HOUSE OF ASSEMBLY

Wednesday 11 November 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Land Tax Act Amendment,
Long Service Leave,
Marketing of Eggs Act Amendment,
Racing Act Amendment.

QUESTION TIME

The SPEAKER: Before calling on questions, I advise that questions that would otherwise be directed to the honourable Deputy Premier will be taken by the honourable Premier, and questions that would otherwise be directed to the honourable Minister of Transport will be taken by the honourable Minister of Mines and Energy.

FESTIVAL CENTRE PLAZA

Mr OLSEN: Can the Premier say how much of the Hajek sculpture the Government intends to bulldoze in undertaking major repair works at the Festival Centre Plaza and whether the Government's estimated cost of those repairs of $11 million includes the cost of replacing sections of the Hajek sculpture that have been or will be demolished? Today, members of the Opposition and of the general public had their attention drawn to events taking place on the plaza when, despite the lack of warning signs or safety barricades, rubble began falling through the roof of the Festival Centre car park.

Investigations at plaza level revealed that one section of the Hajek work—a fountain on the southern side of the plaza—had been bulldozed in the course of repair work aimed at stemming leaks during winter. I am advised that other components of the Hajek sculpture are also being considered for demolition as repair work on the plaza progresses. While many South Australians expressed strong feelings about the sculpture at its unveiling by the Queen in March 1977, the then Premier (Mr Dunstan) nevertheless described Hajek's work as 'one of the most exciting outdoor art projects in the world'. As the sculpture was conservatively valued at half a million dollars 10 years ago, and the West German sculptor Otto Hajek himself was reputed to have been paid at least $100 000 for his ideas, I ask the Premier whether he has budgeted for the replacement of the Hajek work either in its original form, or by another artist, and, if so, at what cost.

The Hon. J.C. BANNON: The redesign of the plaza was put before the Public Works Standing Committee. I refer the Leader to the report of that committee which outlines what is involved in the rectification and redesign elements associated with the cost, and so on. I think that the Leader will find the answers to most of his questions in that report. The basic integrity of the Hajek sculpture will be maintained as part of that redevelopment. As part of the rectification, obviously (as members would have observed) sections of the plaza must be lifted in order to get at the structure underneath, because it is the structural deterioration that is the problem. That means that elements of the area on which the sculpture stands will be affected by the refurbishment.

Costed into the refurbishment will be any replacement and restoration costs. I believe that the end result will be an infinitely more accessible plaza, superior to the existing area. It is interesting that the Leader of the Opposition refers to criticisms, because I think it was the Liberal Party of the day that led the charge opposing the Hajek sculpture and denouncing it as outrageous, and so on. The basic integrity of that sculpture will definitely be maintained, but the enhancement of the plaza is all costed into the overall rectification. I believe that the enhancement of the plaza will greatly improve accessibility and the entrance areas of the Festival Centre which have been criticised by many people over the years including, I think, Liberal spokespersons for the arts, particularly when the Liberal Party is out of government. I simply refer the Leader of the Opposition to the Public Works Committee report for further details.

SOUTH AUSTRALIA'S CREDIT RATING

Mr KLUNDER: Can the Premier give the House details of the credit rating of South Australia, and particularly that of the State Bank of South Australia? I am aware that Moody's Investors Service of New York recently visited South Australia to assess the State Bank operations and to examine our credit rating for the purposes of raising money on the international market. As a credit rating from Moody's is a reflection of the condition—

Members interjecting:

The SPEAKER: Order!

Mr KLUNDER: —of the State's economy, and particularly the strength of the State's finances, I believe it would be of interest to members of this House to know how South Australia rates in the eyes of such an important investors' service.

The Hon. J.C. BANNON: I appreciate the honourable member's question. It is very topical, particularly as we find on the front page of some of our newspapers today that there has been a reassessment and re-rating of some of our major private corporations in recent weeks. Of course, this Government has been subjected to some quite extraordinary and ill-informed criticism by the Opposition about the state of our finances and their fundamental basis. If we want refutation of that, I think I can give a classic, immediate and contemporary example.

Moody's Investors Service, which is one of the two major American rating agencies, was here assessing the State Bank credit rating in respect of a Euro/Yen bond issue that the State Bank intends to undertake in the near future. That assessment, while it was specifically related to that bond issue by the State Bank and therefore involved looking at the State Bank's credit rating, also reflects on the credit rating of the Government of South Australia because we are the ultimate guarantor of the State Bank. Therefore, what is said about an institution like the State Bank relates directly, of course, to the creditworthiness of the Government of South Australia and its other instrumentalities, such as SAFA. The rating system under which Moody's grades those credit issuers is—

Mr D.S. Baker interjecting:

The Hon. J.C. BANNON: Just a few weeks ago. The effects of the share market fall would not affect these ratings, because we are looking not at securities investors but at banks and a Government.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The possible ratings are: AAA, AA1, AA2, AA3, A1, A2 and A3. The credit rating that has been provided to the State Bank is AA1, which is the second highest rating possible and the same as the rating given to the Commonwealth Government of Australia and New South Wales, Victoria and Queensland.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: This is the first time that Moody's has rated an issue guaranteed by the Government of South Australia. Naturally, in the course of that assessment it had some very favourable things to say about the State Bank and, by implication, the Government, which acts as the bank's guarantors. Moody's described the State Bank as:

An aggressive, rapidly growing, full service State wide trading bank as well as a savings bank. SBSA—

Members interjecting:

The Hon. J.C. BANNON: The Opposition wants to knock this. Members opposite are shifting uneasily in their seats because they cannot stand this favourable objective assessment by a world rating agency. I know that it makes them feel uncomfortable, but I will continue to advise the House.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The rating report continues:

SBSA ranks No. 7 in the nation with group assets of $7.9 billion. In percentage terms—

this is important—

it is also one of the most highly capitalised banks in Australia.

That is the quote from Moody's assessment. As the bank's performance is clearly related to the State's economy, I would have thought that members opposite would join me in congratulating the State Bank on that achievement and start pulling back from some of the carping undermining criticisms that they wish to make. They also ought to talk to one of their Federal members, the member for Mayo, who is very keen on trying to get himself headlines on a Sunday when he thinks it is a quiet news day and asks us to have some sort of audit of our finances.

This is not a bad audit to look at. It just shows how ridiculous those calls are. I would add, in case some members opposite have not caught up with us yet, that the State Bank further advanced its reputation as a major lending institution by setting a new low in a rate for home loan borrowings. One could hardly expect this sort of initiative from a bank operating within an economy that is in such a terrible state as the Opposition suggests. Clearly, it shows how ludicrous some of the statements are that they have been making. I congratulate the State Bank both on its achievement of securing such an investment rating and its marketplace initiative in the area of home lending.

SECOND TIER WAGE RISE

Mr S.J. BAKER: My question is to the Premier, as Treasurer. In view of statements by the Minister of Labour on ABC television news last night that the Government's offer to settle the dispute over the second tier wage rise was 'generous' and would put the South Australian public sector farther ahead than is any other State, does this mean that the Government intends to waive its requirement announced in the Premier's budget speech that:

This increase must be completely offset by productivity gains and that any increases granted must be paid for from savings achieved above those already incorporated as budget measures.

If so, what will be the additional cost to the budget?

The Hon. FRANK BLEVINS: Thank you—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. FRANK BLEVINS: Members opposite should not believe all they read in the paper. I thank the honourable member for his question. The remarks that I made on ABC television yesterday were accurate. The principles under which the agreements will be finally signed have been settled with the Miscellaneous Workers Union and the Public Service Association. That is not the end of the negotiations; that is only the framework that has been agreed between us and the Industrial Commission. The principles under which we will act are within the guidelines, according to the President of the South Australian Industrial Commission, and we are very pleased that we have been able to reach that agreement. The details of offsets are still to be worked out.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: They will be worked out under the auspices of the commission. I want to stress that the agreements that have been reached so far are not the end of the matter. That was why I was particularly firm in the wording of the letters, and that has been the difficulty all along. What we have based that agreement on is an agreement that was ratified in the Victorian Industrial Relations Commission that allowed—and was obviously within the guidelines as the commission ratified it—the offsets to be phased in over a period and for those offsets to be monitored by the Industrial Commission. How much of the 4 per cent will be awarded—what percentage over what time frame—is something that is still in the hands of the commission. The letters that we have exchanged with the unions do not constitute a 4 per cent agreement; they constitute only a framework for determining that. I assume that that is why the Public Service Association has lifted its bans for only a week, and the bans have also been lifted in the Health Commission.

I stress—I have made it very clear to the unions and I made it very clear last night on the ABC—that it is highly probable that, at the end of the day when all other offsets have been calculated to make up the 4 per cent, it may mean job losses. We have made no secret of that. We have put a timetable on when the additional costs have to be fully offset by productivity increases and by cost savings.

An honourable member interjecting:

The Hon. FRANK BLEVINS: Well, it cannot be calculated until such time as the commission hands down a decision on what the package is worth. It may well be that the commission decides to phase in the 4 per cent as the cost offsets are phased in. We have no control over that; that is in the hands of the Industrial Commission. However, the letters (which I am quite happy to make available to the Opposition) make very clear that by the financial year 1989-90 the entire 4 per cent has to be offset by productivity increases and cost savings, even if that means job losses. That applies equally to Parliament House as it does to the Health Commission or any other area under which an agreement is settled. It is not possible to give any details of additional costs until such time as the commission has handed down its decision. It is a very simple proposition and I do not know why the Opposition has some difficulty with it.

Mr D.S. Baker: It doesn't add up, that's why.

The SPEAKER: Order! The honourable Minister should not encourage out of order interjections.

The Hon. FRANK BLEVINS: I feel that you, Sir, are being a little bit harsh. I do not know that I was encouraging them. I welcome them, and I am always happy to respond to them, with your permission, of course. When the commission has made its final determination on the phasing in of the 4 per cent and its monitoring of the phasing in of the productivity increases and cost offsets, then a cost can be put on the package initially.

I just want to stress one thing. Whilst I have made it perfectly clear that I do not believe that the 4 per cent can be introduced without job losses, those job losses will be by attrition: they will not be by sackings. This Government does not involve itself in sacking its employees. No person presently employed will lose their job. It will be purely by attrition. As soon as the decision is handed down and the costs can be calculated, I will be quite happy to give those costs to the Opposition or anybody else.

GRAND PRIX

Mr DUIGAN: Will the Premier tell the House whether the construction of the Grand Prix track has taken longer this year than for the previous two Grand Prix?

Members interjecting:

The SPEAKER: Order!

Mr DUIGAN: It was reported earlier this week, that at a meeting in Adelaide, criticisms were made of the Grand Prix organisation for taking longer to erect fences and other infrastructure this year than in past years. It was also reported that at the same meeting criticisms were made about the effect of the Grand Prix on the Adelaide parklands. Given the importance of the Grand Prix to Adelaide and to the South Australian economy in general, I ask the Premier whether these criticisms are justified?

The Hon. J.C. BANNON: I welcome that question from the honourable member, and so should members opposite. The answer I can give is that those criticisms are wrong. They are unjustified. They do not line up with the facts. It is probably true that only a small group of people wish to keep stirring the pot in this area. I have noticed, for instance, that the letters of complaint that appear every year tend to be under the same signature and going over ground that already has been adequately addressed. Nonetheless, I think it is important—first, because we wish to keep a positive attitude to this event in the city and, secondly, because of the basic importance of this event to the State of South Australia—that when these criticisms are made, they are not simply allowed to lie on the table and get written into the mythology of the downside of the Grand Prix but that they are answered directly and positively.

The facts are that, in each of the three years, our engineering and construction has become more efficient. The idea is to minimise the impact on parklands and traffic, and that ideal has been realised. Security fencing on Wakefield Street, for instance, this year was erected four weeks before the event compared to six weeks in 1986, so there is a fortnight advantage in that area. Concrete barriers were in place for a shorter time this year than in previous years—three weeks and three days in 1987, compared to five weeks and one day last year. There are more access points to the parklands this year than last year, and I can certainly vouch for that from my own personal experience and inspection on a number of occasions during the period of erection of the track.

The complaints about access I think are totally unjustified. The inconvenience for a short time for people who have direct access across Victoria Park from the end of East Terrace to Fullarton Road is small. It can be easily avoided, particularly for anyone on a bicycle during the brief period when that access is closed up. What is also ignored is the fact that the Grand Prix organisation has contributed to a significant upgrading of the parklands in and around the track. Something like $300 000 has been spent on improvements in addition to those which the Adelaide City Council has undertaken. That is certainly one of the very positive things that have resulted from it.

In fact, members might be interested in an assessment or calculation which has been done by the Adelaide City Council and which indicates the absolutely minimal effect of the Grand Prix on the availability of parklands to the community throughout the year. There are 690ha of Adelaide parklands, and if we multiply that figure by days per year for the purposes of this adjustment, we have available 252 160ha days per year. It is an interesting concept, but it allows us to put into perspective the actual alienation, if you like, or closure of access.

The declared area for Grand Prix use is 66 ha, and that includes Victoria Park. So, of the 690 ha, 66 ha is identified for that area. The parklands are used for five days as a declared area; Victoria Park is used for an additional 60 days with public access freely available for half that time. Bearing in mind that the corporate platform construction process consumes an additional 28 days, there are 1 135.5 available hectare days consumed by the Grand Prix. The end result of that calculation—and it is an ingenious way of looking at it but, I think, a very good way—

Members interjecting:

The Hon. J.C. BANNON: What it is proving is just how small an impact this event has for how small a proportion of the day. The end result—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —is that 0.5 per cent of hectare days is affected by the Grand Prix. That is quite extraordinary, and I think that it is those sorts of figures that some of the small group who are still objecting to this event ought to have in mind as they go about their public agitation.

SECOND TIER WAGE RISE

The Hon. JENNIFER CASHMORE: In view of the Minister of Labour's statements on ABC television news last night and his reaffirmation in the House today that the Government will cut public sector employment to help pay for the second tier wage rise, how many jobs will be involved in those cuts?

The Hon. FRANK BLEVINS: I thank the honourable member for her question. It is not possible at this stage to predict—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The 4 per cent productivity decision was not just about job cuts. It was about productivity increases, and—

An honourable member: None of which has been costed.

The Hon. FRANK BLEVINS: —the various measures that will be put into place to increase productivity will be costed over a period, and the costings of those productivity increases will be monitored by the Industrial Commission.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: If at the end of that process it is clear that sufficient productivity increases have not

occurred to offset the 4 per cent, it will mean that some jobs will go. It is not possible for us to calculate that, but what we can say is that we have the agreement of the unions to work with us to ensure that by 1989-90 the full 4 per cent will be offset by productivity increases and cost savings. The reason for the monitoring by the Industrial Commission is very simple: it is a decision of the Federal Arbitration Commission that we are working on there.

If the commission, in its wisdom or otherwise—and some would argue otherwise—has decided that productivity increases and cost savings can be phased in rather than the 4 per cent increase being offset and cost neutral from the first day, I feel (and the commission agrees) that they have an obligation to assist the employer, whether it be the Government or anyone else, to see that those cost offsets are made. That is the reason for the commission monitoring the decision.

Mr Olsen: There must be a cost to budget this year, on that answer.

The Hon. FRANK BLEVINS: You do not know that, and we cannot say that.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: We have so far concluded over 20 agreements. With one exception—and that is in the STA—all the agreements have been cost neutral from the first day.

Members interjecting:

The SPEAKER: Order! The honourable Minister will resume his seat for a moment.

The Hon. FRANK BLEVINS: I am trying to be helpful, Sir.

The SPEAKER: Order! The extent of interjection is not acceptable to the Chair. With a certain amount of tolerance it is possible to interpret one or two of the interjections made as a genuine attempt to be helpful. However, the procedure is that a member puts, through the Chair, a question to a Minister, and the Minister makes a reply. There is not expected to be an interchange of interjection and response in the course of that reply.

The Hon. FRANK BLEVINS: Thank you, Mr Speaker. As I was saying, we have concluded over 20 agreements so far with public sector unions. With the exception of the STA, all of those agreements have been cost neutral from the first day, in line with the commission. As regards the STA, the commission decided in its wisdom that, because there were some restructuring proposals which substantially concluded when the decision was handed down in March, they could be counted as offsets for the 4 per cent, and Commissioner Naylor made that very clear. That was his decision and, of course, we abide by the umpire's decision. Therefore, there will initially be some extra cost to the STA which will be offset at a particular point in the future through the restructuring. The precise cost I cannot give off the top of my head.

The Hon. B.C. Eastick: How big is the budget blow-out?

The Hon. FRANK BLEVINS: Do not get excited. As regards the—

The SPEAKER: Order! The Chair attempted to make clear that a certain amount of tolerance has traditionally been extended to some interjections. However, I wish to make it clear that the interjection of the member for Light was not constructive and was disorderly. The honourable Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I will take up from where I left off rather than going back. With the three offers that have been made—that is, the RANF, the PSA and the Miscellaneous Workers Union—two were accepted: that is, the Miscellaneous Workers Union and the PSA. The three offers are substantially the same. Until the commission has decided on what the final agreement is worth, we do not know and cannot predict what the additional cost will be initially. If the commission awards the 4 per cent tomorrow then that is a relatively easy calculation. If the commission awards 2 per cent tomorrow and an increase further down the track, when further offsets have been brought in in the Health Commission, for example, or in the Public Service generally, it may then award a further 2 per cent. That is out of our hands.

Mr D.S. Baker: It depends on how much money you have to send to New Zealand for the timber company.

The Hon. FRANK BLEVINS: That, Sir, is entirely out of our hands. We are in the hands of the Industrial Commission with the implementation of this decision, and that is how it should be. That is exactly how it should be. We believe in abiding by the umpire's decision. We are a good employer and we are proud of our record with our employees. What we do not do, what we cannot do, and what we will not do is to give them taxpayers' money to which they are not entitled. If the Arbitration Commission says, or our Industrial Commission says, that they are entitled to it we will pay. If the Industrial Commission says that they are not entitled to it we will not. It is as simple as that. Until the final decision is handed down on these three cases we have no way of knowing what the commission will award. Hence, we cannot give any figures as to what it will cost initially, if anything, in the first year.

IMMEDIATE POST-COMPULSORY EDUCATION

Mr ROBERTSON: Is the Minister of Employment and Further Education aware of a report, following the recent inquiry into immediate post-compulsory education, that many employers feel that some senior secondary education would be better conducted within the network of TAFE colleges than within the conventional secondary school setting?

The Hon. LYNN ARNOLD: I thank the honourable member for his question. The matter that he raises is derived from a report prepared in the canvass of what may be called the Gilding inquiry, an inquiry into immediate post-compulsory education. That inquiry, at the request of my colleague the Minister of Education and myself, is examining the changes required in the field of post-compulsory education. The Gilding inquiry has gone out to a number of groups in the community and sought their opinions on this important matter. One group comprised employers, and it was from the employer check list overview that a sentiment similar to but not exactly the same as that expressed by the honourable member is presumably derived.

Concerning the employer check list, questionnaires were sent to a number of people in the private sector, mailing, for example, to 275 members of the Institute of Personnel Management (South Australian Division), asking them to complete a check list on this area of education. Of those, 58 responded. Other check lists were then distributed to country and ethnic employers, and of these 24 were returned. Then, at the request of the reference group with specific interest in employment matters advising the Gilding inquiry, 20 more check lists were distributed to manufacturers, and 12 of those were returned. After including late returns from other groups the total number of returns was 105.

The check list overview is a 40-page document, and I do not intend to go through all that. However, a number of

specific areas were identified and employers were asked whether they agreed, strongly agreed, had a neutral opinion on, disagreed or strongly disagreed with certain statements made. Of those areas identified, one concerned the purposes of secondary education, while others concerned preparing for work; selection; stress; and numeracy, literacy and communication skills. Under the words 'purposes of secondary education', the following statements were agreed with by 75 per cent or more of the respondents. As many as 98 per cent said that preparation for the work force should be an important part of senior secondary education; 98 per cent said that school leavers should have knowledge of Australian society and a sense of national identity; 93 per cent said that the main responsibility of the secondary school is to develop broadly educated people whose knowledge and skills are generally useful and readily focused; 89 per cent said that it was necessary to stipulate certain areas of study to which all 15-18 year olds should be exposed.

I cite the one relating most closely to the question raised by the honourable member: 82 per cent said that some 15-18 year olds (and I repeat the operative word 'some') would be better off in TAFE colleges learning technical skills rather than in schools, and 78 per cent said that young people could learn useful technical skills in senior secondary school as part of a general education. The immediate thing coming out of that is that a large number of employers of those who responded to the survey believe that TAFE colleges have something to offer to some 15-18 year olds and that certain other significant changes should take place in senior secondary education in schools as identified by the matters that I have raised.

There was another statement with which there was considerable agreement: 61 per cent agreed with the statement that all 15-18 year olds should be encouraged to complete year 12. Of course, the bulk of year 12 offerings at this stage are taking place within our secondary schools. The question then arises: what should happen to the interface between TAFE and secondary schools? This matter has been of considerable concern to this Government ever since it came to power in 1982. Indeed, we established some of the formal mechanisms by which that interface could be further developed. More recently, my colleague the Minister of Education and I have been keen to see this matter developed by further grassroots examples whereby students in the 15-18 year cohort could undertake the education suitable for their individual needs, be it in secondary schools, TAFE colleges, or in a combination of both. There should be no reason, for example, why students cannot do some of their studies in secondary schools and some in TAFE colleges.

In that context we have the Vern Agar TAFE schools cooperation project examining what options could be considered by the Government to get more on the ground interface between TAFE and schools. We have a number of exciting things in the State which we believe can be increased in number, and we have asked Vern Agar to advise us on that matter. The actual statement referred to by the honourable member is not totally correct, but it highlights an important point which I am glad that the honourable member has raised in this place, because we need to get the best out of what the taxpayer is paying for in TAFE and in the education system to ensure that all 15-18 year olds are getting the kind of education they want.

NATIONAL CRIME AUTHORITY

The Hon. B.C. EASTICK: Can the Premier reveal to the House whether any more South Australian police officers, or former officers, are under investigation by the National Crime Authority?

The Hon. J.C. BANNON: No, I cannot.

YOUNG ENDEAVOUR

Mr De LAINE: Can the Premier inform the House whether the bicentennial sailing ship *Young Endeavour* will be visiting the port of Adelaide and, if so, when? According to press reports, the British bicentennial gift to Australia, the brigantine *Young Endeavour*, has arrived in Fremantle and was due to set sail on Friday 6 November to visit Australian ports.

The Hon. J.C. BANNON: I thank the honourable member for alerting me to this matter in which I know he has some considerable interest. I am afraid that I am not in a position to give him the precise date of the *Young Endeavour's* arrival, but I know that it is imminent and certainly there will be considerable interest in this vessel, which is, as the honourable member said, connected very directly with the bicentennial in that it is a gift from the British Government. What gives it further interest to South Australians is that it is a sail training vessel and it is envisaged that in the longer term it will operate in Australian waters generally as part of a sail training scheme to be sponsored by the Royal Australian Navy.

I hope that South Australians will have access to that scheme, although it will be a national scheme. I understand that it will also involve young people with particular disabilities. In other words, the scheme is being structured so that the ship is accessible to those who would normally be denied the sort of experience that comes from sail training, and they will be able to take advantage of it. As such, I think it represents a tangible expression of support for the bicentennial.

The navy will operate the vessel and it will be a fairly expensive operation, as indeed our own experience with sail training has suggested. The vessel is of special interest to us because, of course, we have both the *Falie* and the *One and All* which see their longer-term future as involving sail training schemes. *The Falie*, which was a Jubilee 150 project, is now operating on a cruise and sail training basis. The *One and All* is currently involved in the First Fleet re-enactment and is *en route* to Australia. It will arrive in Fremantle and then sail on to Sydney without stopping in Adelaide, but we expect it back in Adelaide, as I understand it, around April or May.

The long-term future of the *One and All* will also be in the sail training area. Incidentally, I advise the House that the *One and All* is reported to be the quickest ship in the First Fleet re-enactment and certainly looks most spectacular under full sail. So there will be a lot of interest in the *One and All*, which is the only Australian vessel in the First Fleet re-enactment, when it arrives. In the longer term, we must ensure that we can justify the expense of having two vessels, one of which has been wholly constructed using Government money and the other which has certain Government guarantees secured against its financing.

The concept of an overall sail training trust, which will see the two vessels operating jointly, I believe is the only way we can ensure that we achieve at least some reasonable defrayment of the cost, as well as providing the best access to the vessels for those who want to take part in sail training. Whether the *Young Endeavour* will affect that I am not sure at this stage, but I hope that we will be in a position to make an announcement about our exact approach in relation to the vessels in the near future. Of course, it would

be most desirable if the *Falie*, the *One and All* and the *Lewin* (which is the Western Australian Government sail training vessel) could be coordinated into a national scheme including the *Young Endeavour*. I thank the honourable member for his question. We anticipate seeing not just the *Young Endeavour* but a number of sailing vessels of various shapes and sizes over the next six months or so at the port of Adelaide, in his electorate.

PRISONER ALLEGATIONS

Mr BECKER: Will the Minister of Correctional Services honour his commitment yesterday to investigate allegations of poor treatment of prisoners in 'A' wing at Adelaide Gaol, in view of the fact that I have now received further evidence of prisoners being forced into 'the Fridge' and having been subjected to mistreatment while in that institution? The first case concerns a prisoner whose name has been provided to me, and which I will give to the Minister, who claims to have been twice placed in 'the Fridge' in recent weeks. He claims that the first period of punishment lasted for four days, and that the second involved on overnight period. He says:

> I am not a violent person and have never intimated violence to officers or other inmates. I realise institutions are to punish people who have broken the law, but even so it does not seem the present system is the least concerned with any form of rehabilitation when grown men are humiliated and treated so callously.

Another example is provided by an inmate of Adelaide Gaol who says that, for personal reasons, he does not wish to give his name.

Members interjecting:

The SPEAKER: Order!

Mr BECKER: He claims to have been placed in 'the Fridge' on two occasions, which he claims involved being stripped of clothing by correctional services officers and left overnight. He gives the date of his punishment as August this year. A further letter has reached me from a person who did not sign a name because, and I quote, 'They might victimise me.' He, too, spent two nights in 'the Fridge' and adds:

> If it wasn't for a roll of toilet paper in my cell, 'the Fridge', I would have been even colder because I pulled the whole roll apart to keep myself warm.

I have been provided with the name of another person alleging mistreatment at Adelaide Gaol, but I have been asked to keep this confidential at this stage, and I intend to honour that request. I can, however, provide the Minister with the details.

By letter I have been informed of a male who was taken to A wing and allegedly 'flogged' by three or four prison officers all wearing balaclavas. I wish to quote from the letter:

> He was really busted up, but was too afraid to ask for a doctor or complain, so just licked his wounds and shut up. Other prisoners are aware of this and would testify to same if not in custody. Even out of custody, they are all still afraid of reprisals.

The author of the letter is Mrs Alice Dixon, whose son Kingsley died recently in gaol. His death will be considered by a Royal Commission into Aboriginal deaths in custody. The person she refers to in her letter is not her son. The final piece of correspondence that I have received comes from the Co-ordinator of Prison Services of Offenders Aid and Rehabilitation Services of SA Inc. She states:

> I have recently talked with men who allege they have been placed in such cells (commonly called 'the Fridge') at Adelaide Gaol. I have been told that they are stripped of clothing and some have been left without blankets. I have reason to believe toilet paper has been used to wrap themselves in because of the intense cold.

In view of the evidence which I have now put before the House confirming my concerns of last week, I ask the Minister to understand the difficulties associated with asking alleged victims to supply their names to the Government, but to honour his commitment to investigate thoroughly these allegations.

The Hon. FRANK BLEVINS: I thank the honourable member for his question. Certainly, I am very happy to investigate any allegations made that have sufficient detail in them for us to make a proper investigation. Also, in the area of alleged beatings by prison officers, we are talking about a criminal offence and I am quite happy to refer that to the police to see whether the police believe there is enough evidence to warrant prosecution or any other action that they may take. Let me say in general that these allegations are very easy to make. In the main, from my experience of them, they are a quite unwarranted slur on correctional services officers—a quite unwarranted slur. The very nature of prisons means that there are about 850 prisoners and about 1 000 staff looking after them. Again of necessity, the power relationships in prisons are somewhat uneven, to say the least.

Obviously, there is potential for abuse of power. I do not say that it never happens. What I do say is that the staff are aware that, if it does happen and we find out about it, they will be dealt with with the full power we have or, if we believe a criminal offence has been committed, then the law takes its course. It is very difficult, if not impossible, to investigate anonymous allegations. I will certainly have those that have times and dates investigated. Reports will be brought back to the Parliament, and I am very happy for the member for Hanson or any other member of Parliament to be part of the investigation if they wish.

In relation to reprisals, I think that that is nonsense in the context of the South Australian prisons system. It is a very open and accountable system. I would have thought that making public any examples of mistreatment in prison would have given a great deal of protection because, obviously, the person who made those allegations will be under close scrutiny by the media. As I have stated, all prisoners have access to telephones. They have access to the Ombudsman and to my office. Correspondence addressed to my office or to the Ombudsman is not in any way censored by the prison authorities. They are not allowed to open letters that are addressed to the Ombudsman, to me or to any other member of Parliament. Certainly, I will investigate these allegations, and the result of that investigation will be brought back to the Parliament.

I repeat that not only do I not condone any illegal activity that takes place in the prisons but I will act as rigorously as I can to stamp it out. I again emphasise that allegations are very easy to make and, in the main, they are a slur on a group of people who are doing one of society's least pleasant jobs, and doing it very well and sympathetically.

ILLEGAL PARKING

Mr GREGORY: Will the Minister of Mines and Energy request the Minister of Local Government in another place to investigate a possible breach of section 53 (1) *(a)* and section 54 *(a)* (3) and (4) of the Local Government Act (as amended) by Mr Bryan Stokes, a councillor of the Corporation of the City of Enfield? At a meeting of the council held on 14 July 1987 Mr Stokes is recorded in the minutes as voting against a resolution regarding motor vehicle registration No. RZM-961 that was allegedly owned by Mr

Stokes. At another meeting of the council held on 28 July 1987 Mr Stokes is recorded as voting against a motion, as follows:

... that in respect of the illegal parking of vehicle RZM-961 on Hampstead Road, Northfield, adjacent to the Northfield High School, the council officers no longer issue parking infringement expiation notices but record the offences in such a manner as to enable the council to institute legal proceedings forthwith.

At a meeting of council held on 11 August 1987, Mr Stokes is recorded as voting in favour of the following motion:

... that the Town Clerk forward a letter to Mr Bryan Stokes of 190 Hampstead Road, Clearview, requesting that the Volkswagon station wagon, registered number RZM-961, be removed from Hampstead Road, and that a written undertaking be sought from Mr Stokes stating that the vehicle will not be returned to this location in breach of the council's Local Government Act parking regulations, and further that subject to such undertaking being received from Mr Stokes, council resolves not to prosecute the registered owner of the vehicle, Mr Jack D. Carmen of Main Road, P.O. Box 4, Moorook, S.A., for the parking regulation offences detected by council's traffic inspectors between 29 July 1987 and 4 August 1987.

At a meeting of the council held on 22 September 1987, Mr Stokes is recorded as being present during the debate on the following motion:

That Councillor Bryan Stokes should show cause why his association by imputation of person or persons involved in numerous traffic offences on Hampstead Road shall not be referred to the Minister of Local Government for adjudication under section 54 of the Local Government Act.

The Hon. R.G. PAYNE: The series of what I presume to be allegations that have been outlined would clearly be in the province of the Minister of Local Government. I assure the House that I will put those matters to her, and I am quite certain they will be investigated as requested.

ANOP RESEARCH

The Hon. D.C. WOTTON: My question is directed to the Premier. What is the budget for research to be undertaken for the Government by ANOP and, in view of that company's relationship with the Australian Labor Party, will the Premier table all results in Parliament? I have been informed that $800 000 is being made available to ANOP to undertake four major research projects for the Government this financial year. ANOP, which is a Sydney based market research company, is also the Labor Party's official pollster, which raises the distinct possibility that the Government will be able to use this research, paid for by taxpayers, for Party political advantage.

This occurred on the last occasion ANOP conducted taxpayer funded research for the South Australian Government, when it was revealed that, during a Health Commission survey, questions were also asked about the approval ratings of the Government and the Premier. An assurance from the Premier that the results of all research to be undertaken by ANOP will be tabled in Parliament would help to minimise any possibility of taxpayers' money being improperly used to provide Party political benefits to the ALP.

The Hon. J.C. BANNON: It was in consequence of that incident to which the honourable member referred in his explanation that the Government undertook a very rigorous review of Government research, including the way in which tenders were conducted and evaluated, and so on. As a result, we have achieved some considerable improvements in this area as to control, supervision and the practice of letting surveys. The program has been taken in a series of steps and has been announced and publicly advertised each time. ANOP has not gained this part of the Government research program contract because it is the ALP pollster as the member alleges: it has gained it quite simply because it is the best and provided the best tender.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is not proper for us to exclude a legitimate polling organisation from submitting a tender and taking part in any such program. They were called publicly; they were called openly.

Members interjecting:

The SPEAKER: Order! The subject may be polls, but the Chair may have to lower the boom. The honourable Premier.

The Hon. J.C. BANNON: Quite simply, we wanted the best and the assessment was done by a committee which included—

An honourable member: Who was the Chairman?

The Hon. J.C. BANNON: The Chairman was Mr Jeff Walsh, the Director of the Cabinet Office, in conjunction with the Deputy Director of Statistics in South Australia, Mr Sims. There was a private sector representative also. That process was undergone quite properly. If you want to talk in Party terms, the Liberal Party well concedes the ANOP polling organisation to be the best: it obviously has proved superior in many respects in its performance in the political arena. However, that is not the only area. ANOP is a commercial firm which has worked for a number of Governments, both Labor and Liberal, in carrying out survey work. The Government research program and its details were fully outlined in a release I made on 23 October 1987, and I will forward a copy to the honourable member for his information.

An honourable member interjecting:

The Hon. J.C. BANNON: That point is covered.

ABERFOYLE PARK SOUTH PRIMARY SCHOOL

Mr TYLER: Will the Minister of Education tell the House the latest timetable for the construction of the Aberfoyle Park South Primary School? In this year's State capital works budget this school is listed to commence construction. This new school is, in fact, a relocation of the Aberfoyle Hub Primary School. Aberfoyle Park, despite having immediate access to six State and three private primary schools, remains under continued and increasing pressure to find more primary school places, which this new Aberfoyle Park South Primary School is planned to provide.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, and I am pleased to put to rest any concerns that people may have had that there was to be a delay in the provision of that important school. The education proposals announced in the capital works program will be adhered to, and we hope to commence work on that school in the latter part of this current financial year, and the school would be—

Members Interjecting:

The Hon. G.J. CRAFTER: I will explain that in a moment.

The SPEAKER: Order!

The Hon. Ted Chapman: You're jumping the gun a bit in explaining it at all.

The SPEAKER: Order! I call the member for Alexandra to order.

The Hon. G.J. CRAFTER: I am explaining the plans as—

The Hon. TED CHAPMAN: I rise on a point of order. Appointed by this House is a group of members from both sides who form the Public Works Standing Committee in this State, and there are certain obligations on all of those

members, one of whom asked the question of the Minister today. I would have thought that the obligation surrounding the retaining of any information on a program of works yet to go before the Public Works Committee should have been upheld by that member. The fact that the question was asked—

The SPEAKER: Order! The circumstances outlined—

Mr D.S. Baker: Come on—give him a go!

The SPEAKER: I name the honourable member for Victoria for contempt of the Chair.

Members interjecting:

The SPEAKER: Order! In accordance with the Standing Orders of the House, the member for Victoria has an opportunity—

Members interjecting:

The SPEAKER: Order! The honourable member can speak to the House by way of explanation or apology. Does the honourable member for Victoria wish to use that provision of the Standing Orders? In the absence of any—

Mr D.S. BAKER: Just a minute, did you ask me a question, Mr Speaker?

The SPEAKER: The Chair invited the honourable member for Victoria to use the provision that is available to him under the Standing Orders to speak to the Assembly by way of explanation or apology. Does the member wish to avail himself of that opportunity?

Mr D.S. BAKER: I apologise for not hearing your question. At no stage did I reflect on the Chair. I was interjecting on members on the other side.

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

That the honourable member for Victoria's explanation be accepted

Members interjecting:

The SPEAKER: Order! The honourable member for Eyre.

Mr GUNN (Eyre): I formally second the motion moved by the member for Light, because the member for Victoria clearly was endeavouring to make sure that the member for Alexandra had the opportunity of properly explaining his point of order which was being denied to him by the continual barrage of interjections from Government members, including Ministers.

The Hon. J.C. BANNON (Premier and Treasurer): Mr Speaker, I do not believe that the explanation tendered by the honourable member is satisfactory in this instance. I am aware that you have—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is pretty serious when the Speaker names a member.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is pretty serious when the Speaker has to name a member of the House. All of us are aware of the jeopardy that is involved. It is very much in the hands of the Speaker as to whether or not he finds the conduct of members acceptable in particular instances. I did not see what actually transpired. I am certainly aware, as any member—

Members interjecting:

The Hon. J.C. BANNON: I will come to that in a moment. I am certainly aware that on a number of occasions in the course of Question Time the honourable member was interjecting very loudly indeed and shouting across the Chamber, and in consequence—

Members interjecting:

The SPEAKER: Order! I ask the Premier to resume his seat for just one moment. I call the House to order and ask all honourable members not to further inflame the situation which the Chair and all members collectively are attempting to deal with. The honourable Premier.

The Hon. J.C. BANNON: Mr Speaker, that was very apparent to anyone who had observed the proceedings of the House and the Speaker in fact referred to the honourable member on a couple of occasions, as I recall it. In any case, the honourable member would have been—

Members interjecting:

The Hon. J.C. BANNON: The fact is, Mr Speaker, that eventually the member was named: named, in the view of the Speaker. He stood and made an explanation. His explanation was that he was not talking about you, Mr Speaker, and that it was the members of the Government towards whom he was being disorderly and interjecting and on whom he was casting aspersions. Well, that is a great sort of explanation. Is that really an acceptable explanation to this House? Is that really—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Well, how are we to know that? So, Mr Speaker, I am perfectly—

The SPEAKER: Order!

The Hon. J.C. BANNON: I say on behalf of this side of the House that we are prepared to back your judgment in this matter, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: And, Mr Speaker, if you find such an explanation acceptable in your view, well and good, but it is your responsibility and right to preside over this Chamber, and I can assure you that you will have our support in so doing.

The SPEAKER: Order! The honourable member for Davenport.

Mr S.G. EVANS (Davenport): I second the motion. The member for Victoria said—

The SPEAKER: Order! The honourable member should be aware that the motion by the member for Light has already been seconded.

Mr S.G. EVANS: If I said 'second' then I apologise. I support it. I support it, Sir, because the member for Victoria said, 'Come on, give him a go' (he may have put 'fair' in that). Anybody who can interpret to whom that was directed would be a very good judge, because the honourable member says he was objecting to the interjections of the other side—

Members interjecting:

The SPEAKER: Order! The honourable member for Davenport.

Mr S.G. EVANS: The member for Victoria's explanation was that he said that because of the interjections from the other side while the member for Alexandra was trying to speak. You, Sir, at about the same time, took up the member for Alexandra and asked him to take his seat while you made some statement which was not completed. Anybody who can make the judgment in this place that the member for Victoria's explanation is not accurate is saying that they can read his mind. Who are they? We are not all psychic, so that we can read other people's minds. I believe that the honourable member was not even warned beforehand and he was not even interjecting beforehand. It was just a cold callous ruling by you, Sir, without any warning at all. I ask the House to accept the explanation because today you are setting a precedent.

The SPEAKER: When the Chair named the honourable member for Victoria, I did that on the basis that his remark was clearly directed towards the Chair. He was looking the incumbent of the Chair directly in the eye at the time that he made his remarks, and there is no doubt whatsoever in my mind that it constituted contempt of the Chair.

Nevertheless, in the interests of trying to maintain harmony in the House and as the honourable member is new and has not yet, despite the number of months since his election, been able to sufficiently adapt himself to the customs of the House, the Chair is prepared to ask members to support the motion of the member for Light—that the explanation be accepted.

The Hon. TED CHAPMAN: On a point of order, Mr Speaker—

The SPEAKER: Does the honourable member's point of order concern proceedings at this point of time?

The Hon. TED CHAPMAN: No.

The SPEAKER: The question before the Chair is that the explanation of the honourable member for Victoria be accepted.

Motion carried.

The SPEAKER: At this point we can return not to hearing the point of order of the honourable member for Alexandra but to the thrust of his original point of order. The Chair has heard sufficient to be aware of the point that the honourable member was raising at some length.

The Hon. TED CHAPMAN: With due respect, Mr Speaker, not quite enough yet.

The SPEAKER: Order! I shall give the honourable member for Alexandra the opportunity to prove that to me. The honourable member for Alexandra.

The Hon. TED CHAPMAN: To use your words, Mr Speaker, in view of the relative newness of the member for Fisher in this place generally and more particularly as a member of the Public Works Committee, I return to the subject, excluding him from my point of order and directing it specifically at the performance of the Minister because in recent times, indeed within the period of the present Government, a number of Ministers have pre-empted the course of the duties of that committee by making public statements. In answering the question, or even in proceeding to answer the question from the member for Fisher today, the Minister of Education is adding to that abuse of the obligations of this House.

The SPEAKER: Order! The honourable member is not now making a point of order: he is debating various matters. It is now up to the Minister in the course of his reply whether or not he replies in a way that would be relevant to the point of order raised by the honourable member for Alexandra.

The Hon. TED CHAPMAN: On a further point of order, Mr Speaker—

The SPEAKER: Order! I cannot uphold the point of order *per se*. What transpires from this point onwards in the honourable Minister's reply will determine whether the point of order was valid. The honourable Minister of Education.

The Hon. G.J. CRAFTER: Thank you, Mr Speaker. As I was going to explain to the House before the honourable member prejudged how I would advise the House, I first explained what had been said at the time of the budget with respect to the proposed construction dates for that school. I explained to the honourable member and to other members that there would be no departure in planning by the Government in respect of that matter. I was to go on then and explain to the House that this proposal had to be referred to the Public Works Standing Committee and that that may change the determination of the proposals that the Government has in accordance with its announced plans for the Aberfoyle Park South Primary School.

The honourable member referred to some planning difficulties that had been experienced with respect to the school and I can advise members that those difficulties, especially regarding access to the school, have been resolved to the satisfaction of the department. That matter will obviously be taken up by the committee when it considers this proposal. So, in accordance with the long established practices of this Parliament, we will go through that process, but it is a responsible act on the part of the member for Fisher to allay fears that have been expressed in the community about the building of this school and to seek the assurances from me, as responsible Minister, as he has sought today.

PERSONAL EXPLANATION: ABERFOYLE PARK SOUTH PRIMARY SCHOOL

Mr TYLER (Fisher): I seek leave to make a personal explanation.

Leave granted.

Mr TYLER: During the course of his point of order, the member for Alexandra implied that my question to the Minister of Education was inappropriate. Indeed, he even implied that I did not understand the procedures of the Parliament and the fact that construction work must be referred to the Public Works Standing Committee. However, the contrary is true: as a member of that committee I am well aware of its role and procedure. For the record I inform the House that my question concerned the latest timetable for construction of the Aberfoyle Park South Primary School. What I was seeking—

Members interjecting:

The SPEAKER: Order! The honourable member for Murray-Mallee should be aware that, while another member is making a personal explanation, the matter is of a sufficiently serious nature for other members to respect that honourable member's right to speak by remaining silent. The honourable member for Fisher.

Mr TYLER: By asking for the latest timetable, I was trying to seek from the Minister the whole timetable and obviously an important part of the process is when the project will be referred to the Public Works Standing Committee.

PUBLIC EMPLOYEES HOUSING BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed but had agreed to the House of Assembly's alternative amendment.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 3.30 p.m. on Wednesday 11 November.

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

That Standing Orders be so far suspended as to enable the sittings of the House to be continued during the conference.

Motion carried.

EXPIATION OF OFFENCES BILL

Returned from the Legislative Council with amendments.

LANDLORD AND TENANT ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend Part IV of the Landlord and Tenant Act 1936. Part IV contains provisions designed to regulate certain aspects of commercial tenancy agreements. It was brought into operation on 1 January 1986 and has had a slow but steady impact on some commercial leasing practices which were considered by the working party on shopping centre leases to be undesirable and inequitable.

At the time of introducing this important commercial tenancy legislation the Government made a commitment to monitor the effectiveness and efficiency of the reforms. Existing Government resources were assigned the task of accomplishing this monitoring role within the Commercial Division of the Department of Public and Consumer Affairs.

A number of submissions have been made to the department since the commencement of Part IV. These submissions have focused on certain drafting difficulties that have arisen in complying with section 62 (1) *(a)* (iii) of the Act. This section requires that where a written agreement is to be entered into a landlord must insert in the lease a statement advising the tenant of all payments other than rent (commonly referred to as 'outgoings'), the nature of such payments and the amount or the method of calculation of the payments. This statement must be provided at the commencement of the commercial tenancy period. The difficulty in complying with this requirement has been the identification of third party payments, such as maintenance and repair type payments, which may arise at any time during the period of the tenancy, and which are calculable at the commencement of the tenancy period.

Section 62 (1) *(a)* (iii) is based on the principle that there should be full and frank disclosure as to all financial liabilities to be incurred by the tenant. This principle is not denied or criticised by any landlord representative group. However, the practical problem of identifying and calculating the extent of future payments has made landlords' tasks of complying with the provision extremely difficult.

The effect has meant that landlords have had to elect between gross rents, an 'all up rent figure' or short-term leases. Gross rents can lead to gross distortion and over calculation of rent, while short leases which enable frequent recalculation of base rents tend to provide an unstable environment for tenants seeking some limited form of security of tenure. In fact, some landlords in this State have been so reluctant to enter into long-term leases which do not comply, or which their solicitor cannot draft to comply with the Act that they have granted only periodic tenancies.

These side effects have operated to negate the positive benefits of the provision and it is certainly an unintended consequence of the provision to provide such a stumbling block to landlords and their agents in attempting to comply with the legislation.

It is not the intention of the Government to bring hardships on landlords in adopting what is an acceptable commercial practice of having a base rent and operating expenses provision in commercial tenancy agreements.

The Bill therefore seeks to redress the current impasse by enabling landlords to provide yearly estimates of those operating expenses which must be met by the tenant. The tenant will be able to assess the contractual liabilities each year and alter his or her costs of business accordingly.

It is important to note that the Bill also provides for an exemption for those leases drafted since the Act was brought into force. This is to ensure that commercial tenancy landlords are not denied their contractual right to rent and outgoings which would be rendered void by the operation of section 62 (1) *(a)* (iii).

The Act provides that licensed land and business agents have 28 days in which to lodge security bonds. However, licensed land brokers and solicitors have only seven days. This anomaly has been addressed by allowing this latter group to have the 28 days period.

The amendment Bill also provides for a clearer definition of rent and operating costs. It was submitted that the previous definition of rent was confusing in that it did not distinguish clearly the two concepts, base rent and operating expenses.

At the present time there is no reviewing measure in the Act to assist the Parliament in overseeing the operation of the commercial tenancies legislation. Therefore, in order to formalise the Government undertaking as to monitoring developments in this area, a provision has been inserted to require the Registrar of the Commercial Tribunal to prepare an annual report covering the discharge of the tribunal's functions and any other matters which are considered to be significant developments concerning the relationship between parties to commercial tenancy agreements.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out new definitions that are to be included in section 54. It is proposed that 'operating expenses' be defined and that the definition refer to administrative and management costs, Government charges, insurance costs, maintenance costs and any other prescribed expenses. Furthermore, after consideration of submissions received from various practitioners in the field of commercial letting it has been decided to revise the definition of 'rent'. In particular, it is appropriate to specify that for the purposes of the legislation 'rent' does not include any amount payable in respect of operating expenses.

Clause 4 provides for the amendment of section 55 of the principal Act. One issue is whether the Act should apply to premises that are constituted by shop premises and an adjacent dwelling. The Residential Tenancies Act 1978, by virtue of regulations made under that Act, does not apply in relation to residential premises that are associated with business premises. It is proposed that this legislation apply if the two types of premises are subject to the same agreement and new paragraph *(a)* (ii) of section 55 will so provide. Other amendments to section 55 will allow the regulations to prescribe that specified provisions only of Part IV of the principal Act will not apply to agreements or classes of agreements or premises or classes of premises referred to in the regulations.

Clause 5 amends section 56 of the principal Act to rectify a potential difficulty with the operation of subsection (2). It has been pointed out that a party could apply at any time for the removal of proceedings before the tribunal to a

court. This might be most unsatisfactory in certain cases, especially if the proceedings had all but been completed. Accordingly, it is proposed to amend the section so as to provide that an application may only be made after the commencement of the hearing of the proceedings if the tribunal so allows.

Clause 6 amends section 57 of the principal Act to include a reference to operating expenses. This amendment will ensure that the provision does not restrict the payment of operating expenses on the commencement of a tenancy (provided that the payment is in accord with the other provisions of the Act relating to the payment of such expenses).

Clause 7 makes an amendment to section 59 of the principal Act that is consequential on the insertion of a definition of 'Government charges' in section 54.

Clause 8 will amend section 60 of the principal Act so that a legal practitioner, licensed agent or licensed land broker will be able to have the benefit of paragraph *(b)* (i) (and so be allowed up to 28 days to the tribunal money paid under a security bond).

Clause 9 provides for the repeal of section 62 (1) *(a)* (iii) of the principal Act. This provision states that a document intended to constitute a commercial tenancy agreement must specify the nature and amount of any payment (in addition to rent) that the tenant must make under the agreement. The Bill proposes that this aspect of a tenant's liability under an agreement be related to operating expenses, as defined by these amendments, and that the landlord instead be required to specify those expenses in a separate statement.

Clause 10 provides for a new section 62a, which relates to the proposed statement that a landlord must supply to a tenant in relation to the tenant's liability for operating expenses. A landlord will be required to set out an estimate of the expenses payable by the tenant over a particular period and at the end of that period will be required to provide a certified statement of the expenses that have actually been incurred. A landlord will be limited in his or her ability to recover from the tenant amounts payable in advance of the expenses actually being incurred. However, the scheme will not relate to operating expenses that are determined according to the tenant's level of consumption or degree of use.

Clause 11 will enact a new section 73a which will require the Registrar of the tribunal to deliver to the Minister an annual report on the operation of Part IV of the principal Act and matters of general significance to landlords and tenants in the State. The report will also contain the audited accounts of the Commercial Tenancies Fund.

Clause 12 is a savings provision. During the review of the principal Act it became apparent that many existing commercial tenancy agreements may not comply with section 62 (1) *(a)* (iii). As this provision is now to be repealed it has been decided to provide that a provision will not be ineffectual by reason of the fact of such non-compliance.

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

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

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

STAMP DUTIES ACT AMENDMENT BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. J.C. BANNON: 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

Two amendments to the Stamp Duties Act are proposed which recognise requests which have been made to the Government. The first permits transfer of an interest in the matrimonial home between spouses to take place free of duty. Spouses for the purposes of this exemption include persons who have been cohabiting continuously in a *de facto* relationship as husband and wife for at least two years.

The second concerns payment of interest on a refund of duty where an objection or appeal to an assessment of the Commissioner is upheld. Payment of duty is required before a valid objection or appeal to a stamp duty assessment can be made and although, in general, large sums of money have not been involved, this Bill proposes that interest will be payable where such an objection or appeal is decided in favour of the taxpayer. The rate is to be determined by notice in the *Gazette* and will be related to the rate which the Government earns on its own investments.

Four other amendments introduced in this Bill move to restrict tax avoidance practices which have been identified, and which offer a potential for significant loss of revenue.

A change in the traditional approach to stamp duty is envisaged to provide that a person who executes an instrument is guilty of an offence if the instrument is not produced to the Commissioner for stamping within the times set out in the Act. At present an unstamped instrument can be stamped upon payment of a penalty if it is required to be accepted as evidence and in practice this is only necessary on limited occasions. Many instruments are not presented for stamping and this practice is increasing. The incidence of this approach throughout Australia has led to the adoption of a provision in the majority of the other States placing a direct obligation on the parties to present the instruments for stamping and South Australia now finds it necessary to take similar action. Although in South Australia protection of the revenue is achieved where conveyances and other instruments are lodged in the Lands Titles Office, the provision in this Bill is necessary as lodgment is not mandatory in many cases.

Legislation introduced in 1980 took positive action to close off certain practices whereby payment of stamp duty was avoided by the use of trusts. It was the intention of the Government at that time that transfers of property from a trust should attract stamp duty except where the beneficial interest in the property had been transferred to the transferee by virtue of another instrument on which *ad valorem* duty had been paid. Recent action in the Supreme Court has exposed a potential tax avoidance mechanism and the amendment proposed restores the original intention of the Government.

Attention has been drawn to the potential for an avoidance practice which involves failure to stamp mortgage documents which are not lodged for registration at the Lands Titles Office. The interest of the lender is protected by lodging of a caveat which, at present, is not chargeable with duty. The Bill proposes that a clause be inserted in the

Stamp Duties Act whereby a caveat which relates to an unregistered mortgage shall be chargeable with the same duty that would be payable on the mortgage instrument. If *ad valorem* duty has been paid, the caveat is liable only to nominal duty. This action is consistent with that taken in the majority of other Australian States.

Transfers of property have traditionally been effected by an instrument executed by all of the parties and which is required to be stamped. A practice has developed in recent years whereby oral acceptance or an acceptance by performance is given to a written offer and by this mechanism payment of stamp duty is avoided. This Bill introduces an amendment to require a dutiable statement to be lodged whenever there are changes in beneficial ownership of property not effected or evidenced by an otherwise dutiable instrument. New South Wales, Queensland and Western Australia have amended their Stamp Acts to counter such schemes.

The provisions outlined above include appropriate penalties for non-performance of the obligations imposed by the Bill.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends section 20 of the principal Act to provide that it will be an offence to fail to produce for stamping an instrument that is chargeable with stamp duty within the relevant period prescribed by section 20. It will be a defence to a charge against the new provision to prove that the defendant was not the party who would customarily be expected to stamp the instrument and the instrument was delivered to another party in the reasonable expectation that the other party would have the instrument stamped.

Clause 4 amends section 24 of the principal Act to allow for the payment of interest on amounts refunded after a successful objection or appeal against an assessment of duty. The rate of interest will be fixed by the Minister by notice in the *Gazette*.

Clause 5 amends section 71 of the principal Act in relation to the transfer of property that is subject to a trust. Under section 71 (5) *(e)* of the present Act, an instrument providing for the transfer of property to a person who has the beneficial interest in the property by virtue of an instrument that has been duly stamped is exempt from stamp duty. This exemption was included to avoid the payment of double stamp duty where a transfer of the legal interest in property follows a transfer of the equitable interest by virtue of a dutiable instrument. However, it has been decided in the case of *Softcorp Holdings Pty Ltd v. Commissioner of Stamps* that the exemption will apply in any case where a beneficial interest in the property has been obtained by a duly stamped instrument, even if this instrument was, for example, a simple appointment of a person as a beneficiary under a trust. It has therefore been decided to amend the section to strike out subsection (5) *(e)* and to provide in certain cases for a reduction of stamp duty to the extent that duty has been previously paid.

Clause 6 provides a new section 71cb that will exempt from stamp duty an instrument that has as its sole effect the transfer of an interest in a matrimonial home (a matrimonial home being a residence that constitutes the principal place of residence of a husband and wife or a *de facto* husband and wife who have been cohabiting for at least two years).

Clause 7 provides for a new section 71e, which will require a statement to be lodged with the Commissioner when a transaction is effected that transfers a legal or equitable interest in land, a business or other specified or prescribed property and no instrument chargeable with *ad valorem* duty is prepared. Duty will be payable on the statement as if it were a conveyance effecting the transaction to which it relates.

Clause 8 provides for a new section 82, which will impose duty on a caveat that protects an unregistered mortgage.

Mr OLSEN secured the adjournment of the debate.

PAROLE ORDERS (TRANSFER) ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Parole Orders (Transfer) Act 1983. Read a first time.

The Hon. FRANK BLEVINS: 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 amendments proposed by this Bill will increase the number of documents that may be used to accompany requests for Parole Order registrations in this State and that may be used for Parole Order registrations in other States.

The proposed amendments will alleviate the difficulty currently being encountered in obtaining the judgments or orders by virtue of which parolees became liable to imprisonment, and will allow a wider range of documents to be used for transfers of parole. The extra documents that may be so used are certificates or statements of conviction, warrants of commitment and certified copies of any of those documents. The Bill therefore significantly facilitates the transfer of parolees and, as the overall aim of the principal Act is to allow parolees to return to the States in which they live, there are obvious cost advantages in making the process easier. Other States have amended, or are planning to amend, this uniform legislation in the same way and for the same purposes as now proposed.

Clause 1 is formal.

Clause 2 provides that the documentation to be sent to an interstate authority when the Minister requests registration of a parole order may include a conviction or warrant of commitment evidencing the original order for imprisonment, or a certified copy of such a document.

Clause 3 effects a similar amendment to the provision dealing with registration in this State of an interstate parole order.

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

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 1736.)

Mr GUNN (Eyre): The Opposition supports the Bill. From the outset I am happy to declare my interest: I happen to be a practising barley grower and my family partnership has already delivered barley to the Australian Barley Board in this current year. This legislation has been sought by the Australian Barley Board with the support of the industry to extend the operation of the statutory marketing organisa-

tion, which has proved to be exceptionally successful. It has brought stability to the industry and has given overseas buyers of Australian barley the confidence to continue to purchase our barley knowing full well that they are buying a high quality product and that the grading which occurs guarantees that they receive what they pay for.

South Australia is a major barley producing area in Australia and we grow some of the best barley in the world. That is why we have been able to continue to sell our product overseas, even though, unfortunately, the price for Australian commodities has declined. I seek leave to have incorporated in *Hansard* three tables. The first shows the areas sown to barley in Australia, and it clearly indicates that South Australia is the foremost State in that regard; the second table shows barley production for Australia; and the third table shows the prices paid.

The SPEAKER: Do I have the honourable member's usual assurance that the tables are purely statistical?

Mr GUNN: Yes, Mr Speaker.

Leave granted.

Areas Sown to Barley for Grain

Australia
in Hectares

Season	Queensland	New South Wales	Victoria	South Australia	Western Australia	Tasmania	Australia
1977-78	200 235	485 576	418 407	1 073 353	613 623	11 444	2 802 638
1978-79	232 462	467 638	365 438	1 091 115	616 348	11 938	2 784 939
1979-80	194 775	445 195	325 356	983 615	522 855	10 558	2 482 354
1980-81	159 686	455 481	302 777	988 504	534 757	10 056	2 451 261
1981-82	206 000	540 000	315 000	1 032 000	580 000	12 000	2 685 000
1982-83	167 000	387 000	278 000	1 005 000	603 000	12 000	2 452 000
1983-84	261 000	554 000	403 000	1 104 000	771 000	15 000	3 109 000
1984-85	329 000	605 000	486 000	1 122 000	965 000	12 000	3 518 000
1985-86	343 000	546 000	389 000	1 169 000	826 000	12 000	3 234 000
*1986-87	168 000	392 000	265 000	989 000	488 000	9 000	2 310 000
Ten Season Average							
1977-8—1986-7	226 106	487 789	354 798	1 055 759	652 058	11 510	2 782 919

**Preliminary figures*

Barley Yield

Australia
in tonnes per hectare

Season	Queensland	New South Wales	Victoria	South Australia	Western Australia	Tasmania	Australia
1977-78	1.08	0.92	0.86	0.55	1.22	1.70	0.85
1978-79	2.51	1.45	1.42	1.30	1.26	2.26	1.44
1979-80	1.78	1.54	1.52	1.55	1.21	1.61	1.49
1980-81	1.07	0.91	1.38	1.17	0.94	1.82	1.09
1981-82	1.93	1.42	1.46	1.19	0.99	2.00	1.29
1982-83	1.60	0.49	0.27	0.66	1.19	1.83	0.79
1983-84	2.08	1.70	1.88	1.65	1.03	2.27	1.57
1984-85	2.14	1.51	1.31	1.64	1.48	2.40	1.58
1985-86	2.36	1.50	1.22	1.46	1.24	2.33	1.50
*1986-87	1.57	1.40	1.65	1.61	1.29	2.33	1.51
Ten Season Average							
1977-78—1967-77	1.90	1.31	1.30	1.28	1.20	2.09	1.33

**Preliminary figures*

Barley Production

Australia
in tonnes

Season	Queensland	New South Wales	Victoria	South Australia	Western Australia	Tasmania	Australia
1977-78	216 000	446 000	359 000	592 000	751 000	19 000	2 383 000
1978-79	583 000	676 000	519 000	1 423 000	778 000	27 000	4 006 000
1979-80	346 000	686 000	494 000	1 528 000	632 000	17 000	3 703 000
1980-81	170 000	413 000	418 000	1 158 000	504 000	19 000	2 682 000
1981-82	398 000	766 000	459 000	1 227 000	576 000	24 000	3 450 000
1982-83	268 000	189 000	75 000	668 000	717 000	22 000	1 939 000
1983-84	542 000	941 000	758 000	1 817 000	797 000	34 000	4 890 000
1984-85	704 000	915 000	638 000	1 836 000	1 431 000	30 000	5 554 000
1985-86	810 000	821 000	476 000	1 709 000	1 024 000	28 000	4 868 000
*1986-87	263 000	550 000	438 000	1 595 000	631 000	21 000	3 498 000
Ten Season Average							
1977-8—1986-87	430 000	640 300	463 400	1 355 300	784 100	24 100	3 697 300

**Preliminary figures*
Source: Australian Bureau of Statistics

Sales and Realisation Prices

Pool	Season	Australian Sales			Overseas Sales			Total Sales		
		Tonnes	Value $	$ per Tonne	Tonnes	Value $	$ per Tonne	Tonnes	Value $	$ per Tonne
38	1976-77	250 477	28 484 890	113.72	920 948	97 650 567	106.03	1 171 425	126 135 457	107.68
39	1977-78	307 304	28 262 875	91.97	464 600	39 229 798	84.44	771 904	67 492 673	87.27
40	1978-79	377 107	34 614 215	91.79	1 427 425	119 211 419	83.51	1 804 582	153 825 634	85.24
41	1979-80	390 211	46 390 698	118.89	1 491 828	190 398 116	127.63	1 882 039	236 788 814	125.82
42	1980-81	470 975	68 985 853	146.47	899 742	130 914 214	145.50	1 370 717	199 900 067	145.84
43	1981-82	488 450	69 951 657	143.21	1 033 545	143 663 517	139.00	1 521 995	213 615 174	140.35
44	1982-83	335 210	55 242 569	164.80	202 891	28 861 249	142.25	539 120	84 103 818	156.00
45	1983-84	336 081	56 612 323	168.45	2 133 556	326 279 286	152.93	2 469 637	382 891 609	155.04
46	1984-85	267 017	39 516 736	147.99	2 090 356	285 789 354	136.72	2 357 373	325 306 090	137.99
*47	1985-86	299 644	41 744 879	139.32	1 658 982	202 068 458	121.80	1 958 626	243 813 337	124.48

***As at 31 July 1987**

Operating Costs and Total Receivals

Dollars per Tonne

Pool	Season	Handling and Selling Expenses $	Payments to Bulk Handling Authorities $	Administration Expenses $	Total Expenses $	Receivals Tonnes
38	1976-77	1.83	7.02	0.82	9.67	1 173 122
39	1977-78	3.36	9.84	1.32	14.52	773 424
40	1978-79	2.73	6.44	0.64	9.81	1 808 437
41	1979-80	1.82	6.50	0.68	9.00	1 885 607
42	1980-81	5.32	9.05	1.01	15.38	1 372 723
43	1981-82	7.29	10.45	0.86	18.60	1 524 522
44	1982-83	13.75	11.29	2.44	27.48	539 120
45	1983-84	5.48	11.95	0.74	18.17	2 475 122
46	1984-85	5.90	12.27	0.85	19.02	2 362 463
47	1985-86	5.47	12.47	1.13	19.07	1 961 303

Mr GUNN: This Bill does three or four things. First, it exempts members of the board from civil action being taken against them as individuals—obviously that is necessary. If action could be taken against individual board members, growers would not join the board because they could be subject to legal action through no fault of their own. The Opposition has no problem with that provision. However, we have some concern in relation to the provision which allows people to incriminate themselves when questioned about a breach of the Act. We do not propose to move any amendments in this place in relation to that provision because we fully understand that there are significant difficulties for the board when it sets out to prosecute people. Those who have any experience in the industry would know that that is exceptionally difficult. However, my colleague the Hon. Mr Griffin in another place is looking at the wording in an attempt to solve this problem and to protect the rights of people. The Opposition has taken a consistent line on provisions of this nature in other legislation, and we want to do the same on this occasion.

There are other matters that I think I should mention briefly. I understand that the Victorian Minister of Agriculture has suggested that Victoria should have someone on the board with special financial knowledge. We do not object to a board member with those particular skills, but the Opposition believes that that person should come from South Australia, particularly from Treasury or the State Bank. South Australia is by far the most significant contributor to the Australian Barley Board, which is made up of South Australians and Victorians. Therefore, if that suggestion is put forward in the future, we make clear that it should be someone from this State.

It is absolutely essential that the board continues until 1992-93. It has been suggested that consideration should be given to providing transitional provisions similar to those that apply with the Australian Wheat Board so that there is no confusion about the continuation of the Act after the 1992-93 season, avoiding any complication with writing long-term contracts. I raise this matter, because the Australian Barley Board has briefed the Opposition on it. The board wants to be able to trade in futures and make other financial arrangements. The Opposition has no objection as long as adequate care is taken to ensure that the interests of the industry are properly protected.

This measure has the full support of the industry. I have had discussions with management and with grower members, and there is no problem whatsoever, apart from the provision which could cause what could be described as self-incrimination. The legislation has operated since 1947 and a predecessor of the member for Flinders had considerable involvement in its implementation, and I refer to the Hon. Glen Pearson, a former Treasurer and Minister of Agriculture.

Many people in South Australia have had a long involvement in the industry, and I pay tribute to the people who have been involved in the various institutions which have developed particular varieties of barley in South Australia. With those few comments I support the Bill and hope that it has a speedy passage through both Houses of Parliament, because I understand that it is fairly important that the Bill becomes law within the next couple of weeks. I also indicate that a measure involving the wheat industry (to come before the House tomorrow) will receive our support and we are happy to facilitate its passage through Parliament, if the Government requires that. I support the measure.

The Hon. M.K. MAYES (Minister of Agriculture): I thank the Opposition for its support. The second reading explanation and the member for Eyre's comments have encapsulated what we are endeavouring to do with the Bill. I think it is fair to say that we are moving a little further in front of Victoria through this Bill. Perhaps we are setting the pace (so to speak) for the barley industry. I think it is fair to say that this measure will assist the industry and support its continued viability, versatility and flexibility through the operations of the board. I hope that the Victorians catch up with us in those areas where we are moving in front of them. I thank the Opposition for its support. It

is important that the Bill has a speedy passage and is brought into law. It is with pleasure that I bring the Bill before the House and I hope that in the years to come it assists the industry.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Board may require written information.'

Mr GUNN: This clause inserts new subsection (3), which provides:

> A person may not refuse on the grounds of self-incrimination to comply with a requirement under this section but information furnished in the course of compliance with this section will not be admissible except in proceedings for an offence against this Act.

The Opposition has taken a consistent line on this area in other legislation. We understand why the provision is included, because it is often difficult to successfully launch a prosecution. However, other considerations ought to be borne in mind. There is the old saying that difficult cases make bad laws and that exemptions should not be made. Therefore, my colleague the Hon. Mr Griffin in another place is looking closely at a suitable form of words hopefully to achieve what the board requires, that is, to prevent illegal trading. Those of us who strongly support the concept of orderly marketing realise that there have to be some enforcement measures within the legislation.

However, we also want to ensure that the rights of citizens are not unduly trampled upon. If we agree to the provision in this legislation, when similar provisions are included in other legislation where prosecutions can take place on a regular basis, there is a need for us to be consistent. Therefore, I float this comment now and hope that the situation can be resolved sensibly. I have discussed my views with the management of the Barley Board and with my local grower member of the board, and they clearly understand why we will be putting forward these suggestions.

The Hon. M.K. MAYES: We have been through this debate on a couple of occasions in other Bills that have been before Parliament. I understand the concern of the member for Eyre about this issue. It is fair to say that the industry—the industrial section and the Barley Board—requested this change, and I have no problem with it. This same matter was dealt with under the agricultural chemicals issue by an amendment moved by the member for Elizabeth. I was happy about that, and it related to the limited jurisdiction to the provisions of that Act. That is precisely what this amendment does in this measure. Clause 5 amends section 10a and gives it some teeth in order to ensure that the board has power under the Act, and it is important to include this provision.

As the member for Eyre has said, there may be some consideration in another place of amendments. I have no discomfort with this, because it is specific and the industry—and I can understand the industry's enthusiasm for this clause—has requested it. I understand the honourable member's concern and I will look with interest at what comes back from another place.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

CANNED FRUITS MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 1737.)

Mr GUNN (Eyre): The Opposition supports this machinery measure, which is designed to continue the operation of the statutory marketing arrangements under the control of the Australian Canned Fruits Corporation. As I have been informed, it is necessary for this legislation to be passed because there is agreement between the Governments of South Australia, New South Wales, Victoria and the Commonwealth, and the complementary legislation must be passed in each State. I have spoken to the industry and to the member for Chaffey, and they all support it. I received from Dairy Vale Orchards Limited a note which states:

> Thank you for giving us notice of the proposed amendments to the Canned Fruits Marketing Act. We wish to advise that the company has no objections to the amendments proposed.

That has been the attitude expressed by each of the sections of the industry with which I have spoken. Therefore, the Opposition has no desire to hold up the legislation. We wish to see it passed into law. As someone who supports statutory marketing of primary products, I am pleased to lend the support of the Opposition to this measure.

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

APIARIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 1737.)

Mr GUNN (Eyre): The Opposition supports this measure, although we have a few questions to ask about the provisions of the Bill. We do not in any way wish to unduly slow down proceedings, because we are making fair progress today. I can see no point in our being here any longer than is absolutely necessary, but we do have a responsibility to those involved in the industry who expect the Opposition to carry out its proper function, that is, to question the Government of the day on measures that it places before the Parliament.

One problem when there is not a great deal of legislation before Parliament is that it greatly restricts the amount of time that the Opposition has to consult and confer with interested groups. I had the chance on Friday to contact a number of apiarists who live in my district. They were aware of the general provisions of the Bill but they had some concerns which related basically to the provisions dealing with fines of up to $5 000. They believe that the fines were excessive. One apiarist from Wirrabara with whom I spoke advised me about branding hives and said that a fine of $5 000 was ridiculous.

The Hon. M.K. Mayes: Who is that?

Mr GUNN: I will not give his name. It was a bloke from Wirrabara who is well known in the industry. He said it was fair enough to fine a person who is purposely not branding hives, but most people try to brand hives. Obviously, $5 000 is the maximum fine, but some of the fines imposed under other Acts of Parliament for much more serious measures are much lower. Obviously, there is a need for hives to be branded in order to allow for traceback in the case of disease. I understand all of that. I would think the fine for a first offence could be about $500. If a person was convicted of a second or third offence, there is obviously logic in throwing the book at him. There would be no mitigating circumstances, and that is only commonsense. I make those suggestions so that the Minister, if he is happy with 'hem, can have amendments moved when the Bill is before the other place.

Turning now to compensation, if a person has only two months to notify, that is too short a time, as I am told that

sometimes bees will hibernate for up to three months. I have a limited knowledge of the industry but I am acting on the advice of well informed industry people. I always endeavour to keep as far away as possible from bees as they seem to have a particular liking for me. If I am unfortunate enough to have a swarm of bees come close to my house I deal with them very smartly. I suggest that the Minister should have his officers look at the suggestion and have discussions with the industry.

In relation to the 24-hour period of notification, I understand that the department had a telephone number where information could be passed on and that, once a telephone call was made, it would be accepted as notification. Because there can be problems, I suggest that 48 hours is a reasonable period of time because these people are out in the bush, and I understand this has sometimes caused concern. Perhaps the Minister will look at this. I understand that there have been a couple of fairly difficult cases in relation to compensation.

The Hon. M.K. Mayes interjecting:

Mr GUNN: I have had discussions with one or two people in what has been a long and difficult exercise, and I am still not sure who is right or wrong. I hope that the matters can be resolved. It will be good if this legislation can put beyond doubt whether or not compensation is available. Obviously, the overwhelming majority of people in the industry recognise that there is a problem, want to see it rectified and want to ensure that the fund is protected. Obviously, they want to ensure that the industry is protected—and that is important, because it is an important industry to South Australia. I have looked at a couple of these cases and they certainly have been difficult. One difficulty that members of Parliament face when investigating these matters is whether or not they have been given the correct information. Sometimes I am of the view that perhaps that is not the case.

The Hon. M.K. Mayes: I could give you the briefing notes.

Mr GUNN: I would not mind that. I was not familiar with the provision to give away free queen bees on Kangaroo Island, and I have not heard any demand for that facility to be maintained. Another matter causing the industry great concern is the proposal of the National Parks and Wildlife Service to restrict entry of beekeepers into national parks and conservation parks. The South Australian Apiarists Association is concerned that the Department of Environment and Planning may continue to prevent entry to national parks. I suggest that it may be a good idea for the Minister to have his officers discuss this with both the industry and the department, particularly the National Parks and Wildlife Service, to see whether or not it is possible to maintain access. To me there would appear to be good reasons for this. An industry report states:

> Industry Access to State-owned Resources.
>
> Draft management plans from the Department of Environment and Planning indicate that bee sites will be eliminated by attrition. Many sites in national parks have already been lost. Reasons given for exclusion of honey bees from national parks are: honey bees are alien insects, compete with native birds and insects and indirectly affect floral composition. The SAAA protests that these claims are without scientific basis and are considered by some scientists to be of a negative and speculative nature.
>
> We believe that large areas of native vegetation have been saved from destruction by the actions of the beekeeping industry (for example, Ngarkat). However, we are now accused of damaging the environment without adequate research or investigation being carried out.
>
> The SAAA believes that continued access to national parks and conservation parks presents no unmanageable problems given simple, practical administration.

I hope that the Minister can use his offices to ensure that the beekeepers who have access to national parks and conservation parks are not prevented from continuing to have. A number of colleagues have advised me that they strongly support the provision that requires beekeepers to provide water for their hives. I understand that there have been a few embarrassing situations where people have had problems with bees coming too close to populated areas. If water is on hand that will no longer be the case. Anyone who has worked on wells or troughs on a hot day knows the problems in that regard.

The 1 300 beekeepers in South Australia are an important part of our agricultural industry, and they should be encouraged. All members will be aware that from time to time they have expressed considerable concern about the effects of the biological control legislation. I will not go into that today, because there are good reasons why that legislation was passed through the Parliament, and I hope that it will not affect the areas in which the majority of South Australian beekeepers live.

Obviously, this legislation and the requirement to brand beehives will be applied to people who keep only one or two hives as a hobby. Will the Minister advise whether the people engaged in that hobby—and I know a number of them, although it is not a hobby that appeals to me—will come under the ambit of the Act, particularly in relation to branding their hives, and whether they will be required to report any disease infected bees to the department? I support the Bill. Hopefully, the Minister can take the necessary action in another place to resolve the matters that I was asked to raise.

The Hon. M.K. MAYES (Minister of Agriculture): I thank the Opposition for its support of this Bill. The member for Eyre has touched on the major reasons for bringing this Bill before the Parliament. There have been some serious problems, and I assure him that trying to address this legislation, particularly the disease aspect of it, has caused me to have a few extra grey hairs. However, that is the job, and I accept it. I believe that this Bill will address the problems to which he referred. I acknowledge his point in regard to fines. Industry representatives—that is, those people elected to represent apiarists—requested those fines, so it is their action and their request. I will be happy to look at whatever comes from the other place.

I am sitting quite comfortably with what they have requested. I understand the thrust of this argument because the honourable member has put those proposals previously in relation to one or two other Bills dealing with the rural industry. I am also quite comfortable with the second point concerning 24 hours in which to notify an inspector of a disease under section 5 of the principal Act. Having discussed this matter with my officer while the honourable member was speaking, I would be happy to accept an amendment of 48 hours from the other place as I am sure that would expedite proceedings. I am probably committed to the other points; bearing in mind the principle of the Bill, I really do not want to water it down to the extent that may be suggested. However, I think the honourable member appreciates that I am quite interested to see what may come from discussion in the other place.

I thank the Opposition, and I think we will see this measure assist the industry, as I believe it will help what is a very important industry in this State. Anyone with children certainly knows how important is honey on the table, particularly South Australian honey. We have here a package which will assist the industry in addressing disease, at the same time addressing the organisation, administration

and management of the industry as a whole. So, I am delighted to be able to present this as the Minister representing the Government in the House.

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

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

A quorum having been formed:

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

The Hon. M.K. MAYES (Minister of Agriculture): I move:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the adjournment of the House, and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

ADJOURNMENT

The Hon. M.K. MAYES (Minister of Agriculture): I move:

That the House do now adjourn.

Mr FERGUSON (Henley Beach): During this grievance debate, I wish to refer to a problem that has arisen in relation to some of my constituents. It relates to action taken by local government regarding the application of the minimum rate. Since the end of August, my constituents have been receiving accounts for the payment of council rates. Several of my constituents have approached me with respect to spectacular increases in council rates for the properties that they own. This has come about by the council instructing the Valuer-General that all rates for flats and units shall be apportioned in accordance with the number of flats or units on a particular property. In addition to being apportioned, the minimum rate that the council has struck applies to these properties.

As an example, one of my constituents last year had a valuation on his property of $110 000 and was charged $365.42 for council rates for that property. Now that a direction has been given to the Valuer-General to apportion the cost of the rates, he finds himself with an account for $1 590. This is a very spectacular increase indeed. The six flats on his property have all attracted the minimum rate of $267. To make matters more inequitable, the flats are of different sizes: some are one bedroom flats and others are two bedroom flats. However, under the current apportionment proposals, all are charged at the minimum rate of $267 for this current financial year.

The council has been approached about this problem, and its explanation is that it is following the same course of action that has been taken by other councils in the surrounding western area, other councils having applied this method of valuation on home units and flats for many years. It has been explained to me that many hundreds of thousands of dollars are involved and that the council can no longer afford to forgo this revenue. I believe that this situation is both unfortunate and unfair to all concerned. It is most unfair to the tenants of these dwellings. It is a well-known fact that landlords automatically pass on rates and taxes to their tenants by way of increased rent charges, so it seems to me to be manifestly unfair that a person renting a one bedroom flat has to pay rates and taxes over and above the true valuation of that dwelling.

The other point to remember is that there is no appeal against this impost. Under the current situation, if a home owner believes that his house has been over-valued he has the opportunity by way of legislation from this Parliament to appeal against that decision. However, when councils use the minimum rate provisions, they are able to over-value a property, and the owner has no right of appeal whatsoever. I believe that the application of apportionment, coupled with the minimum rate, is wrong morally and acts in an unfair way against people who have no way to redress a decision made under the present law.

I would like to make four points about the current situation. The first point is that a council may make application and be granted apportionment of rates to units and flatholders without any reference whatsoever to the owner. Many owners have found to their absolute surprise that a council has taken this step. Secondly, under the current situation there is no need for a council to notify an owner that apportionment of rates has been applied for. I believe that, if any changes in rates are being contemplated by a council or corporation, it should be mandatory that the owner is notified.

Thirdly, there is no right of appeal under the current situation against the application of minimum rates and apportionment. This is very unfair, because there can be no right of appeal against this decision. Every other householder has the opportunity to appeal against the valuation of his or her property. That appeal may or may not be successful but, if it is successful, it affects the eventual payment of rates to the council. Under this system there is no right of appeal; an amount of money at the minimum rate has been determined by figures that appear to be plucked out of the air; and the person who is responsible for paying those rates has no right of appeal against that decision.

The fourth point I wish to bring to the attention of the House is that under the present system the owner receives an account which must be paid within one month, and no time is available for adjustment of rents. This of course clashes with other legislation under which an owner must give appropriate notice of rent increases. On the one hand, he is obliged to pay an account within one month, having no knowledge of spectacular increases. On the other hand, he is hobbled by the fact that he must give appropriate notice to the people who are leasing properties that rent increases are about to be imposed. Perhaps the best way to summarise the argument is to quote from a letter I have received from a constituent. In part, it states:

> I went interstate for five months and, on my return in early October, found to my horror that rates had been increased by 12 per cent. I feel that it is quite unjustified when the inflation rate was only 7 per cent. In consequence, I wrote to the Town Clerk registering my complete disapproval of this increase when all sections—public, private and semi-public bodies—have been urged to conduct a sound cost efficiency principle to combat the evils of inflation. In due course, I received a reply, which I found to be unsatisfactory.
>
> The above protest led me into a further very unjust factor concerning council rates, and it is the cross-imposition of the minimum rate levy by councils. The minimum rate in this council is $241, which I pay. In carrying out a simple arithmetic solution, this equates to a property value of at least $46 570 as assessed by the E&WS Dept. In my case, my unit is valued at $27 000.
>
> From this, one can only conclude that all properties paying the minimum rate will be of a much lower standard than the actual dwelling. Clearly, then, this minimum rate ruling is not only unjust but completely immoral, because cheaper and constricted dwellings to some degree subsidise the more expensive homes.
>
> An additional factor is that units increase council revenue tremendously. Perhaps I can cite my observations to make my point clear. There are six units in this complex, which can only be described as an average housing block. There are six by $241, equalling $1 446. This is the amount council receives in rates. If only one house stood on this block, the council would receive approximately $450—again, this is clearly unjust.

Having made a verbal inquiry to the Town Hall, I was informed that I should contact my MP concerning the minimum rates issue.

I now officially make a protest to my MP over the sum of the minimum rate and the body that sets the sum of the minimum rate; the body that sets the sum should be made aware of my views, and I should be given a satisfactory explanation. Yours sincerely

The Hon. B.C. Eastick interjecting:

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

Mr Ferguson: I cannot answer that without looking at it.

The SPEAKER: Order! The honourable member has finished his contribution. This is not Question Time, and the honourable member for Light should not be directing questions to a member of the Government back bench. The honourable member for Morphett has a full 10 minutes for his contribution.

Mr OSWALD (Morphett): Tonight I would like to address my remarks to the South Australian tourism industry. I have before me the South Australian Tourism Development Plan which was produced in 1982 and is dated 1982 to 1986-87. Referring to our fair city of Adelaide, the statement of interest in that document states:

Described by the *New Yorker* as 'possibly the last well-planned, well-governed and moderately contented metropolis on earth', it is set amid green parkland with a business centre that is a blend of modern skyscraper development and distinctively gracious colonial architecture.

Flanked on one side by a low mountain range and on the other by sandy beaches, Adelaide is an expanding commercial centre and convention city that provides easy access to the natural tourist regions of the Barossa Valley, Flinders Ranges, Kangaroo Island, Fleurieu coastline and the Riverland.

That picture of South Australia has been depicted over the years by Governments in promotion of the State. When this Government came to power in 1982 it set about—conscientiously at the time, I believe—endeavouring to increase the level of tourism, both interstate and intrastate. The level of tourism has not increased very much. During the course of the past five years the Government seems to have continually brought out on a grand scale tourism development plans for South Australia, but they never seem to get off the ground and get down to the nitty-gritty of what developing intrastate tourism is really all about. As one goes through this plan, which was written in 1982, taking for example the, Fleurieu Peninsula, it states:

The Fleurieu Peninsula's coastline and associated recreation activities, historic buildings and rural countryside stretch south of Adelaide. It embraces soft, undulating farmlands and vineyards and is bounded by rugged coastline dotted with sandy beaches and coves. The major towns include Victor Harbor, Port Elliot and Goolwa. Beside their excellent reputation as fishing bases, each centre has its own distinctive charm and character. The biggest, Victor Harbor, faces Encounter Bay and dates back to the whaling days of last century.

It then goes on to talk about the wineries in the region. Anyone reading that paragraph would be absolutely delighted and, I have no doubt, would plan a trip down to the Fleurieu Peninsula to see what they could find there.

That was five years ago, and what has the Government done to provide facilities down there over that time? I would like to enumerate some of them to the House but, before I do, let me highlight the points I want to develop. That is, the Government recognises that we have a tourist product, it has made a lot of motherhood statements about developing the tourist product but when it comes to the crunch what is happening out in the regions is that apart from a lot of talk, a lot of grand ideas and grand plans, we are not seeing very much happening.

I would like to mention an article that appeared in the *Advertiser* in January of this year and it refers to the Fleurieu Peninsula, which is described so well in the South Australian Tourist Development Plan of 1982, where we have a picture of the coastline dotted with sandy beaches and coves, and the wineries and major towns. In September this year the Coast Protection Board came out with its draft management plan. It is the most damning indictment of the Department of Tourism's aims and objectives. The Coast Protection Board's draft management plan says (and it is quite categoric) that the lack of tourist facilities on the Fleurieu Peninsula is leading to damage to the beaches, estuaries and other sensitive areas.

Goodness me, Sir, the Minister has had control of her department for five years, and during those five years I am sure someone in her department has pointed out to her the deficiencies that exist on the Fleurieu Peninsula in the way of facilities for tourists who go down there. But, five years down the track, all we are getting from the Minister is press releases churned out *ad nauseam*, saying what a wonderful place South Australia is to visit and that we have plans for the future, but in actual fact those plans do not come to fruition. It is claimed by the Coast Protection Board's draft management plan that there is a paucity of facilities, such as caravan parks (which, I would have thought, would be absolutely vital to intrastate tourism), and this has resulted in a spilling over of tourists into the sand dunes and onto the beaches, estuaries and other sensitive environmental sites which become very prone to erosion.

It means that tourists on walking trails, bikes and whatever, proceed to get into the sensitive areas, into the sand dunes, and knock around the vegetation and destroy the cliff faces. In particular, the Coast Protection Board points out that the lack of caravan parks, picnic reserves and amenities such as boat ramps, lavatories, change rooms, kiosks and lifesaving club rooms is a real problem for the tourist as he travels south, along the Fleurieu Peninsula. Yet the Government has been here for five years and, if we like to take it one step further, I can say that Labor Governments have governed South Australia for some 20 of the past 25 years, but—

An honourable member: And very well, too.

Mr OSWALD: The honourable member says, 'Very well.' This is the whole point I am trying to criticise, that for 20 of the last 25 years the Government has had an opportunity to build up tourist facilities in the Fleurieu Peninsula—those regions close to Adelaide. It is bad enough when we get outside the Adelaide region, but the Fleurieu Peninsula is not outside that region. It is within an hour's drive and the Labor Government has had 20 years to develop those facilities. However, all that happens now, at the end of 1987, is that the Minister keeps churning out a grand plan for the future tourist development of this State.

An honourable member interjecting:

Mr OSWALD: The honourable member criticises, but he should go down to the Fleurieu Peninsula and see the great lack of tourist facilities in the way of caravan parks, lavatories, and the other facilities that I mentioned a moment ago. The lack of boat ramps as we go down the coast is something which, over the 20 years that the Labor Government has been in power in the past 25 years, it could have done something about. It was something that was recognised in the report of the Government five years ago. However, it has done nothing about the situation. It has not chosen to do anything about it. All the Minister can do is produce grand plans for what we are going to do in the future.

I have a press release from 22 September in which the Minister lists her tourist development blueprint for the future. No doubt when that plan is made available to me and I go through it everything that was mentioned in 1982

will appear again in the document in 1987. In the meantime these facilities are not being built. We will not get tourists going back again and again to the Fleurieu Peninsula unless facilities are provided, and if we do not provide correct and well planned facilities, tourists, as the Coast Protection Board has proven, will leave the beaten tracks and go off and camp in the environment in places of their own choosing.

If they do that, the environment, being sensitive and fragile, will not last long. We are tired of the motherhood statements that have been made both by the Minister for Environment and Planning and by the Minister of Tourism. Such statements do not go anywhere. We are tired of the grand plans for tourism in South Australia, because they are just that and do not lead anywhere. I will raise this point and look at some facilities in a year's time, but I bet that the situation then will be no different. Indeed, the situation has not changed since 1982. The Minister has had five years in which to get tourist facility projects up and running but has failed to do so. The Government should take heed of this and, if it has to, replace the Minister.

Mr ROBERTSON (Bright): I take the opportunity to bring to the attention of the House the sad case of two of my constituents. It is a clear case of *caveat emptor* in respect of which two people purchased a block of land on a filled quarry at Ayliffes Road, Pasadena, and found themselves in possession of land covered by over two metres of fill, which added considerably to the cost of building a house there. The sequence of events is fairly typical of a number of such cases that have subsequently come to my attention and it is worth recording how events sometimes unfold in these cases.

Initially, a resident of Pasadena bought two quarries on a piece of land between Eyre Boulevard and Ayliffes Road with the intention of developing a housing estate. Some years later, in 1962, he invited Mitcham council and others to fill the southernmost of the two quarries. Apparently he received complaints from local residents about wind blown paper and the like and he asked Mitcham council to put more soil between the layers of so-called sanitary landfill. The council apparently refused to do that, with the result that the landowner terminated the agreement with the council and invited the Engineering and Water Supply Department and various local solid waste contractors to use the quarry as a landfill site.

I believe that the landfill put into the quarry included a concrete floor from the then Chrysler plant at Tonsley Park which had to be demolished and carted away, and my constituents have found on their block bits of concrete floor poking up through the soil surface. When the quarry was filled, the developer invited the Highways Department, which was reconstructing Ayliffes Road, to dump topsoil onto the quarry site. That was duly done and the quarry site was levelled off.

In 1982, 20 years later, the owner applied for permission to subdivide a number of blocks over the former quarry site and in fact applied with the intention of subdividing two lots on the southern edge of the quarry. Subsequently, these have become known as lots 1 and 2 on Ayliffes Road—on the easternmost extension of Ayliffes Road, in fact on the old alignment of Ayliffes Road, Pasadena. On 16 September 1982, he received permission from the State Planning Office to go ahead with the subdivision and on the accompanying plans he did not mention that the site was a filled quarry.

The State Planning Office document issued on 17 June 1982 indicated that neither the Mitcham council, Engineering and Water Supply Department or the Highways Department, all of which had used the site for dumping purposes, had any record of dumping having been carried out, nor had the Lands Titles Office itself any such record. It struck me as a little odd that all three, the Mitcham council, Engineering and Water Supply Department, and Highways Department, should say that they had no record of any such activity there. I do not query that statement by any of them, but it indicates something about the kind of records kept at that time.

On 11 May 1983, the owner auctioned the two blocks through Barrett & Barrett and at the time of the auction disclosed that there was filling on lot 2 but apparently did not indicate that there was filling on lot 1. Not surprisingly, he received no offers for lot 2 but sold lot 1 for $35 000. He later sold lot 2 privately for $25 000, again without mentioning the quarry site. When the sale document came back to him he added a pencilled reference of 'some fill' and an arrow indicating the general direction of fill after the contract had been signed.

The prospective purchaser then became a little wary and ordered a soil test before countersigning the vendor's alteration. Not surprisingly, the soil test indicated the presence of normal soil, and so it should have, because the soil had, in fact, come from Ayliffes Road about 300 metres further down the hill. There is even some suggestion that the soil test may have been done on the wrong block, in any event. However, having been reassured by the results of the soil test, the new buyer then bought the block and subsequently discovered that it was, in fact, a quarry site and he has subsequently tried to work out how he can put his house on that block. The other block was sold by the original buyer (who paid $35 000 for it) to my constituents on 18 January this year for $67 000. The owner did not know, in fact—

The Hon. G.F. Keneally interjecting:

Mr ROBERTSON: Not a bad capital appreciation. The owner did not know it was a quarry site and I am prepared to concede that there was no way that he could have known. In the course of correspondence with Mitcham council over a right of way to the block, the new owners received a response from the council which puzzled them. In response to their letter to the council they received the following reply dated 25 February 1987:

> In reply to your correspondence of 24 February I would advise that the matter of access through the right of way is dealt with by the engineer in the enclosed correspondence.

Interestingly, the council adds this:

> With regard to the site in question, I would bring to your attention that there could be filling over part of the area of the allotment. As there was a quarry in the vicinity of lots 1 and 2 Ayliffes Road, which has been filled over a period of 25 or 30 years without any control by council, care should be taken by any soil engineer carrying out investigations for footing assessments.

Care was indeed taken by a soil engineer. The owners' response immediately was to commission Pak-Poy & Kneebone to do a soil test over the site. A soil test having indicated the possible presence of a quarry, the soil test done by Pak-Poy & Kneebone was considerably more comprehensive than the previous one and revealed up to 2.7 metres of fill on the site.

It is my constituents' position that to build their house on that site may involve an expenditure of at least $10 000 in the footings. They need to pin the footings to bedrock, which in some places is almost 3 metres below the ground surface. They are in an altogether sorry situation. It seems to me that it could have been avoided if a number of things had happened: if the developer had noted the position of the quarry on the documents and if the Highways Department, Mitcham council and the E&WS had notified their

activities to the State Planning Office at the time, even though there was no statutory obligation for them to do so, the sequence of events would not have unfolded.

It is not altogether atypical. I have subsequently learned that in Ona Court, Aberfoyle Park, an owner of a building tried to put an inground swimming pool into a filled sand mine, without very much success. In Perry Street, McLaren Vale, there are at least four houses sited on a former dump, of which again apparently no record existed. The South Australian Housing Trust in Messenger Road, Fulham Gardens, has a whole series of detached dwellings built on a former quarry site, which has been filled, and again there is no record of that having taken place.

It would seem to me that it is time that various authorities improved their acts considerably. It is time for all that information which presently exists in the Waste Management Commission, the Highways Department, E&WS, local government authorities and even within the Department of Mines and Energy and the remote sensing branch, which has access to satellite imagery, and the like, to be brought together under one roof. The ideal roof would appear to be the State Planning Office. If there was increased emphasis placed on notification of, not only existing quarry sites which may be filled in future, but also known quarry sites which have been filled in the past—if that information was put on a central register controlled by the State Planning Office—the kind of situation that my two constituents encountered would not have arisen and the residents of the other three subdivisions mentioned would not have been involved in additional expense to build their houses.

Motion carried.

At 4.25 p.m. the House adjourned until Thursday 12 November at 11 a.m.