enforced by threat of cancellation of the tenement.

Clause 21 amends section 41 of the principal Act.

Clause 22 inserts a new provision that allows minor alterations to be made to the boundaries of a reserve without the authority of Parliament.

Clause 23 amends section 43 of the principal Act. Regional reserves are excluded from the operation of the section and a penalty provision is inserted.

Clause 24 inserts new sections 43a and 43b. Section 43a deals with the granting of mining tenements on regional reserves. Section 43b provides for entry by the Minister of Mines and Energy onto a reserve to carry out certain investigations and surveys.

Clause 25 clarifies the meaning of 'owner' in section 44 of the principal Act.

Clause 26 replaces section 45 with a simpler provision which includes increased penalties.

Clauses 27 and 28 make consequential changes.

Clause 29 substitutes a new section dealing with unlawful taking of plants: A person shall not take a native plant on a reserve, Crown land, land reserved for or dedicated to a public purpose or a forest reserve. A sliding scale of penalties is provided according to the species of plant. It is an offence to take a native plant of a prescribed species on private land with or without the owner's consent. The sliding scale of penalties apply in this case also. It is an offence to take a native plant on private land without the owner's consent—Penalty: $1 000.

It is a defence to a charge under the section that the defendant's act was neither intentional or negligent or was done in pursuance of some statutory authority.

Clause 30 inserts a new section 48. The section prohibits the sale or gift of a native plant of a prescribed species. The sliding scale of penalty applies. It is a defence to such a charge that the native plant was taken pursuant to a licence under the Forestry Act 1950.

Clause 31 inserts a new section 48a. The new section provides that it is an offence to have possession of a native plant illegally taken or acquired (whether under this Act or the law of another State or Territory). Penalty: $1 000.

Clause 32 inserts new section 49 dealing with permits.

Clause 33 replaces section 51 (1) and (1a) with a simpler provision which includes the increased scale of penalties.

Clause 34 replaces section 52 of the principal Act.

Clause 35 makes a minor amendment.

Clause 36 replaces Division III of Part V of the principal Act. The substance of the existing sections 55 and 56 will be catered for by new section 58. New section 55 replaces existing section 57.

Clause 37 replaces section 58 of the principal Act.

Clause 38 replaces section 60 of the principal Act.

Clause 39 extends the operation of section 64 to Crown lands.

Clause 40 replaces section 66 with a more detailed provision.

Clause 41 inserts a divisional heading.

Clause 42 makes a minor amendment to section 68a of the principal Act.

Clause 43 replaces section 68b with an updated provision that extends to Crown land as well as private land.

Clause 44 inserts a new division dealing with hunting and food gathering by Aborigines.

Clause 45 replaces section 70 of the principal Act.

Clause 46 makes a consequential change.

Clause 47 inserts a new section that provides a defence for a person authorised under the Native Vegetation Management Act 1985, or acting in compliance with any other Act.

Clause 48 makes minor amendments to section 78.

Clause 49 replaces section 79 and inserts new section 79a. New section 79a empowers the Minister to require contributions from lessees and licence holders in relation to the maintenance and improvement of reserves.

Clause 50 amends section 80 of the principal Act.

Clause 51 replaces the seventh, eighth and ninth schedules.

The schedule sets out statute law revision amendments in preparation for republication of the principal Act.

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

BEVERAGE CONTAINER ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Beverage Container Act 1975. Read a first time.

The Hon. D.J. HOPGOOD: 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 amends the Beverage Container Act 1975 by changing the definition of a low alcohol wine-based beverage.

The Government considers it essential to put an end to the exploitation of the 8 per cent alcohol limit contained in the current definition.

You may recall that when this Act was in Parliament for amendment in May 1986, a product commonly known as wine-cooler was being heavily marketed in non-refillable containers, which posed a serious threat to litter in this

State. Those amendments resulted in this product being defined under the Act.

However, before allowing this definition it was moved by the member for Coles that an amendment be made adding the wording 'that at 20°C contains less than 8 per cent alcohol/volume'.

What has followed has been that some companies have seen a way around this definition so that products which they market do not fall within the ambit of the Act. This has been achieved by introducing a product on the market of the same composition as the low alcohol wine-based beverage but with an alcohol by volume content slightly in excess of 8 per cent. One manufacturer whose product was marketed prior to the amendment with an alcohol by volume content of 5.8 per cent saw fit to withdraw this product and reintroduce it a short time later with an alcohol/volume content of 8.2 per cent.

I would like to emphasise that this amendment is not designed to add any further imposition on this industry, but to merely put an end to the current exploitation of the limit fixed in the Act. The resultant changes following these amendments will be that a new regulation will need to be made prescribing an alcohol/volume content and regulation 7 will require amendment to remove the words 'low alcohol'.

I hope the Opposition will support the Bill.

Clause 1 is formal.

Clause 2 replaces the definition of 'low alcohol wine-based beverage' with a definition of 'wine-based beverage'. The new definition is the same as the old except that the alcohol level will be fixed by regulation. The reference to the temperature and the basis of assessing alcohol content is omitted as these are factors on which the regulations prescribing the percentage will be based.

Clause 3 makes a consequential amendment.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. G.F. KENEALLY: 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 first object of this Bill is to allow a registered motor vehicle to be driven on a road without a number plate attached, whilst the registered owner is awaiting the delivery of number plates from the Registrar of Motor Vehicles.

New and replacement plates are supplied under contract through approved manufacturers, both of which are located in Adelaide. An exemption is already provided in the circumstance where an owner has registered a new or second-hand vehicle for the first time and is awaiting delivery of plates.

The existing exemption applies only at the time of first registration. Difficulty can be experienced, particularly by country owners of currently registered vehicles where replacement plates are required due to theft or accidental loss or damage, because current legislation prevents them from operating the vehicle until a replacement plate is obtained and attached.

This Bill will amend section 47 to provide that on making an application to the Registrar for replacement number plates, and payment of the prescribed fee, the subject vehicle is exempt from the requirement to display a number plate or plates until expiration of the day following delivery to the registered owner of a number plate or plates.

The opportunity is taken to incorporate the existing exemption to display number plates in regulation 15 (11) under the Motor Vehicles Act into section 47. Regulation 15 (11) can then be revoked.

The other object of this Bill is to provide that where a person applies to renew a driver's licence within 90 days of the expiry of a previous licence, then the term of the licence will be calculated from the date of expiry of the previous licence.

A survey has shown that of the 226 000 licence renewal payments made in the previous 12-month period, 18.5 per cent were paid after expiry.

It is believed that, in many cases, persons continue to drive unlicensed after their driver's licence has expired, either knowingly or unintentionally. An unlicensed person who continues to drive between expiry of the previous licence and date of payment of the renewal, should not benefit by receiving a full licence period of five years from the date of payment.

The backdating of the expiry date of a licence to the original expiry date, where the renewal payment is made late, is a common practice followed by other States.

In cases where a licence is renewed after 90 days from the expiry date, the term of the licence will date from the new renewal date with a penalty for late payment to cover the additional administrative costs. A draft regulation under the Motor Vehicles Act is being prepared to give effect to this.

Clause 1 is formal.

Clause 2 provides for commencement by proclamation.

Clause 3 amends section 47 of the Act by adding a further exemption from the obligation to carry number plates, so that a person who has applied to the Registrar for plates but has not yet received them may still drive his or her car on the roads, and is given one further day for fixing the plates to the car.

Clause 4 provides for the late renewal of licences during a period of no more than 90 days after expiry. It is made clear that a person will still be guilty of the offence of driving without a licence if he or she drives after expiry and before late renewal under the new provision.

Mr INGERSON secured the adjournment of the debate.

ARCHITECTS ACT AMENDMENT BILL

The Hon. T.H. HEMMINGS (Minister of Housing and Construction) obtained leave and introduced a Bill for an Act to amend the Architects Act 1939. Read a first time.

The Hon. T.H. HEMMINGS: 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

Members of the House will know that the Architects Act is administered by an Architects Board. This Board com-

prises architects elected from the architectural fraternity as well as other people appointed by the Government.

I have met with the Architects Board on a number of occasions and in discussions we have agreed that a number of changes are necessary to the Architects Act.

I should say that I believe the Act and subsequent amendments are in need of consolidation into one Act and that there is a need for a number of other changes to be made other than those that are here before us today.

Accordingly, I have asked the Board to carry out a comprehensive review of the Act over the next 12 months and I thus intend to bring before the House, in due course, a new Bill, consolidating the Act and its amendments.

With regard to this Bill, there are a number of changes which need to be made which I and the Board believe are in the best interests of the architectural profession—in particular, a change which, I believe, will have profound impact on the architectural profession in this State. I believe it is an anachronism that the architectural profession is unable to advertise their abilities in Australian and world journals.

There is a great deal of developmental activity in which Australian architects should be involved, but which South Australian architects are precluded because of our Architects Act which prohibits advertising. For instance, I am aware that members of the profession in South Australia were unable to advertise in a bicentennial publication aimed at the world market.

The Bill before you will change this situation. I believe this change will lead to a more dynamic and competitive approach to architecture which should lead to benefits for this State. This Bill also has a number of other changes. I am now asking the Board to report to the Minister annually and for the Minister to table that report before the House.

I am also amending the Act to remove the power of the Board to prescribe special examinations for the accreditation of architects. I and the Board believe that this role is more appropriate for the academic institutions in conjunction with the architectural bodies.

Finally, this Bill provides legal protection for the Board where the Board acts in good faith in the carrying out of its functions. This provision will be similar to the limitation of liability of other statutory authorities appointed by the Government.

I believe these changes are necessary and will be of value to the profession in the immediate future. I do not feel it is appropriate to leave these changes for the major consolidation of the Act and accordingly I ask the House for its support.

Clause 1 is formal.

Clause 2 amends section 32 of the principal Act. This section deals with the qualifications of architects for registration under the Act. The amendment removes subparagraph (iv) of paragraph *(b)* in subsection (1) which required an applicant for registration to have passed the special examinations prescribed by the by-laws of the Board if he or she did not qualify under some other part of the section.

Clause 3 amends section 35 of the principal Act which is the provision dealing with professional misconduct. The amendment is designed to protect a registered architect from charges of professional misconduct if he or she advertises in accordance with the by-laws of the Board.

Clause 4 inserts into the principal Act sections 47a and 47b. Section 47a requires the Board to submit to the Minister an annual report on the administration of the Act. The Minister must have the report tabled in both Houses of Parliament. Section 47b gives persons engaged in the administration of the Act immunity from liability for an honest act or omission in the exercise or purported exercise of power or function under the Act.

Mr OSWALD secured the adjournment of the debate.

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

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

Motion carried.

ABORIGINAL HERITAGE BILL

In Committee.

(Continued from 21 October. Page 1439.)

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. JENNIFER CASHMORE: I would like to ask the Minister about the definitions, which I assume match the defnitions in the other Act relating to Aboriginal lands. I refer particularly to 'sites'. I will refer first, to the definition of 'Aboriginal site':

Aboriginal site means an area of land—
(a) that is of significance according to Aboriginal tradition; or
(b) that is of significance to Aboriginal archaeology, anthropology or history—

and there is further wording. It is quite clear that the actual boundaries of a site are going to be of critical legal importance to traditional owners in respect of the sanctity or significance of the site and could also be of critical importance to European owners or lessees in terms of mining, pastoral or tourism activities. It is therefore essential to clarify from the very outset what technique the Government intends to use to define the sites and whether it will be adopting the suggestion put forward to my colleague the member for Hanson by the Association of Consulting Surveyors.

I understand that that association has also made its views clear to the Government. It is important to have on the record what the association, as a professional body concerned with sites and surveys, has to say on this matter. The technical statement in relation to determination of sacred and heritage site boundaries states:

The lack of adequate definition of the boundaries of heritage and sacred sites has in the past been a major obstruction to the exploration and development occurring in their vicinity and to their ultimate protection.

It further states:

The association in 1985 was deeply concerned at the problems which would arise because boundaries were not defined in a form which they could be rightly defined at a later date.

As a result the association pointed out that the situation can occur where the same site can be shown on a mining plan in one position and recorded on a heritage archive plan in another position. This highlights the critical importance of the definition of 'site'. What technological or survey means does the Government intend to use in order, first, to define the site and also to classify it?

I have attached to the submission a plan for registration purposes (which obviously I cannot display in the House). It indicates the critical importance of defining boundaries in such a way that there can be no legal doubt as to where the boundary lies. Later we will be talking about penalties, fines and imprisonment and clearly the case on which such charges will rest will be, in many instances, the precise definition of the site.

The Hon. D.J. HOPGOOD: It is our wish, as it is the wish of the traditional owners, that 'site' be defined as

clearly as possible. A trained surveyor works in the Aboriginal Heritage Branch and he will be able to assist in this matter, although of course it is open to Aboriginal communities to get whatever expertise they can get from their own resources to assist in this matter. The need for definition of specific sites is recognised and is important.

The Hon. JENNIFER CASHMORE: I am a little at a loss. When the Minister says 'a' I presume he means a single trained surveyor in the Aboriginal Heritage Unit. How many sites does the Minister anticipate are likely to need to be defined in the reasonably near future, dependent on the passage of this Bill? Equally important, how many sites which have already been defined need to have their boundaries checked, because upon the precision of those boundaries could depend the effective operation of this legislation?

The Hon. D.J. HOPGOOD: A substantial amount of work will have to be done. That is why I underlined that the traditional owners in many cases will want to get their own expertise, just as they have in the legal field. It depends a little on the extent to which the traditional owners will be prepared to work with my officers and others in this matter. If the traditional owners do not want this definition of 'site'—for reasons of confidentiality or whatever—that is their business, although the effect of that may well be that the full rigour of the legislation is not always brought to play in the protection of that object or site. That is the decision of the traditional owners of that site.

The Hon. JENNIFER CASHMORE: This is a vast and very important clause and I have only three opportunities to question the Minister. This is my third opportunity. Therefore, I will make a few points prior to putting my question. What the Minister has said so far has made me feel progressively more anxious about the manner in which it will be done. I am not suggesting for a moment that the Aboriginal Heritage Branch should be the definer of all sites. Traditional owners should define their sites or have them surveyed. All of that is worth nought unless there is a common survey system agreed by all to be the definitive system and, preferably, a system which, as suggested by the Association of Consulting Surveyors, enables, by means of modern and available technology, the coordinates of the sites to be used for the compilation of maps or plans and to be placed on a computer.

People may be using different systems, with the traditional owners engaging one set of consultants with a particular system which cannot lock into a computer (and I assume that, if we are talking about thousands of sites, a computer would be the only way). One of my colleagues could question the Minister on whether a computer will be used for the purposes of the sites register. Unless we have a common survey system determined by the Government, it is likely or probable that there could be disparate systems, each of which could be challenged because there is no commonality and which could lead to endless litigation over whether someone has desecrated a site.

The boundaries may be in dispute and, unless there is a common system, the Government and the law rest on very shaky ground. Does the Government intend to adopt a common set of standards for surveys? What has the Government's response, if any, been to the Association of Consulting Surveyors' suggestions in regard to surveys for Aboriginal sites, and are the sites surveyed intended to be placed on a computer?

The Hon. D.J. HOPGOOD: Yes, the information will be computerised. The request or the suggestions made in the letter to which the honourable member refers are too costly for the sort of information that we require, but I can confirm that there is already in operation a system which will be common to the Aboriginal Heritage Branch, the Museum and the mining companies, which we think will satisfy the requirements of the Act. We are dealing with a cadastre, for which there is a global system which has to be broken down to very much smaller areas and to a different scale. A system is already in operation as a subset of that cadastre and it is one that is agreed between the mining companies, the Aboriginal Heritage Branch and the Museum, so that any private consultants who may be employed by a group of traditional owners would be well advised to adopt that same system.

The Hon. H. ALLISON: Clause 3, relating to the definition of 'Aboriginal object', refers to an intention to set up regulations. Under those regulations does the Minister intend to define as Aboriginal objects, and to include in any regulations, any artefacts that may have been sold prior to the enactment of this Bill? I refer to artefacts that were commercially bought or sold in good faith or any artefacts that may have been found or acquired interstate by purchase which may not have direct relevance to South Australian Aboriginal tribes? I have asked this question so that people in possession of Aboriginal artefacts (which they may have acquired in all good faith) will know precisely where they stand.

The Hon. D.J. HOPGOOD: The Act, if agreed to, would apply to all objects within the State that might conceivably come within this definition, so that covers objects that may have been brought from interstate. As to the first matter, the fact that the object may have been sold from A to B does not itself preclude the possibility of its coming under this definition. If it has passed through a large number of hands, or if it has been the subject of a series of commercial transactions, I imagine that it may be rather more difficult to substantiate a claim under the legislation than otherwise would be the case if it were, for example, in possession of the traditional owners, anyway. I cannot rule out the possibility—nor does the legislation—that an object that changed hands several times in a commercial way may well fall within the ambit of the Act.

Mr LEWIS: I take it from the Minister's response that those artefacts that I have been given as tokens of esteem (as I believed at the time) or for whatever reason they were given to me, will be subject to this Act. I have works of art, as I call them, or Aboriginal objects that were bought in Yirkala 14 years ago. Do I understand that I am therefore in possession of articles that will become the subject of this Act, even though they have no connection whatever with the people who are traditional owners of any land in South Australia?

The Hon. D.J. HOPGOOD: If there is no connection with traditional owners, then the matter does not arise. I make it absolutely clear that, particularly in the first instance raised by the honourable member, if he has in his possession items that were given to him out of the esteem in which he was held by Aborigines, I assume that those items were seen—and continue to be seen—as being of some significance to those Aborigines and it is an index of the esteem in which the honourable member is held that they were handed to him. I have no doubt that he is seen by those traditional owners as being a responsible custodian of that material. In any event, if the honourable member wants to test the matter, all he need do is approach the traditional owners or the Aboriginal Heritage Branch and ask them to approach on his behalf the traditional owners or those who may purport to be traditional owners.

The Hon. P.B. ARNOLD: I refer also to the definition of 'Aboriginal object', because I think that this is an extremely important topic. As there is no provision for determining

the truth about the description of an object, how will the Minister make that determination? It is a fundamental problem. Either it is authentic or it is not, so who decides and how is it to be determined? It is one thing to describe it, but how do we determine the truth of that description?

The Hon. D.J. HOPGOOD: In practically every instance the Minister would have recourse to the traditional owners, or those who conceivably might be the traditional owners. Where it is not possible to resolve the matter, then under the Act the committee has a role to play. In the final analysis, where it is necessary for the rigour of the legislation to be applied, the Minister must finally determine it. Clearly, someone must finally determine the matter, and the legislation provides that finally the Minister must determine it, but the traditional owners, or those who conceivably may be the traditional owners, have a role to play.

I must point out that we are not really interested here in what might be just a theoretical set of concepts or arguments about whether or not an object falls under this definition. The legislation comes into play, as does all legislation, only when there is some sort of dispute, whether it be over ownership, a site being bulldozed or taken away to make way for a road, or for a mine, or tourist development or something like that. Only in those situations would a determination have to be made under the law.

A procedure is laid down in the legislation whereby objects will be placed on a register. We may never have to have recourse to the register for determination on a particular object under the clauses laid down in this legislation, because there may never be a dispute as to whether or not that site should be disturbed in any way, or whether A or B is the owner of the particular object or artefact. If it happens then, in the final analysis, after all consultation has taken place, obviously the Minister must determine the matter. I do not see that the matter can be resolved in any other way.

Clause passed.

Clause 4—'Act binds Crown.'

The Hon. JENNIFER CASHMORE: This clause determines that the Act binds the Crown and the most obvious question that comes to mind relates to the South Australian Museum which, in effect, is an instrument of the Crown for the purposes of holding a collection of Aboriginal objects and culture. As the Bill is silent about the museum and as there are several key clauses relating to objects and research, can the Minister say what is the relationship between the museum and the provisions of the Bill?

The Hon. D.J. HOPGOOD: The museum is bound by the legislation to care for the objects that are in its possession, and I do not see that the Bill is likely to change the way in which it has operated in this area for a long time. If I may do so without contravening Standing Orders, I refer honourable members to clause 25 (6), which provides:

This section does not apply to Aboriginal objects or remains that are in a public or private collection.

I should have referred to that subclause earlier when we were debating the definitions. In general terms, the museum will be bound as will any private individual, institution or public instrumentality by all the powers in the Bill.

Mr LEWIS: I find this clause a farce. The Bill binds the Crown and, if it passes into law, all the power in the Act will reside with the Minister. So, the Minister binds himself, and I find that an incongruous if not an incestuous proposition. Can the Minister comment?

The Hon. D.J. HOPGOOD: I am not sure that I must respond to that but in a spirit of helpfulness I will do so. The Minister wears many hats: he may appear in the guise of the National Parks and Wildlife Act, in the guise of the Coast Protection Board, or in the guise of various other operations from time to time that have to do with development as well as the control of development. For example, the Minister's agents are involved in the development of caravan parks and public toilets in the various parts of the State. In those circumstances, this clause makes absolutely clear that the Minister's servants operating in his or her name cannot ignore the provisions of this legislation even though they be Crown servants. So, there is a serious intent in the inclusion of this clause in the Bill.

Clause passed.

Clause 5—'Functions of the Minister.'

The Hon. JENNIFER CASHMORE: This clause gives the Minister various functions, for instance, to protect and preserve Aboriginal sites, objects and remains, as well as to conduct, direct, or assist research into the Aboriginal heritage. What does the Minister contemplate at this stage by way of active initiative into research over and above what the museum is already doing? Does he intend to carry out research through his department, to provide research funds, or to encourage research to be carried out by the traditional owners? Does the Minister see the conduct of research as a priority, or is the power there simply because it may be needed at some future time?

The Hon. D.J. HOPGOOD: We undertake surveys and research at present, but we should like to be able to do much more in that regard. The resources available to us are limited, although the Aboriginal Heritage Section has much more freedom in its operations now than it had when it was previously within a broader section of the department. I would imagine that for the time being we would continue very much as we have been going in the past. At times we have had the funds available to contract out work. That has usually been in relation to disputes that have arisen. For example, the Canegrass Swamp affair involved getting outside advice. That happens from time to time. All I can say at this stage is that it is an important part of my department's activities but, as there are other important parts, they must all balance out.

Clause passed.

Clause 6 passed.

Clause 7—'Aboriginal Heritage Committee.'

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

Clause 7, page 4, after line 24—Insert new subclause as follows:
(2a) The Minister must, as far as is practicable, appoint equal numbers of men and women to the committee.

It was pointed out during discussions that were held prior to the final detailing of the Bill that there was much Aboriginal tradition that was special to men and much that was special to women. If, for any reason or because of mischance, a Government should appoint a committee comprising purely members of the one sex, that committee might have much difficulty in operating in relation to specific items or traditions. So, that is why I move my amendment and I urge it on the Committee.

The Hon. JENNIFER CASHMORE: Clause 7 is a key clause of the Bill, because it establishes the Aboriginal Heritage Committee, which will be the advisory committee to the Minister in whom all power is vested and who must depend to a large degree on the deliberations of this committee. The Opposition does not object to the amendment, although I certainly question how the committee is to operate if the division between the sexes to which the Minister has referred requires the splitting up into two committees at certain times.

This committee is without doubt the most ambiguous and mysterious statutory committee that I have ever seen. Indeed, I cannot recall a committee set up under statute without any definition of the number of members or their qualifications. How many members does the Minister expect to be on the committee and for what term will they be

appointed? No term is set out in the Bill. What remuneration, if any, will members receive? Most important, how will the Minister select from the significant members of significant groups and from the traditional owners in South Australia a group of people who have a realistic chance of making sensitive judgments that will truly reflect the wishes and feelings of the Aborigines whose culture this Bill is supposed to reflect?

This issue is probably the most critical issue in the whole Bill, and it is very difficult to understand how such a committee will operate. I can appreciate the breadth and the ambiguity of the Bill and that this clause in particular will enable the Minister to have the flexibility that he will need, but at the same time this provision gives the Minister *carte blanche* control—and heaven help the Minister who administers this because he has no legislative guidelines whatsoever to fall back on with respect to it.

The Hon. D.J. HOPGOOD: If I were to concede the honourable member's assumption, my answer could only be that the administration of it would involve a great deal of difficulty. But I do not concede that this is the most important aspect of the Bill; I do not concede that at all. In fact, I see that this committee will have a fairly limited role, and for the most part any sensible Minister will delegate to the traditional owners and communities wherever possible, so, indeed, we will have recourse—

The Hon. Jennifer Cashmore: You are not bound to do that; it might be your wish but you are not bound to it.

The Hon. D.J. HOPGOOD: Okay, but that is in fact what will happen, and it is only sensible that it should happen. If it does not happen, the legislation will be rendered unworkable—make no bones about that. So, I see that for the most part the role of the committee will be fairly limited. Clearly, when it is identified that amendment of the legislation is required—and I know of no legislation that does not get amended from time to time—it will be convenient for the Minister to have a body such as this to which he or she can have recourse in the first instance, although, of course, the history of this legislation indicates that any Minister who thinks that simply going to that committee and consulting will satisfy those people in the community who are looking for great things from this legislation has another think coming.

However, I again make the point that the committee is not the essential part of the Bill and that a good deal of the advice to the Minister will come from the traditional owners. Having said that, I then answer the honourable member's question by saying that we consider that, nonetheless, the committee will have to be representative of a very broad range of Aboriginal interests. It was felt that to set the size of the committee in concrete at this stage would be unfortunate as it would fetter the ability of the Government to satisfy demands that might arise here or there. However, I point out that previous Bills referred to a committee of nine people—and a committee of about nine, 10 or 11 would seem to be the sort of committee size that may well be workable. There are those who have said that the most successful ever had 13 members—but I will not necessarily go into that. But I did give some indication of the sort of size that might be reasonable in any scheme of legislation.

As for the term of the people on the committee, again, it is perhaps a little unfortunate for us to be setting down specific terms. What is important is that the membership of the committee should reflect as closely as possible the realities in the Aboriginal community. The member for Coles would know as well as I do that changes in the Aboriginal community do not necessarily proceed in the way that we consider to be normal and predictable in the European community and that there will be situations where one would expect to deal with perhaps one individual or group for many years, while, in relation to other communities, there might be rapid change and a good deal of volatility.

Again, to make the legislation work it will be necessary for the members of the committee to recognise these different sets of pressures in those rather different communities. So, in general terms I can say that we would expect that there would be a degree of turnover on the committee. We expect that there will be about a dozen people on the committee, or a few less, but at this stage we think that since we are quite admittedly sailing in somewhat uncharted waters, we would be making problems for ourselves if we defined too specifically either the size of the committee or the term of its members.

The Hon. JENNIFER CASHMORE: The Minister's answer has really confirmed the Opposition's worst fears about the total inadequacy of this Bill. This clause is a classic example of what I am talking about. The Minister suggests that he will appoint an indeterminate number of people, probably about a dozen, for an indeterminate period. What is he going to say to these people when it comes to the matter of their appointment? Will he say, 'Come on to the committee, but I have no idea for how long it will be at this stage.' Under this Bill, the Minister could telephone them, say, three months, three weeks, or three days later and say, 'Sorry, you have not turned out to be of much use,' and he could kick them off the committee. Talk about the impossible position that the members of this advisory committee will be in! The members of this committee will be placed in a very invidious position.

This Bill offends my sense of justice, in many ways, but specifically I find the total inadequacy of the arrangements for this committee thoroughly offensive and, what is more, a very strong indication of poor management. I do not dispute that, if one is thinking about and concerned with these traditional people, set terms of three or five years, or some other term, might be inappropriate, but there should at least be some kind of a basis for a term of appointment, say, not exceeding 12 months, not less than two years, or whatever it is that will seem to give the flexibility that is required. However, I find it really appalling to be expected to agree to legislation that enables a Minister to appoint someone to a committee on one day and remove that person from it the next, without the person's appointment having any protection whatever in law.

The Minister's answer to my questions on clause 7 confirms the Opposition's opinion that this Bill is incapable of amendment and must therefore be opposed, because in relation to each point raised in each clause we come to such vagueness, inadequacy and unsatisfactory responsibilities that, frankly, it is hard to know how to deal with these matters without consulting in considerable detail with the people who will be affected by them. Because of time restraints—and precious little has been allowed for this Committee stage—I cannot go beyond that on clause 7. I simply say that I find the Minister's answers totally unsatisfactory and a very good justification for the Opposition's opposing this clause and the others.

The Hon. D.J. HOPGOOD: The honourable member merely betrays her European prejudices—that is all I can say. She has a model in her head of representation which is based on conflict. It is clear that people will be appointed to the committee for so long as it is considered that they have the confidence of the people they are representing. I understand of course that that is something that is a little more difficult to define than is the case in relation to the

European community, but Aboriginal people understand that perfectly well.

It is the Minister's responsibility to make this legislation work. If he or she operates capriciously, it will not work; the Aboriginal community will walk away from it. Members of the committee have a responsibility to indicate that they are operating with the confidence of the people whom they represent. At the same time, the Minister has a responsibility to operate in a predictable and not capricious fashion. He or she must reflect the wishes of the Aboriginal community in any changes that take place to the membership.

The Hon. P.B. ARNOLD: Notwithstanding all the best intent in the world to make this committee work, to what extent was the Minister able to travel throughout South Australia consulting with various Aboriginal groups on a personal basis? As I said last night in this Chamber, I had the opportunity to go out and talk with numerous Aboriginal groups in South Australia. In the main they were scathing of many of the aspects of this legislation, particularly the committee for which this clause provides. Has the Minister actually been out there and discussed this on a one-to-one basis with the people whom the committee will represent?

The Hon. D.J. HOPGOOD: I initiated this whole thing with the Aboriginal people and I detailed that in the House yesterday. I do not really see how what the honourable member is saying is in any way relevant to the clause before the Committee. My officers have been in the field on a regular basis. Does the honourable member suggest that my officers are deceiving me or that there is magic in my talking to a representative of the Aboriginal community rather than my officers? That is plainly nonsense. Members opposite are operating on a set of assumptions of a lack of Aboriginal acceptance of this Bill, which is clearly wrong. I detailed that yesterday and, if I get a chance today, I will detail more.

The Hon. D.C. WOTTON: I do not know the exact words the Minister used, but in describing the workload of the committee I believe he said that he thought it would be limited. The functions of the committee, as set out, include advising the Minister on its own initiative. How can the Minister say that he believes the workload will be limited? According to this legislation the committee will have the right to bring forward anything that it believes the Minister should be made aware of. It could make considerable work and, if the committee works properly, it probably will.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.C. WOTTON: I share the concern that has already been expressed. While the Minister says that he believes that the workload will be limited, I suggest that, and I hope, if the committee is to work effectively (I do not know how it will), the workload will be far from limited. Given the suggestion about turnover, members of the committee will be coming and going at will. I cannot see how the committee can work effectively and I suggest that it will have a much larger workload than the Minister has envisaged to this point.

The Hon. D.J. HOPGOOD: Theoretically the committee could run off in all directions and do all sorts of things. However, I make clear that, in negotiations with the Aboriginal people, they were very critical of the powers of the committee as laid down in the previous sets of legislation brought before the House, including that introduced by the honourable member. We have tried to ensure that, in this legislation, far more power is placed in the hands of the traditional owners rather than with the committee. Whether we have altogether succeeded in that will be a matter for judgment. As disciplines operate on the Minister to ensure that the legislation works properly, so disciplines work on the committee. There is little doubt that a committee ill disposed to the whole legislation could wreck it. But that is not how the Aboriginal community works. That is a conflict model that tends to be pre-eminent in the minds of some Europeans, and some more than others.

Mr LEWIS: This clause is ridiculous and superfluous in its present form. It should be written in terms of the Minister as the committee. Subclause (2) should say that the committee has power to co-opt, with no limitation and no specification of the duration over which the people so co-opted to that committee will remain on it, and they will remain at the whim of the Minister. Subclause (3) should read that the Minister or such person as he shall appoint, or in such other way as he shall determine, will elect or appoint the chairman to ensure that the committee conducts its business in a way appropriate to its members, not according to any mores that the Minister, you, Mr Chairman, or I may have. That would be more effective verbiage in a clause of this type. It is a nebulous thing and, frankly, it will be used by the incumbent Minister to do things that make the Minister and the Government of the day popular with the Aboriginal people who are affected.

The Hon. D.J. Hopgood interjecting:

Mr LEWIS: Sure. The reality of the committee in the European concept of law is that it is indefinable, indeterminate and it has no responsibility other than its whimsical inclination from moment to moment and from time to time. Is it the Minister's intention to include people who are said to be traditional owners of land inside the counties? I was chastened by the Minister's reminder yesterday that Nungas refers only to people of the southern part of the State outside the counties; that is not the term by which they are known.

I ask that question because it seems to me that, if the Minister says that it is intended from time to time to include such people or to always include at least one, it is a clear indication to me and to the Committee considering the Bill that, when it becomes an Act, if it ever does, it is intended to apply to land which is presently settled and used by Europeans under law that has stood for generations. If that is the case, other aspects of the entire legislation so disturb me that I find it utterly repugnant. I cannot belong to it. I do not see it as helping relationships between the people who were here when the Europeans first came and their descendants and other people, not necessarily of European origin, who have come here since that time.

The Hon. D.J. HOPGOOD: In other words, the legislation should apply where there are not too many Europeans around to be upset by it. That is what the honourable member is saying. The answer to his question is 'Yes'.

Amendment carried.

Ms GAYLER: I ask the Minister whether it would be possible under this clause for the committee and its subcommittees to take a different form and membership depending on the area of the State that is being considered at any one time and the group of Aborigines who have an interest in that area? It is a rather unusual arrangement for us to see in a Bill, but I think for rather unusual circumstances. As a number of members opposite pointed out last night in the second reading debate (and I quote from the member for Chaffey):

> What is important to one group of Aborigines has little or no importance to another group. Consequently, what is sacred to one group of Aborigines is only really known to the elders.

I think that illustrates the possibilities with a rather unusual but flexible structure of committee as is envisaged. Is that possible under clause 7?

The Hon. D.J. HOPGOOD: It is both possible and desirable, because it certainly does address that reality which the member for Chaffey correctly identified. It would be very much more difficult to reflect that reality if in fact we tied up this clause in the sort of way that seems to be being canvassed, though without specific written amendment, by some members.

The Hon. JENNIFER CASHMORE: Given that question and the Minister's reply, and I do not disagree with the desirability of achieving that goal in terms of the points that each of us made last night, by what instrument will the committee be appointed and appointments revoked if the flexibility that the Minister has just outlined is likely to be the means of operation of the committee? Will it simply be a letter from the Minister to the individual so appointed and an indication when they are finished their task for that particular purpose that their appointment is terminated? Can the Minister describe, because I think some description is certainly necessary in terms of the vagueness of the clause, how people will be appointed and how the appointments will be terminated?

The Hon. D.J. HOPGOOD: Certainly, by direct consultation with the Minister.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.J. HOPGOOD: No, in the Minister's office, obviously. Although I indicated earlier that for the proper functioning of this legislation, the committee had a limited role to play, it nonetheless is the Minister's adviser and, as such, any change in membership of the committee needs to be discussed directly with the committee and with the individuals involved. As to an instrument, once proper consultation has taken place and there has been an exchange of views, yes, there would be a letter signed by the Minister.

The Hon. JENNIFER CASHMORE: As questioning proceeds, more and more that is strange emerges. We are now looking at terms of appointments which are possibly not years, months or even weeks, but might be measured in days or hours. The members will come into the Minister's office for half an hour, they will be members of that committee for half an hour, and off they will go. I ask the Minister to confirm whether he sees that as a likelihood—obviously it is a technical possibility—and is it in fact what he has in mind?

The Hon. D.J. HOPGOOD: A particular proposition has to be considered by the committee. It is felt reasonable that in order to properly consider this matter, three people from the Arabanna community should be involved on the committee. It is also felt that, for various traditional reasons, three people on the committee should not be privy to the particular discussion. The Minister would approach those three people, explain the reasons why it is felt that it is not appropriate that they be on the committee for that particular discussion or determination, and confirm that in writing. It may well be that following the conclusion of that matter, those three people would then be restored to the committee.

I certainly see a changing membership of the committee depending on the matters which come before it, for all of the reasons that the honourable member and her colleagues have been putting before the committee about the diversity in the Aboriginal community, the particular ownership of the various Dreamtime myths, and the various other traditions, areas, sites, artefacts or whatever they be. I see no problem with that proposal, provided that the people who are involved have access to the Minister and that things are properly talked through. As I understand it, that is generally the way things are done in the Aboriginal community.

The Hon. JENNIFER CASHMORE: I have been reading as much as I can of Aboriginal myth and legend, in the days since this Bill was introduced, and I am quite certain, although I have not come across it, that there is the Aboriginal equivalent of the legend of Pandora's box, and I think that this committee can best be described as a Pandora's box. If ever there was a potential nightmare for an administrator—and despite everything the Minister says—this is it. We are trying to deal with Aboriginal culture, but we are doing it in the framework of a European statute, a European democracy, and with a Minister who is answerable. How all this will work is beyond comprehension. In fact, it is obviously so informalised, it is a wonder it ever appeared in the Bill, because it is quite clearly something the Minister can do on his own initiative without reference to the statute. Given the time constraints, I will say no more. It clearly should go on the record that the potential for difficulty in the manner in which the Minister has set up this committee is unlimited.

Ms GAYLER: If, as envisaged, on the worst construction of the member for Coles, an absolute Pandora's nightmare arose—

An honourable member: —Pandora's box.

Ms GAYLER: Yes, would it subsequently be within the scope of the Bill for regulations to be made under clause 46 to set down, if it became necessary, more determinate arrangements for the committee from time to time by regulation?

The Hon. D.J. HOPGOOD: The answer is 'Yes'.

Clause as amended passed.

Clause 8 passed.

Clause 9—'Central and local archives.'

The Hon. JENNIFER CASHMORE: The question of the register is obviously a key element of the Bill. It is also a controversial element of the Bill. From the point of view of parts of the European community or the interested parts—the archaeologists, the anthropologists, and the pastoral, mining and tourism industries (although I do not think the latter has had much to say about this Bill)—the notion of a register is appealing because it gives some kind of definition to the matters which have to be observed, and it gives an indication of where we should be going. On the other side, there is the Aboriginal point of view that once something is listed, identified and recorded, it can lose its significance in terms of Aboriginal culture. Therefore, the register itself is an issue which arouses conflict and controversy. Can the Minister indicate under existing legislation what is the extent of what we could call a register of Aboriginal sites and relics as they are known under the present law, and how is this register to be established? What new initiatives will be undertaken to add sites and objects to the register? Will it be computerised? Who will have access to the register, because the question of confidentiality is obviously critical?

The Hon. D.J. HOPGOOD: First, there is a register under the existing 1965 legislation. It is intended that that will become the core of the register as envisaged by clause 9. In addition, where a community wishes to avail itself of what is in clauses 9 and 10, it can volunteer information with the controls and safeguards set down, particularly in clause 10 of the Bill. In addition, from time to time the activities of archaeologists, anthropologists and indeed individuals in the Aboriginal community will bring forward information which, again, at the discretion of the traditional owners, could be so incorporated. I make the point that it is always open for the traditional owners to decide not to volunteer any information at all, even notwithstanding the safeguards set down in the legislation. In those circumstances it opens up the possibility that the protection afforded by the legis-

lation simply will not operate. That I guess is the decision of that local community.

I indicated to the House yesterday that I can point to one community that has been very keen on registering a good deal of material of significance. That is something that I understand has been going on for some time. They welcome this Bill as giving the protection required. Where a community decides not to go that way, that is their decision.

Clause passed.

Clause 10—'Confidentiality of archives.'

The Hon. JENNIFER CASHMORE: This clause relates to the confidentiality of information entered in the central or local archives and states that the confidentiality must be maintained unless the traditional owners have approved disclosure or, alternatively, where the traditional owners cannot be consulted the committee makes the decision and approves the disclosure or the information is made available by the Minister. Because of the penal provisions of the Bill for destroying or in some way violating sites or objects, this confidentiality clause is a pivot point around which everything revolves. If one does not know that one is doing damage because the matter has been confidential, one can hardly be charged with damage which was certainly not wilful and rather was unintentional and completely unknown.

How does the Minister see this confidentiality clause operating? To give an example: a mining company may proceed with exploration in an area where the traditional owners refuse to release information that is on the register and the company goes ahead and damages a site or object. Where does the company stand then, and where indeed do the traditional owners stand?

The Hon. D.J. HOPGOOD: Where the mining company has taken the proper action under clause 12 (we have not got to it yet) and those unfortunate circumstances apply or obtain, no prosecution would be proceeded with.

The Hon. JENNIFER CASHMORE: The question of prosecution obviously is ruled out by clause 12, but the whole question of the purpose of the Bill—protection of sites—is not served by this clause because, if something is confidential and therefore unknown, the capacity to protect it is rendered virtually null.

The Hon. D.J. HOPGOOD: A request under clause 12 can lead to possibly three responses by the Minister. Response No. 1 may be that the Minister has no information and has no possibility of having access to information. In that circumstance no infraction of the Act could possibly be contemplated in law. The second response could be that the Minister has no information but is prepared to obtain it. I will explain to the Committee how this information might then be conveyed. The third response may be that the Minister has the information and that this is it. In either of the second or third cases it may be that it is consistent with the register that full disclosure is made.

It may, on the other hand, be that it is not appropriate to disclose fully but rather a location within a buffer zone will be disclosed so that the nature of the site is not disclosed but the general location within a buffer is disclosed. In those circumstances it will be proper and, indeed, prudent for the developer, whoever he or she may be, to then approach the traditional owners, who will be identified by the location of the general area, to discuss how they should proceed.

Mr LEWIS: I am grateful to the Minister for that explanation as it saves some time, namely, that it is a site and location within a buffer. Everybody is using instances and examples, in considering the consequences of this legislation and this clause, of mining companies in the more remote areas of South Australia in terms of the way in which it has been settled by Europeans. However, nowhere in the legislation does it state that that is to be the case. The Minister has confirmed that it will apply to the whole State. Given that that is the case, a site within the buffer could simply wipe out a farm.

The Minister perhaps is not able to give any reason for that, nor is the Minister compelled to pay any compensation. The farmer cannot appeal under the terms of this legislation. It seems ridiculous. It is regrettable, in my judgment, that it is necessary to put such a provision in legislation because it means that such people as are in the Minister's whim can be affected. There is no requirement that he has to consult. As I understand it, under this provision the Minister can simply wipe out a chunk of what has previously been considered, for generations of human beings, the property of a given identifiable human being held in a register called the Lands Titles Office. He will wipe it out, with no reasons given and one is not allowed to ask any questions, let alone get any answers. Is that the case?

The Hon. D.J. HOPGOOD: First, the sort of scale of buffer about which we are talking is 50 metres, possibly negotiated down to 25 metres. That would be the practice and most farms are a little bigger than that. As for compensation, no compensation is payable under the European Heritage Act and we have tried, wherever possible in law, to make equivalent measures with the fines and penalties, that the same should obtain. That is all I can contribute at this stage.

The ACTING CHAIRPERSON (Ms Lenehan): I remind the member for Murray-Mallee to confine his remarks to clause 10.

Mr LEWIS: Regrettably, under the terms of the legislation, whilst reasons are given under the European Heritage Act no reason can be given here and I will have to wait for a clause—God knows which one—under which I can ask questions about compensation. European heritage, as you would appreciate, Madam Chair, has some use and can be put to some use. People can pay to go into it and to look at it or pay for the services provided from within or upon it.

In this instance, if we are talking about a sacred site, it cannot be grazed or cropped, and people may not enter upon it. It is simply excluded from any economic exploitation at all, but the responsibility for the control of pest animals and pest plants still resides with the title holder, the landowner.

Clause passed.

Clause 11—'Effect of entries in the Register.'

The Hon. JENNIFER CASHMORE: This clause might be described as the 'commissar of culture' clause. Like clause 9 (3) it enables the Minister (and the Minister alone) to determine whether or not a site or object is an Aboriginal site or object and whether or not it can go on the register. A lot of people would think that anyone who had that power really had in his or her hands the entire control of the cultural destiny and identity of the people. What does the Minister have in mind in terms of refusing to enter on a register any site or object? Who will be the arbiter as to what is or is not a site or object? I am sure that the Minister would not set himself up as the arbiter. How fluid will this arbitrary decision be? No authoritative body is set up under the Bill to make that decision. The advisory committee can fluctuate from day to day. Who will play God in this instance and advise the Minister?

The Hon. D.J. HOPGOOD: It will be the traditional owners, putative or actual.

Clause passed.

Clause 12—'Determination of whether site or object is an Aboriginal site or object.'

The Hon. JENNIFER CASHMORE: This clause relates to the confidentiality clause and was foreshadowed by the Minister in his discussion about that clause. It concerns the determination of whether a site or object is an Aboriginal site or object in relation to any development. If someone wanted to establish a tourist motel in a remote area that happened to be on a site that was sacred or of significance, but that fact was not known to the developers or the Minister at the time, what would happen? I am trying to get away from the mining model, which is one that has been so commonly used, but let us take Canegrass Swamp as an example, where no site of significance was known to anyone. Mining proceeds and then suddenly 40 sites spring up over a period of time. I do not in any way downgrade the importance of the significance of the sites, but this kind of thing creates immense conflict, cynicism and bad relations, and therefore it should be avoided. How does the Minister propose to avoid it under this clause?

The Hon. D.J. HOPGOOD: It would be prudent for such people to approach the Aboriginal Heritage Branch of the Department of Environment and Planning to ascertain who are the actual or putative traditional owners and to discuss the matter with them. At the same time, it would be possible for the Aboriginal Heritage Branch to indicate what information, if any, is on the register that should be taken into account immediately.

Clause passed.

Clause 13—'Consultation on determinations, authorisations and regulations.'

The Hon. JENNIFER CASHMORE: This clause requires the Minister to take all reasonable steps to consult the committee and any traditional owners before making a determination or giving an authorisation under this Act. How will this work in respect of sites and objects? Does the Minister feel confident that he and his department have a comprehensive list of traditional owners? Does he feel that he can assure the House that the Government knows who are the traditional owners? Is there any conflict amongst groups as to who is the traditional owner of what, and what does he define as 'all reasonable steps'?

The Hon. D.J. HOPGOOD: In relation to this matter, I do have a degree of confidence. I have no doubt that from time to time there will be conflict. There was conflict in relation to the Kokathe sites, but my advisers were never in any doubt as to who were the traditional owners, to whom it was appropriate to talk and who could be ignored. I think that the conflict over the Kokathe sites was an unusual one and I do not expect that generally there will be conflict. In any event, when phrases like this occur in legislation, it is usual for us to say that ultimately the courts will decide, because I assume that it would not be impossible for a group of people to test the law where they felt that the Minister had acted unreasonably, in that the Minister had not properly consulted the traditional owners in relation to determinations under the Act. Whilst no doubt disagreements will arise from time to time, I imagine that we will be in possession of sufficient information to be able to ensure that the information we obtain is from those who are the traditional owners rather than from those who may claim to be.

Mr LEWIS: Why does this Bill relate only to the interests of those actual or putative traditional owners of a site, or the people representing them on the committee? There are other human beings in this world and the Minister acknowledges that this legislation will have a substantial impact on those people's rights as they have stood under the law for a long time, yet the legislation does not deal with the rights and interests of any other human being. In my second reading speech I used my case as an example. My home is situated on a knoll just out of Tailem Bend and overlooks the river. Because of its location in the topography of that landscape, people claimed that it was a sacred site. I have been told that it and the land surrounding it is of significance to that sept of the Ngarrinyerri and, as a result, I could be dispossessed or my enjoyment of that land could be impaired simply by its being entered into the register. If such a scenario is not possible, will the Minister tell me under what clause it would be possible for me to appeal or even to discuss the matter with him or any of his successors?

The Hon. D.J. HOPGOOD: The honourable member can discuss it with the Minister at any time. I would have thought that, as a member of the State Parliament, he has a much greater access to the Minister than do most people, the honourable member asks that I point to certain clauses. First, I point out that in relation to clause 7 where the Aboriginal Heritage Committee is mentioned, subclause (4) mentions subcommittees. Although the committee must consist of Aboriginal persons, that is not the case with subcommittees, and there is no reason why it would not be possible to constitute a subcommittee that may be representative of people or include people who have particular interests that need to be negotiated with Aboriginal interests and traditional owners.

Again, I see the whole of clause 12 as providing some clear procedure for people who may be called developers to proceed with some degree of confidence. Without searching through all the clauses, they are the two that immediately come to mind giving some recognition to the fact, as the honourable member says, that there are people other than traditional owners of Aboriginal sites in our community.

Clause passed.

Clause 14 passed.

Clause 15—'Inspectors.'

The Hon. JENNIFER CASHMORE: How many inspectors are operating under the present Act, the Aboriginal Historical Sites and Relics Act? Does the Minister envisage increasing the number of inspectors under the legislation that we are considering at present?

The Hon. D.J. HOPGOOD: At present we do not have anybody acting as an inspector in the way that is envisaged in this present legislation. We are looking initially at some 80 or 90 people who will be empowered to operate in this way. We will be empowering officers of the National Parks and Wildlife Service to operate in this capacity, as well as people who operate directly from the Aboriginal Heritage Branch.

The Hon. JENNIFER CASHMORE: Will the 80 or 90 officers all be from the National Parks and Wildlife Service and, if not, how many of them will be new Aboriginal appointees? Further, will they be full-time, and what training will they be given? Also, earlier today the House received a message from the Governor, who has given approval for the appropriation of such sums as are necessary for the administration of this legislation, and I want to know what sums the Government considers are necessary for the administration of this legislation in the current financial year.

The Hon. D.J. HOPGOOD: It is considered desirable to have representatives of the traditional owners appointed as inspectors. They would not be paid for doing that. Officers of the National Parks and Wildlife Service will not receive any additional pay under this provision, nor will officers of the Aboriginal Heritage Branch receive any specific remuneration. I would have to obtain for the honourable member

details of the actual appropriations involved, but I do not believe that we have made any significant appropriation over and above the normal appropriation for the Aboriginal heritage section of my department, if only because we consider that it will be some time before we will move fully into the operation of the legislation.

The Hon. JENNIFER CASHMORE: What about the training aspect?

The Hon. D.J. HOPGOOD: The law enforcement officers within the National Parks and Wildlife Service will conduct the training for all people appointed under this provision.

Ms GAYLER: Is the Minister prepared to consider using Aboriginal aides as inspectors, under these provisions? Very often they are on the spot where tourists, for example, might be desecrating an Aboriginal site.

The Hon. D.J. HOPGOOD: Yes, I consider that the Aboriginal aides currently working in the Pitjantjatjara lands would be excellent candidates for that task.

Clause passed.

Progress reported; Committee to sit again.

The Hon. B.C. EASTICK: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

APPROPRIATION BILL

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

That Standing Orders be so far suspended as to empower the Speaker, if he is satisfied that the Appropriation Bill has been passed by the Legislative Council without amendment, to present the Bill to His Excellency for assent, notwithstanding that a message has not been received from the Legislative Council.

The Hon. B.C. EASTICK (Light): I second the motion, and I indicate the Opposition's support for it. It is expedient for this action to be taken this evening. It will not necessarily set a precedent in relation to any other Bills before the House, but because this relates to a Bill which cannot be altered in the other place and which therefore must come back to this place in the form in which it left, it is expedient to take this action at this time.

Motion carried.

ABORIGINAL HERITAGE BILL

Adjourned debate in Committee (resumed on motion).

Clauses 16 to 18 passed.

Clause 19—'The Fund.'

The Hon. JENNIFER CASHMORE: This clause establishes the South Australian Aboriginal Heritage Fund, and indicates how the Minister may apply the fund. One of the means of doing so is in acquiring land or Aboriginal objects or records under this legislation. In respect of land, it is not difficult to see how it can be valued, because the normal valuation method will apply. However, how does the Minister propose to value Aboriginal objects or records?

The Hon. D.J. HOPGOOD: I am told that it is not unusual for the Aboriginal Arts Board to make evaluations in relation to matters such as this. It is not altogether uncharted waters. In any event, there is always the right of appeal to the Land and Valuation Court under the provisions of the 1969 Act. I have no doubt that—

The Hon. Jennifer Cashmore: Objects?

The Hon. D.J. HOPGOOD: Yes, as I understand it. After a couple of appeals, I have no doubt that some better yardstick will be established.

The Hon. JENNIFER CASHMORE: My second question relates to compensation. If, for example, the situation outlined by the member for Murray-Mallee were to apply, what kind of funds does the Minister envisage being available for compensation to people whose land is compulsorily acquired under this clause?

The Hon. D.J. HOPGOOD: If it is compulsory acquisition, the procedures set down in the 1969 Act would apply and the moneys would come out of this fund. I am not sure whether that was the situation that the member for Murray-Mallee addressed. He referred to a situation that can apply equally to European heritage where it is felt by an individual that a listing detracts from the value of the property by the very nature of the listing or interferes with his or her capability of selling the property, vesting it or whatever. We have tried wherever possible to model the legislation on the European heritage legislation. There is no right of compensation in those circumstances.

It may well be that the Government of the day would negotiate a purchase from that individual as the fairest way to go. Alternatively the mechanism here, as applies in the European Heritage Fund, ensures that funds are available to assist a person who has an item of heritage on his or her land and is responsible for the upkeep of that item. I am the first to admit that in the European heritage area there are never enough funds for all that one would like to be able to do or to satisfy the demands of those who would like to come forward. However, efforts are made to ensure that the operation of the fund is such as to at least be able to satisfy those who perhaps are placed in more extreme positions because of such a listing.

Clause passed.

Clause 20—'Discovery of sites, objects or remains.'

The Hon. JENNIFER CASHMORE: This clause requires that an owner or occupier of private land who discovers on the land an Aboriginal site, objects or remains must, as soon as practicable, report the discovery to the Minister. The penalty for failure to observe this provision is, in the case of a body corporate, $50 000 and, in any other case, $10 000 or imprisonment for six months. They are steep penalties, if someone happens to damage something unknowingly. How can people know whether they have discovered an Aboriginal site, object or remains?

The Hon. D.J. HOPGOOD: This provision has not altered from the 1979 legislation. The important principle is that a person should have taken reasonable steps to inform himself if he had any reasonable suspicions that it was a site and take the matter up with the Aboriginal Heritage Branch or the traditional owners. In a case of genuine mistake on the part of an individual and there is no way that the individual could have known of the nature of the site, no prosecution would be launched.

Clause passed.

Clauses 21 and 22 passed.

Clause 23—'Damage, etc., to sites, objects or remains.'

The Hon. P.B. ARNOLD: I draw the Minister's attention to paragraph *(c)*(i) and (ii). This provision could render traditional people going about their lawful business on their own property liable to prosecution.

The Hon. D.J. HOPGOOD: With respect, I refer the honourable member to clause 37 of the Bill in which that particular matter is safeguarded.

Clause passed.

Clauses 24 to 28 passed.

Clause 29—'Control of sale of and other dealings with objects.'

The Hon. JENNIFER CASHMORE: My remarks on this clause apply equally to clause 28, because they both deal with considerable penalties: $50 000 in the case of a body corporate and $10 000 or imprisonment for six months in any other case involving people who sell or dispose of Aboriginal objects or remove Aboriginal objects from the State. With regard to their removal from the State, this clause is well nigh impossible to police. The selling or disposal of Aboriginal objects in South Australia would perhaps be less difficult to police, but certainly not easy. The penalties are heavy and I take it that they relate to the existing law or have been increased under that law.

The Hon. D.J. Hopgood: I think it is the same.

The Hon. JENNIFER CASHMORE: In that case, what prosecutions, if any, have been proceeded with under existing law in respect of this similar provision?

The Hon. D.J. HOPGOOD: The penalties are the same as those in the 1979 legislation. I do not know what is in the 1965 Act, but the fine there is only $200.

The Hon. JENNIFER CASHMORE: How effective is this clause? Under the existing Aboriginal and Historic Relics Act, have any prosecutions been launched? If so, have they been successful?

The Hon. D.J. HOPGOOD: I do not know of any particular prosecution that has been launched and, therefore, whether there have been any successes. That legislation has been in force since 1965 and that may well be the case, but I will get that information. I agree with the honourable member that this clause will be difficult to police, but that does not mean that we do not legislate. Approximately 95 per cent of the population obey the law because it is a law; they are that sort of people, like the honourable member, other members of this place and me. Backyard burning is difficult to police but most people comply with that law, and our atmosphere is the cleaner because of it.

Clause passed.

Clauses 30 and 31 passed.

Clause 32—'Surrender of objects and records.'

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

Page 15, line 24—Strike out '$5 000 or imprisonment for 6 months' and substitute '$2 000 or imprisonment for 3 months'.

When working through the Bill before its introduction, it was discovered that to leave clause 32 as drafted would have resulted in penalties out of proportion with the other penalties in the legislation. Therefore, I urge this amendment on all members.

Amendment carried; clause as amended passed.

Clauses 33 and 34 passed.

Clause 35—'Divulging information contrary to Aboriginal tradition.'

The Hon. JENNIFER CASHMORE: This clause provides for penalties of $10 000 or imprisonment for six months for people who divulge information contrary to Aboriginal tradition. In the nature of this clause, logic demands that it would be likely to be an Aboriginal who would be the victim, if you like, or the perpetrator of a breach because, in the first place, the Aborigines are the repositories of the information and, therefore, the only people who can release it, presumably, if a European has learnt something in good faith and is unaware it is to be kept secret. They are very heavy penalties, and I can only assume they are symbolic in their significance, because it is very hard indeed to envisage any prosecutions being launched under this section. If they were to be launched, it would have to be upon complaint of traditional people. Are there similar provisions in the existing Act? Have any prosecutions ever been launched? Why was this clause included other than for what I see as symbolic reasons which would have little chance of being effected?

The Hon. D.J. HOPGOOD: First, if I can correct a wrong impression I might have given in relation to an earlier clause when the honourable member was asking about prosecutions under the relics legislation (which is my shorthand terminology for the 1965 Act), in fact under that Act, there are no penalties for taking objects out of the State. That is why no prosecutions have been launched. I guess the whole controversy over the Strehlow collection would have some bearing on the absence of that power. I understand that there is also no power in the 1965 Act similar to what we seek to gain here. But I must say that the Aboriginal communities are very strong on this matter; they are very strong on wanting powers in the Act to prevent the divulging of this sort of information. It is a real issue in some Aboriginal communities and it is one of the reasons why in some communities some traditions have died out where there has been a lack of confidence in younger people to be given that information. If a prosecution is launched, all the normal evidentiary provisions must apply, including the lodging of a complaint, and so on. But it is very important to this body of legislation that there be such a power.

Clause passed.

Remaining clauses (36 to 46), schedules and title passed.

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

That this Bill be now read a third time.

I simply want to read two brief messages into the report in support of the third reading. These messages relate to the consultation that has taken place. The first, a letter from Reg Dodd, Chairperson, Marree Arabanna People's Committee, dated 21 October, states:

> We support the Minister's initiative to introduce the Aboriginal heritage legislation and we are happy with the consultation that has occurred prior to collating the Bill and this legislation is long overdue.

The second message, a telegram I received from Val Power of Point McLeay, states:

> I am the present traditional owner of my cultural and heritage area—

and she indicates that that is in the Wellington area. The telegram continues:

> I object to the Aboriginal heritage working party being the spokesperson on my behalf. I support the heritage Bill as negotiation from your department was initiated.

It is signed by Val Power. I previously shared with members the Maralinga Tjaratju correspondence I received. I believe that these three are very much representative of the reactions of most of the Aborigines in this State.

The Hon. JENNIFER CASHMORE (Coles): I have precisely three minutes in which to indicate the Opposition's opposition to the third reading of this Bill. As we foreshadowed in the second reading debate, this was a Bill that should have gone to a select committee. Despite all the Minister's protestations and allegations about consultation, and despite the fact that he managed to get two groups up to the barrier just in time to read their messages into the record at the third reading stage to this Bill—despite all of those things—it does not in any way detract from the fact that this is critical legislation that should in the nature of things have gone to a select committee.

As soon as it was introduced, the Opposition pleaded in the first instance for more time. To expect us to consult in five days after the Government has had five years is unreasonable. We have had not much more than five hours to

debate the Bill. The Committee stage of the Bill had to be contracted for reasons of the business of the House into a bare two hours which is an insult to the people that this Bill purports to serve. It was impossible for us to give a thorough examination in this Committee stage of a 46 clause Bill in the manner that it should have been examined, and the Minister knows the reasons for that.

On matters of parliamentary principle, we would be bound to oppose the passage of a Bill that has simply not been properly scrutinised in the House in which it was introduced. The Bill that comes out of the Committee is altered in respect of two amendments moved by the Minister, and the Opposition has no quarrel with either of them. However, we certainly do dispute the fact that the Bill contains provisions which we believe are either inadequate, incapable of enforcement or offensive in the very nature of the principles on which they are based. We want, as much as anyone wants, to see Aboriginal heritage and culture in this State preserved. We regret as much as anyone does the fact that so much damage has been done over the past 150 years. What the Minister is proposing is, in our view, a completely inadequate vehicle, at the very least for achieving the Government's goals. Because of the manner in which this has been done, and because of the Minister's refusal to refer the Bill to a select committee, we have no option other than to oppose the Bill at the third reading.

Bill read a third time and passed.

ADJOURNMENT

At 6 p.m. the House adjourned until Tuesday 3 November at 2 p.m.