HOUSE OF ASSEMBLY

Tuesday 24 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:

Canned Fruits Marketing Act Amendment,

Local and District Criminal Courts Act Amendment (No. 2),

Long Service Leave (Building Industry),

Motor Vehicles Act Amendment (No. 2),

Public Employees Housing,

Supreme Court Act Amendment,

West Beach Recreation Reserve.

PETITION: GRENFELL STREET BUS STOPS

A petition signed by 156 residents of South Australia praying that the House urge the Government to reinstate the two bus stops in Grenfell Street servicing routes 10 and 11 was presented by Ms Cashmore.

Petition received.

PETITION: WOODVILLE WEST KINDERGARTEN

A petition signed by 95 residents of South Australia praying that the House urge the Government to maintain teacher aides hours at Woodville West Kindergaren was presented by Mr Hamilton.

Petition received.

PETITION: JUBILEE POINT PROJECT

A petition signed by 22 residents of South Australia praying that the House urge the Government to stop the Jubilee Point project at Glenelg was presented by Mr Oswald.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 67 to 79, 221, 233, 238, 247, 249, 254, 255, 289, 293, 296, 306, 309, 332, 335, 349 to 353, 359, 360, 367, 377, 379, 383 to 385, 387, 388, 392, 398, 402, 425, 429, 431, 432, 434 to 440, 442 to 447, 449, 450, 453, 462, 467, 468, and 470; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

FILIPINO BRIDES

In reply to **Mr OLSEN** (15 October).

The Hon. J.C. BANNON: The Department for Community Welfare has contacted all women's shelters in South Australia and collected statistics on the number of Filipino women admitted due to domestic violence over the past 12 months. There are 12 shelters, and those admitted a total of 42 Filipino women. The Migrant Women's Emergency Support Service, which is non-shelter based, provided support and service to 13 women during the same period. This represents a total of 55 women, some of whom were admitted on more than one occasion and others who moved from one shelter to another.

Given that there are approximately 900 married Filipino women in South Australia, the total of 55 does indicate that Filipino women may be over-represented amongst those seeking shelter support because of domestic violence. The Chairperson of the Domestic Violence Task Force is, on the Minister of Health's instructions, establishing a review committee to investigate the problems experienced by Filipino women who have come to Australia as brides. This issue has been raised with the Department for Community Welfare, and shelters have been encouraged to forward relevant information to the Minister for Immigration and Ethnic Affairs.

It is important to note that the majority of Filipino marriages are successful and that, although the issues confronting Filipino woman merit further investigation, many of the issues confronting these women are shared by a number of other migrant women. The operation of shelters and the Migrant Women's Emergency Support Service indicate the recognition of, and willingness to respond to, the needs of victims of domestic violence.

TERRENCE HALEY

In reply to **Mr BECKER** (21 October).

The Hon. J.C. BANNON: The Attorney-General has provided me with the following information in relation to the question on whether bail granted to Terrence Haley over charges relating to the possession of a dangerous weapon should be subject to a review.

Under our system of justice a person accused of an offence is assumed innocent until found guilty. The Bail Act 1985 therefore provides that any person accused of an offence has a right to be released on bail unless the magistrate considering a bail application is of the view that the applicant should not be released on bail. Section 10 of the Bail Act sets out the principles that a magistrate must apply when considering an application. These principles include:

(a) the gravity of the offence in respect of which the applicant has been taken into custody;

(b) the likelihood (if any) that the applicant would, if released:

(i) abscond;

(ii) offend again;

(iii) interfere with evidence, intimidate or suborn witnesses, or hinder police inquiries;

(c) where there is a victim of the offence any need that the victim may have, or perceive, for physical protection from the applicant;

(d) any need that the applicant may have for physical protection;

(e) any medical or other care that the applicant may require;

(f) any previous occasions on which the applicant may have contravened or failed to comply with a term or condition of a bail agreement;

(g) any other relevant matter.

The magistrate obviously faces a particularly hard task in weighing up the arguments for and against the release of an offender on bail. In this particular case bail was granted but very strict conditions have been placed on Haley, the main being that he must report daily to the Plympton police station. Both the Commissioner of Police and the Crown Prosecutor are of the view that an application for a review of bail is not appropriate in this case.

Since asking this question the honourable member may have noticed in the media that Haley in fact has since been charged with further offences. This time the charges deal with breaking and stealing. Again, Haley was released on bail although on this occasion the police applied for a review of bail to the Supreme Court. The application, however, was dismissed by Justice Von Doussa. Finally, I must stress that the question of bail is one for the courts. In this case the courts have decided that bail should be granted pending the final hearing of the matters.

STAFF

In reply to **Mr S.J. BAKER** (24 September).

The Hon. LYNN ARNOLD: The increase in the number of staff in inter-agency support services from 1986-87 proposed 87.8 to actual 104.2 is a result of the following:

- Minister's office transferred to DTAFE from another agency (9AFTE)
- Project team established to develop and implement financial management and supply systems (DMIS/FIMASS) (4AFTE)
- Increase in accounts payable staffing to achieve payment of accounts within 28 days (3.4AFTE)

The reduction from the 1986-87 actual 104.2 to the 1987-88 proposed 100 is a result of the following:

- two staff attached to he Minister's office transferred from another agency (=2AFTE)
- AO/EO ceiling savings strategy (−1AFTE)
- Department of TAFE savings strategies from support areas other than accounts payable (−5AFTE)

ISLAND SEAWAY

In reply to **Hon. P.B. ARNOLD** (21 October).

The Hon. R.K. ABBOTT: The agreement for the sale of the *Troubridge* which was finalised on 11 August 1987, provided for the delivery of the *Troubridge* between 7 September 1987 and 9 October 1987. At that stage this involved a considerable margin of time between the anticipated commissioning of the vessel and the final date for delivery. Subsequently, following sea trials, a number of modifications were necessary prior to putting the *Island Seaway* into operation.

To maintain the service to Kangaroo Island beyond 9 October 1987, a number of options were examined, including chartering another vessel and extending the delivery date of the *Troubridge* under the sale agreement. It was not considered prudent to defer cargo services to the island without being able to be confident about the timing of their reintroduction.

An extension of the delivery date of *Troubridge* was negotiated with the purchasers on the basis of the costs that they would incur through the delay in the delivery of the vessel. It was not possible in the course of those negotiations to be clear about a likely delivery date. These costs were estimated to amount to $3 000 per day. This was the most cost effective option to the Government to maintain the service. Accordingly, the sale contract was extended in this way (subject to the notice clauses of the agreement) to 6 November 1987, and subsequently for a further short period.

BELAIR RECREATION PARK

In reply to **Mr FERGUSON** (6 October).

The Hon. D.J. HOPGOOD: I am pleased to inform the honourable member that both his useful suggestions are already available as services from the District Ranger's Office at Belair Recreation Park. Advance entry tickets and annual permits can be purchased at that location.

BOUNCERS

In reply to **Mr TYLER** (20 October).

The Hon. D.J. HOPGOOD: Assaults by security staff (bouncers) are not recorded as a special category offence, and therefore cannot be separated statistically from other violent offences. Management of hotels and other establishments regard such incidents with disfavour, as it can affect their business. Consequently, if any of their employees become involved they are dealt with fairly promptly, usually by dismissal.

Security personnel receive no special consideration, and where evidence of an offence is available, charges are laid by police. However, it must be recognised that such personnel operate in a risk environment and as such their actions could be found to be justified under the prevailing circumstances. Each situation is judged on the individual facts. The Commissioner of Police does not believe that licensing of hotel security staff is justified. He points out that, because of the transient nature of these employees, maintenance of such a system would present difficulties. In the final analysis, it would only provide evidence of identity which has not been a problem in the past.

PAYMENT OF FINES

In reply to **Ms LENEHAN** (15 October).

The Hon. G.J. CRAFTER: The question of means to pay fines is being addressed by the Government in the Criminal Law (Sentencing) Bill, the drafting of which is nearing completion. When a court decides to impose a fine and the payment of it would cause severe hardship on the defendant or his or her dependants, because of his or her lack of means, then the court will be required to look at other sentencing options, such as community service orders or bonds.

The Swedish day-fine system, referred to by the honourable member, is not feasible in this State for a number of reasons, the chief one being that personal tax records in Sweden are a matter of public record: therefore, courts have complete access to them for the purposes of setting individual day fines. Of course, the same situation does not apply in this State.

FENCES ACT

In reply to **Mr ROBERTSON** (3 November).

The Hon. G.J. CRAFTER: The question the honourable member has asked is far from clear. Presumably, however, he is referring to the following situation: if A and B are adjoining owners of land and if B seeks either to erect a fence, or perform any replacement, repair or maintenance work in relation to a fence that divides B's land from A's land, and if B contracts with C (for example, a fencing contractor) who performs the work badly (that is, not at all to A's satisfaction) does A have a right of legal redress against C?

As a matter of law (in the absence of a contract concluded between all of A, B and C) where there is a concluded contract between B and C only, there is privity of contract between them alone and A would have no remedy under

contract. Thus if C performed the work badly the only person who could sue C would be B.

But this stricter notion of privity has, in my opinion, been abrogated by the plain language of section 12 (1) of the Fences Act 1975, which, in so far as it is material, provides:

> Where any difference or dispute arises in relation to fencing work . . . any person affected by the difference or dispute may by application to the court seek a determination of the matter.

Therefore the statutory right of recourse to the appropriate court in the event of a difference or dispute over fencing work (which includes the erection of a new fence or the replacement, repair or maintenance of an existing fence) would appear to enable A to bring legal proceedings for unsatisfactory workmanship performed by C on B's behalf. While there seems to be no reported decision interpreting the breadth of section 12 (1) the ordinary rules of statutory construction would appear to enable such proceedings to be brought by A.

In any event, such a broad construction of section 12 (1) appears better to promote the objects of the legislation. It follows (in the absence of a formal court decision which unnecessarily narrows the plain language of the Act) that there seems to be no need for a review of the legislation, as suggested by the honourable member.

CYSS FINANCIAL REPORTS

In reply to **Mr FERGUSON** (8 October).

The Hon. G.J. CRAFTER: The quarterly accounts required to be lodged with the Department of Employment Education and Training are for a specific purpose attaching only to the grants provided. They do not include at least a statement of assets and liabilities or preferably a balance sheet and are not required to be placed on public file.

The accounts required to be lodged with the Corporate Affairs Commission embrace all the activities of incorporated associations whose gross receipts exceed $100 000 in a financial year, and are available to be viewed by creditors and other interested parties. They comprise accounts which are designed to inform members of a complete picture of the association's position and operation.

It is understood that the Department of Employment Education and Training will be investigating further the separate reporting regimes of Community Youth Support Scheme groups within the framework of discussions that are currently being held on the integration of the three community based programs under their administration.

ARMSTRONG'S TAVERN

In reply to **Mr S.J. BAKER** (24 September).

The Hon. LYNN ARNOLD: The estimated $1.2 million comprises $700 000 for purchase of the property and $500 000 for renovations to bring the property to a state fit for lease to the operating company, which will be a partnership involving Department of TAFE, Australian Hotels Association, and Liquor Trades Employees Union. An additional $150 000 would restore the historical exterior appearance. It had originally been hoped that the $500 000 for major renovations would be met from the Department of TAFE capital works budget; that is no longer possible given funding consequences of the May economic statement. An approach has been made to the Commonwealth to make good this shortfall. It may be necessary for a loan at commercial rates to be taken out for all or part of the money needed. This would have an effect on the amount of trading surplus available for enhancing the hospitality teaching program. In the meantime, approximately $20 000 has been spent on minor works to enable classes to be conducted in the front bar area.

A preliminary business plan has been prepared by the Adelaide College of TAFE. It assumes expenditure by Government of the $1.2 million mentioned above to bring the tavern to operating standard. Negotiations are proceeding with a view to establishing a joint venture with Government, the AITA, and the LTEU to operate the enterprise.

We will also supply advice as to the alternative cost options that were available to the department to meet those costs (for extra accommodation for child-care and hospitality training courses).

The Adelaide College campuses in Flinders, Grenfell, Grote and Wakefield Streets in each case have insufficient site area to permit the building of a child-care facility to meet the requirements of the regulations under the Children's Services Act 1985. An adequate centre providing 20 child-care places would require an indoor area of the order of 275 m^2 and an outdoor play area of the order of 300 m^2.

The cost of alternative sites located within reasonable proximity to the Light Square campus and which would adequately meet the requirements of a child-care centre has been too high to be considered feasible. Similarly the remaining possibility of renting suitable accommodation close to Light Square has been militated against by the high rental cost in this commercial zone.

The feasibility of incorporating child-care facilities within Armstrong's Tavern was examined. It was found to be impracticable on the grounds of the limitations of both indoor and outdoor space requirements, together with access difficulties. Although negotiations with the private developer Hooker Projects Properties were predicated on the redevelopment proposal which was to provide the Adelaide College of TAFE with a tavern and hospitality training facility, together with a child-care centre as a separate element, this proposal was withdrawn by the developer.

As a consequence of the foregoing and given the present constraints on capital funding, the provision of a child-care facility at the Adelaide College of TAFE remains unresolved, though alternatives are being considered.

THIRD PARTY APPEALS

In reply to the **Hon. JENNIFER CASHMORE** (4 November).

The Hon. D.J. HOPGOOD: The Government has not recieved any recommendations to abolish third party appeals, nor has it any proposal to do so. It has received a specific recommendation for a change to the system from the joint State and Local Government Working Party on Urban Consolidation. The recommendation is:

> to amend regulation 38 of the Development Control Regulations to include in the list of applications exempt from notification procedures all single and two storey dwellings with exclusive sites. (Exclusive sites have been taken as those which have private open space at ground level and frontage to a public road.)

The effect of this change is not likely to have major ramifications. First, it will not make any difference to appeals against applications that are classified as prohibited development under the development plan such as flats in an R1 zone. Applications of that type will continue to be advertised. Secondly, it will only have a limited effect on applications that require consent in that it merely adds to an already extensive list of applications that are exempt from notification, including detached dwellings, semi-detached dwellings and row dwellings. Thirdly, the proposed amend-

ment only affects single storey housing and two storey housing of the town house type. It does not affect appeal rights against blocks of flats that attracted so much concern when erected in the 1960s.

The amendment does not affect planning control over these forms of houses in terms of privacy, overshadowing, building bulk, landscaping and other matters.

ENVIRONMENTAL HEALTH STUDY

In reply to **Mr De LAINE** (13 August).

The Hon. D.J. HOPGOOD: I am informed by my colleague the Minister of Health that the environmental health survey conducted on the Le Fevre Peninsula was undertaken to stimulate interest and awareness amongst the community and Government agencies concerned with administration and policy in environmental and health areas. The survey was small (120 households) and by design unscientific. The need for more accurate and rigorous studies and the issue raised by the honourable member concerning the geographic areas to be included in further deliberations will be considered in the next few steps taken to explore environmental and health concerns.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon):
- Casino Supervisory Authority—Report, 1986-87.

By the Minister of Emergency Services (Hon. D.J. Hopgood):
- Listening Devices Act 1972—Report, 1986.

By the Minister of Lands (Hon. R.K. Abbott):
- Surveyors Act 1975—Regulations—Coordinated Cadastre System.

By the Minister of Marine (Hon. R.K. Abbott):
- Department of Marine and Harbors—Report, 1986-87.

By the Minister of State Development and Technology (Hon. Lynn Arnold):
- Riverland Development Council—Report, 1986-87.

By the Minister of Transport (Hon. G.F. Keneally):
- Local Government Finance Authority of South Australia—Report, 1987.
- Outback Areas Community Development Trust—Report, 1986-87.
- Parks Community Centre—Report, 1986-87.
- South Australian Local Government Grants Commission—Report, 1987.
- Department of Tourism—Report, 1986-87.
- Local Government Finance Authority Act 1983—Regulations—Lacepede and Tatiara Animal and Plant Control Board.
- Road Traffic Act 1961—Regulation—Flashing Yellow Light.
- Corporation By-laws—
  - Mount Gambier—No. 5—Council Land.
  - Port Augusta—No. 91—Vehicle Movement.

By the Minister of Mines and Energy (Hon. R.G. Payne):
- Electrical Articles and Materials Act 1940—Regulations—Insect Electrocutors.

By the Minister of Education (Hon. G.J. Crafter):
- Classification of Publications Act 1974—Regulations—Acre Industries.
- Criminal Injuries Compensation Act 1978—Regulations—Levy Exemptions (Amendment).
- Second-hand Motor Vehicles Act 1983—Regulations—Fees.

By the Minister of Labour (Hon. Frank Blevins):
- Workers Rehabilitation and Compensation Act 1986—Regulations—Licensed Gas Fitters Exemption.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Port Adelaide Railway Museum (Final Report),
Whyalla Technology and Enterprise Centre.

Ordered that reports be printed.

QUESTION TIME

HARNESS RACING

Mr OLSEN: Is the Minister of Recreation and Sport aware that a significant number of the allegations made on last night's *Four Corners* program relating to the doping of racing horses were provided by Dr Bill Harbison, an on-course veterinary surgeon previously employed by the South Australian Trotting Club, and will the Government therefore immediately launch an independent investigation into his claims? Dr Harbison's contribution to the *Four Corners* program raises anew serious concerns about corruption and race rigging in the South Australian harness racing industry. Dr Harbison says the doping occurs, and I quote his words:

> To set up horses in such a way that large betting plunges, if you like, can be implemented.

He goes on to say:

> There's a very large range of drugs that are used quite widely in human medicine, so they do exist, they are around, and it only takes some tenacious trainers to get hold of these drugs and do a bit of experimenting to correct the dose and put it into use.

When asked if the drugs worked, Dr Harbison replied:

> Yes, they work. It's somewhat tricky to work out the dose rates, the route of administration, and the time of administration, but if you're merciless enough to go through that, they work.

Asked if he believed the authorities were doing 'all they might' to prevent the doping of horses, Dr Harbison said 'No'. Asked why nothing was being done by the authorities, he said:

> Well, because it's a multi-million dollar industry, I guess no-one wants to rock the boat.

The Minister may also be interested to know that Dr Harbison was the on-course vet on the night a positive swab was taken from Batik Print, the heavily backed winner of the prestigious South Australian Breeders Plate, on 24 May last year.

The Hon. M.K. MAYES: I did not have the opportunity of seeing the *Four Corners* program last night. I have asked my departmental officers for a full summary of that report.

Mr S.J. Baker interjecting:

The SPEAKER: Order!

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I have asked my Director to provide a full report of the program, and in the next few hours I hope to have some time to view the program to make my own assessment. Obviously, questions have been raised by the *Four Corners* report which should be examined. Certainly—

Members interjecting:

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

The Hon. M.K. MAYES: As to whether an investigation should be conducted, I think a number of issues have to be

examined. Certainly, the question of rocking the boat has never been a problem with the Opposition, and certainly with the shadow spokesman on these matters, even on the most frivolous evidence available.

Members interjecting:

The Hon. M.K. MAYES: Right; but he does not have the courage to go outside. However, investigations are being conducted by the appropriate authorities and, of course, the NCA has been involved in looking at the use of one stimulant drug in particular in the harness industry. Also, the police authority has been conducting an inquiry and it has kept me and the Minister informed of that. So, the appropriate authorities are conducting the necessary investigations. I have had some assessment of the issues raised by the *Four Corners* program, having had a very brief opportunity to obtain a briefing from my officers with regard to that program. I will certainly investigate the matter from the point of view of any necessary legislative or administrative changes.

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: When the member for Mitcham is an expert on racing, I will toss in my hat, I think.

Members interjecting:

The Hon. M.K. MAYES: The honourable member is an expert on everything else, or perhaps he is inexpert. It is a very serious issue. I certainly do not want to run off in relation to this matter simply on allegations that have been made by *Four Corners,* undermining the industry. Certainly, as Minister I will look seriously at the questions raised. I refer particularly to the member for Bragg's press statement, calling on the Government to establish a separate forensic science centre to be run by the State Government.

As I understand it, one of the major issues raised by the *Four Corners* program related to the number of synthetic drugs available within the community. The question of the current laboratory processes must be addressed—not necessarily whether the forensic laboratory is in South Australia, Sydney, or Melbourne. The issue is whether there is a regime of tests available for the number of synthetic drugs in existence. I think that that is the issue that must be addressed. I think the member for Bragg has missed the point. It is whether or not there are a number of tests available to assess these synthetically manufactured drugs.

I have already asked my department to address this matter, and we are awaiting the release of the report of the committee of inquiry which has touched on some of these issues. When the matter has been through Cabinet and released by Cabinet the findings will be available for public comment, at which time the community will then have an opportunity to debate the matter and consider the points raised by the inquiry. I think that that is the most appropriate means by which those general issues can be addressed. But certainly, the matter raised by the member for Bragg in his press release misses the point entirely, and does not raise the question of the tests that are available for the range of synthetic drugs which, it has been alleged, are being used in the racing and harness industries in Australia. I am happy to investigate this issue, and I have already instructed my officers to do that.

As to the establishment of a separate forensic centre here in Adelaide, that matter really has nothing to do with the issues raised by the *Four Corners* program. The question, of course, concerns the costs involved in establishing such a forensic centre and the way in which it would operate in South Australia. I have actually raised this matter in discussions already with my officers and with Health Commission officers, following the raising of the question of whether or not tests should be available in this State, as well as the economics of having such a centre available in South Australia I think it is important to note that again in his press release the member for Bragg missed the point of the issue raised by the *Four Corners* program. I think it shows again that he is obviously on the way out, as one of the more popular journalists has already written.

There are certainly backbench members—for example, the member for Victoria and the member for Murray-Mallee—and the member for Victoria is sitting back there gloating at the moment, enjoying the day's events, because again we see that the member for Bragg has fired his musket and missed. As the Leader of the Opposition has said, it is a very serious issue and one which I will take into account when I have received a report from my officers as to the need for further investigation. As I say, the two appropriate authorities are currently investigating the situation within the industry: the NCA, in particular, is investigating the use of one of these synthetic drugs, and the police have, of course, been conducting their inquiries, and the Minister responsible for the police and I have been briefed on their ongoing investigations.

TERTIARY EDUCATION

Mr DUIGAN: Will the Minister of Employment and Further Education arrange for the Federal Minister for Employment, Education and Training, Mr Dawkins, to meet with the Advisory Committee on Further Education when he visits South Australia next month? Major changes announced recently by Mr Dawkins to the Federal Government's approach to tertiary education have stimulated some creative responses from a number of universities and tertiary institutions to the challenges of improving access for students to tertiary education. The State advisory committee is also examining a variety of changes which will affect the future of tertiary education in South Australia, and it is important that any changes at the State level take into account the change of emphasis by the Federal Government.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. The Federal Minister for Employment, Education and Training (John Dawkins) will be in Adelaide in early December and, in planning the itinerary for his visit, we will consider the proposition raised by the member for Adelaide, namely, that he meet with the Advisory Committee on Tertiary Education. I cannot at this stage say whether that is possible.

I can say that when he visits Adelaide it is intended that he will be discussing with me the green paper which he is proposing to release with respect to the future of tertiary education and, particularly, higher education in this country. At that time we will be able to determine what course of action we in South Australia should take with respect to any further review of this matter. Members may be aware that the Advisory Committee on Tertiary Education has already submitted to me a recommendation that there should be a broad ranging review of higher education, particularly with respect to the binary education system.

The decision they made in that regard came after the receipt of submissions from the South Australian Institute of Technology and the South Australian College of Advanced Education that each of them be denominated a university. I have held further action on that request by ACOTE until I knew exactly what action the Federal Government was going to take, given the fact that John Dawkins had already announced that he wanted to have a review into the future of the binary system and wanted to launch this green paper. I will certainly put that proposition to him.

I will be discussing the broader issue with him, and we as a State Government will be determining how the debate should proceed within South Australia with respect to the five higher education institutions we have. I have today instructed my office to circulate to all members of this place and members of another place copies of the submissions we have received to date from the institutions. They include the original submission from the Institute of Technology, the submission from the South Australian college, and the more recent submission from Professor Marjoribanks of the University of Adelaide which was given some significant public coverage recently. At that same time we will circulate a paper I have made available to the Advisory Committee on Tertiary Education detailing some of the options that could be pursued with respect to future restructuring of the higher education system. Members should be receiving those papers within the next few days.

HARNESS RACING

The Hon. E.R. GOLDSWORTHY: My question is directed to the Minister of Recreation and Sport. Has the police investigation into the possible existence of etorphine or 'elephant juice' used to dope horses been completed and, if so, particularly following last night's *Four Corners* television program which alleged widespread doping of horses throughout Australia and specifically referred to the interception in Melbourne of a consignment of 'elephant juice' or etorphine destined for South Australia, what has the investigation revealed?

Members interjecting:

The SPEAKER: Order! It is not appropriate for either questions or answers to be accompanied by a voice-over commentary from members of the Opposition front bench. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: About four weeks ago the Police Department indicated its view that, as there had been a good deal of public interest in this matter, I should receive a briefing on where its investigations had led. I requested that the Minister of Recreation and Sport accompany me on this briefing because of the questioning that had occurred in the House and also because he has that portfolio responsibility. Assistant Commissioner Hurley and one rather more junior officer (whose name I will not reveal, because he is in charge of the investigation) met with us and gave us a briefing on the investigations which were not complete then and have not yet been completed. I indicated to the police officers that they should keep my colleague informed in relation to the investigations. As I understand it, to this date there has been no further contact with my colleaque. So the answer to the honourable member's question is that the investigations have not been completed. I think it is inappropriate, for obvious reasons, to publicly reveal any content at this stage.

ROXBY DOWNS

Mr GREGORY: Can the Minister of Mines and Energy provide the House with a progress report on the Olympic Dam project and the township of Roxby Downs and, in particular, can he indicate the proportion of work that has gone to South Australian companies?

The Hon. R.G. PAYNE: Yes, I can provide that information.

Mr Gunn interjecting:

The Hon. R.G. PAYNE: I am very pleased at the interest being shown in this very great project by the member for Eyre; it speaks well of him. I have been surprised at the view of the honourable member taken by members of the press, who do not seem to understand that he is what I regard as an excellent member. I am surprised that the press are not more impressed with his frontbench effort. The most recent figures, taken out in October, show that South Australia's share of the $291 million in contracts let since committal stands at 79 per cent. In terms of actual cash paid out, which was $223 million at that stage, the South Australian content was 83 per cent. Direct employment on the project site at the end of October was 1 252 and the total population of the Roxby Downs municipality was 2 113.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: I am surprised that the Deputy Leader is not happy with the improvement in South Australian employment figures as a result of this project. I turn now to the actual development work, and I will attempt to summarise some of the main highlights. The underground crusher is now in place in the mine and the installation of the underground conveyor has commenced. I understand that the method of installation of the conveyor will be quite novel, and it will be very interesting for members who wish to do so to view it. It will be suspended from the roof of the underground working, and that is quite novel indeed.

In the mill, pipework has started in the copper flotation circuit, the gas cooling tower in the copper smelter is almost complete, the roof steelwork in the copper refinery is under construction and earthworks for the tailing dams are 90 per cent complete. In relation to the water supply, the 4.5 megalitre buffer reservoir at the borefield is complete and liners and covers are being installed; the potable and raw water storages at the Olympic Dam desalination plant are complete; and the permanent town water pumping station has been commissioned.

Turning now to the township, the first three school blocks have been occupied, and both stages of the Government building program appear to be headed for completion on schedule. The swimming pool has been filled with water—the best substance with which to fill a swimming pool—and is expected to be ready for use tomorrow. The grassing of the town ovals and recreation areas has commenced and the first stage of street landscaping is nearing completion. In relation to the interjection by the member for Eyre, I also point out that the matter of the staffing of the community centre is well in hand and is being addressed right at this present time.

HARNESS RACING

Mr INGERSON: What assurances can the Minister of Recreation and Sport give that the police investigation into the possible use of etorphine, or 'elephant juice', in South Australia has been fully and properly conducted? Earlier this year I gave substantial information to the police relating to allegations of doping and race rigging in harness racing in South Australia. I was directed to give that information to the Assistant Commissioner, Mr Harvey. At the request of the police, I also dealt in this matter with Detective Sergeant Eric Douglas. It is a matter of fact that on 24 October both Mr Harvey and Detective Sergeant Douglas appeared in the Adelaide Magistrates Court charged with conspiring to pervert the course of public justice. I understand that these charges, arising out of an NCA inquiry, are not related to harness racing. I have also given information to the NCA relating to harness racing.

During the course of my dealings with Mr Harvey, I suggested that it would be helpful to police for him to seek

information from Mr Alan Broadfoot. Mr Broadfoot was the Trotting Control Board's Chairman of Stewards in July 1986, at the time the board decided to take no further action on a positive swab for the drug, dexamathosone, obtained from Batik Print. Mr Broadfoot informed the board that he disagreed with its decision. Shortly afterwards, Mr Broadfoot resigned and went to live in Western Australia. I advised Mr Harvey of where Mr Broadfoot could be contacted. He now lives in a town about 160 km south of Perth. The Assistant Commissioner told me he would go to Western Australia and interview the former Chief Steward.

While Mr Harvey did go to Western Australia, his contact with Mr Broadfoot was confined to a short telephone conversation. There was no interview, even though Mr Broadfoot told Mr Harvey he was willing to cooperate and even though Mr Harvey did visit the town where Mr Broadfoot is now living, apparently to call on a friend. I subsequently raised with the Police Commissioner, Mr Hunt, this apparent reluctance to seek information from Mr Broadfoot. To date, I have not heard further from Mr Hunt on this matter. It has been put to me that some police officers are concerned that this inquiry has been unnecessarily restricted and that information has not been followed up as thoroughly as it ought to have been.

The Hon. D.J. HOPGOOD: It is not possible for me to comment at all on the matters to do with Mr Broadfoot or Western Australia because they have not previously come within my ken but, on the general matter of the conduct of the inquiry, particularly as it affects the Assistant Commissioner who is facing charges, and without in any way wanting to prejudge the outcome of the court case there, can I say that this matter was canvassed by my colleague and me during the briefing from Assistant Commissioner Hurley to which I referred a few minutes ago, and appropriate assurances were given.

OAKLANDS PARK PRIMARY SCHOOL

Mrs APPLEBY: Will the Minister of Education assure the House that urgent priority will be given to upgrading resources in primary schools in the south-west corner of the southern region? Primary schools such as Dover, Sturt, Warradale, Darlington, Paringa Park and Brighton will now be required to cater for students who will leave Oaklands Primary School at the end of this year following the announced closure. Parents of students at the schools to which I have referred and parents of Oaklands Primary School students who are choosing these schools have sought reassurance that no student will be disadvantaged regarding access to resources.

Further, concern has been expressed that children from Oaklands Primary School are facing the trauma of resettling into a new environment and communicating with new people and, in years 6 and 7, preparing for high school entrance. It has also been pointed out that, apart from classroom activities, students will be finding their way again in school sporting activities, and the social environment of their new school, will also need to be addressed. It is for these reasons, Sir, that I seek the Minister's attention.

Members interjecting:

The SPEAKER: Order! The honourable member for Morphett is out of order. The Chair paused to draw to the attention of the member for Hayward that it is not necessary to repeat the general thrust of the question at the conclusion of her explanation.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and I can assure her that the resource needs of the schools to which she referred will be scrutinised very closely to enable those schools to be given assistance to cater for children who will be transferring to them as a result of the closure of Oaklands Park Primary School. Thirty years ago the Oaklands Park school had 1 200 students and a recent survey of parents indicated that approximately 50 children or maybe fewer would be attending the school next year, when the school would probably consist of only three classes. That was seen as a position that was no longer tenable in the interests of those students and staff and of the parents, and whilst I understand the affinity and the association that many families have with the school over a long period of time it is necessary to make the difficult decision to close it at some time.

The resources from Oaklands Park Primary School will be shared among the neighbouring primary schools which receive the major share of enrolments. In addition, there will be some upgrading of Brighton Primary School, which expects to gain most of the children from Oaklands Park Primary School, while some other neighbouring schools are also being upgraded already.

Special grants will be made to each of the neighbouring schools where students from Oaklands Park enrol, to make sure that curriculum support for extra students is maintained, and that there is no extra burden on parents. The neighbouring schools involved are Brighton, Dover, Darlington, Warradale, Marion and Sturt primary schools. Indeed, many primary schools are close to the Oaklands Park Primary School.

That school, as members would be aware, is on a site adjacent to the Marion shopping centre—a huge shopping centre, where substantially increased non-residential development is currently occurring, and the school is bounded by very busy roads indeed, so that the site is becoming increasingly unsuitable.

Teachers and other staff will be placed in other schools in full consultation with the staff involved. Support for parents, teachers and children will be provided by staff from the Education Department's Southern Area Office in what will be a traumatic time for some children and their families, and every assistance will be given to them to relocate quickly into appropriate primary schools for the 1988 school year.

HARNESS RACING

The Hon. JENNIFER CASHMORE: In view of his answer to the member for Bragg, will the Minister of Emergency Services say whether Mr Harvey's conduct of the investigation into harness racing has been conducted to his satisfaction, and will he say what assurances were sought and given in his briefing on the matter?

The Hon. D.J. HOPGOOD: The assurances we received involved whether all of the information that might have been in Mr Harvey's possession had been forwarded and whether, in the view of Assistant Commissioner Hurley, the investigation, which in its day to day aspects has not been in the hands of Mr Harvey at all, but indeed the officer who is continuing the investigation, had been properly conducted.

The SPEAKER: The honourable member for Hartley.

Members interjecting:

The SPEAKER: Order! The honourable member for Hartley has the call, not the Leader of the Opposition. I call the Leader of the Opposition to order. The honourable member for Hartley.

SCHOOL CURRICULA

Mr GROOM: Will the Minister of Education explain what input parents currently have into the setting of the content of school curricula? Earlier this month I was approached by some quite angry constituents in relation to an English assignment set for year 8 students at Marden High School. I would like to read the assignment topic, dated 5 November 1987. It commences:

(1) How I killed three people. Who were they? What were their backgrounds? Did they have families and jobs? Were they at school, etc.?
(2) Why did I want to kill these people? Give a short outline for each person, e.g., was it revenge, greed, power, madness etc.? Were my reasons all the same or did they vary from person to person?
(3) How was I caught? What clues did I leave behind? The police interview; the trial; what the papers said, etc.?
(4) What could I have done instead of killing them? Find a peaceful solution for each one.
(5) Research question—Life in prison:
(a) Write a diary for a prisoner covering a week of life in gaol.
(b) Include a section for their own private thoughts, e.g., a poem etc.
(c) Write about what they would rather be doing with their life.

My constituent wrote a letter to the school and part of that letter, dated 6 November 1987, states:

I was appalled on reading the assignment and consider it to be sick. As a concerned parent who considers the topics most unsuitable for impressionable young minds, I am asking for an explanation . . .

My constituent contacted the school and the explanation he was given was that it was thought to be a brilliant exercise. Consequently, my constituent felt so angry as to seek my assistance to ensure that a protest against such assignments was registered and brought to the attention of the Minister of Education. Although the assignment ends on seeking a peaceful solution and imprisonment, to commence from the premise in the quotation 'How I killed three people' and 'Why did I want to kill these people?' seems fundamentally wrong and objectionable. Parents need to be assured that there is some mechanism for wider community input into the way in which community attitudes and standards are passed on to their children in the classroom.

The Hon. G.J. CRAFTER: I thank the honourable member for raising this matter, but I caution him to read the exercise in the context of an overall pattern of teaching that may be occurring within the class in question. I believe that we would all have reservations as to the stark reality of the questions read by the honourable member; but we would need to understand a little more of the context in which those questions were being posed to students before we could judge the merit of that approach.

Having said that, I point out that under the Education Act the responsibility for curriculum (that is, what is taught in our schools) is vested in the Director-General of Education, and I will refer to him the concerns expressed by the honourable member and his constituents in this matter. I commend the action of the parent in this case in taking the matter up with the school. Just today, the Director-General of Education has released a draft parent participation policy, which asks parents to take a more active part in the life of schools, especially in the curriculum process within those schools. Much is to be gained for our education system by the active participation of parents in the curriculum processes that go on in our schools and this is a case where obviously the representations of parents are important in assessing the merits of the approach to teaching methods in that school. I shall be pleased to obtain further information for the honourable member.

POLICE CORRUPTION

The Hon. B.C. EASTICK: In view of the statement yesterday by the Federal Minister for Justice (Senator Tate), does the Premier agree that the South Australian Government must accept sole responsibility for deciding whether a royal commission is needed into allegations of police corruption and will he say whether, in the Government's view, sufficient grounds have been established for such an inquiry? I refer to a statement by the Premier, as reported in the *Advertiser* of 24 October, following the court appearance of an Assistant Commissioner (Mr Harvey). That press report states:

The Premier (Mr Bannon) said the Government would hold a royal commission into allegations of corruption in the force if the NCA recommended it.

More recently, following the arrest of a former South Australian police officer on further corruption charges, the Minister of Emergency Services made a similar statement. However, in Question Time in the Senate, the South Australian Government's position was repudiated yesterday by the Federal Minister for Justice, Senator Tate. Responding directly to the Premier's statement, Senator Tate said (and I quote from *Hansard*):

There is a very clear distinction between the way in which the National Crime Authority and royal commissions operate. I would be surprised if the National Crime Authority would see it as within its brief to suggest that that alternative method of investigation be undertaken by a Government.

The Hon. J.C. BANNON: Senator Tate's comments have been drawn to my attention previously and I thank the honourable member for doing that also. I must say that, as a result of his retelling them, I am a little confused by their nature. I can only restate what has been said before: if in fact the Government is of the view that there is a reason or sufficient cause to have a special inquiry, royal commission or whatever into the police, then obviously that initiative will be undertaken.

One of the factors in that will be how the current prosecutions that have been launched at the behest of the National Crime Authority develop. Of course, until those cases go through their processes, and until we see whether in the course of those prosecutions more networks, allegations of corruption are made or further charges are laid, it is very difficult indeed to make any sort of judgment. Indeed, that would be quite disruptive for the Government to jump in at this point and to say that a case has been established for some kind of investigation, inquiry or royal commission.

I do not know whether or not the National Crime Authority regards it as within its brief to recommend royal commissions. I hope that relations are such with the NCA that, if its ongoing investigations suggest that useful work could be done in this area by the State initiating some inquiry, it will let us know. It was in that context that I responded to questions in the newspaper and they were reaffirmed later by the Deputy Premier. Of course, we would be very interested in the NCA's view about what it believes would be the best way of approaching the matter. If Senator Tate says that that is something that it has nothing to do with, or that we will not get such advice, that may be the case, but I hope that it does. More importantly, at this stage, while prosecutions are pending, they will go through the process and I believe that we should wait and see the outcome of those prosecutions. If at the end of the day it is clear that some larger scale, State generated inquiry is necessary, then I repeat, we will certainly have it.

WEST LAKES WATER QUALITY

Mr HAMILTON: Can the Deputy Premier advise the current situation regarding the operation in water quality at West Lakes? Who is coordinating the work of Government agencies and will this information be made public? Since the West Lakes waterway was closed on 23 October and subsequently reopened on 30 October, I have received many inquiries from West Lakes residents seeking information as to which Government department they should direct their inquiries.

The Hon. D.J. HOPGOOD: A number of Government instrumentalities could be said to have a degree of responsibility for water quality in the lake at West Lakes. In fact, the Minister of Health has his department coordinating all of the work that is now being undertaken. That will become part of a report which will be made available to the honourable member, his constituents and the general public.

QUEENSLAND TOMATOES

Mr GUNN: Will the Minister of Agriculture say whether the interests of South Australian consumers and growers have been fully protected with his decision to allow imports of Queensland tomatoes? With South Australian growers being forced to dump their tomatoes, there is growing concern that the Minister's decision is an overreaction. Information provided to the Opposition by some growers suggests that the market might have been manipulated to artificially force up prices and to create pressure on the Minister to allow Queensland imports. Some growers have told us that they were informed by wholesalers earlier this year not to plant any more tomatoes because the market would be oversupplied. Growers are also concerned that sufficient precautions are not being taken to prevent any chance of fruit-fly being brought into South Australia from Queensland. Further, there has been consumer reaction to rising prices, and the treatment of Queensland tomatoes with chemicals may pose a health hazard.

The Hon. M.K. MAYES: I can assure the honourable member that the interests of the producer are of overriding concern to me.

Mr S.J. Baker: They are not too happy with you.

The Hon. M.K. MAYES: The honourable member should be quiet and relax; he should stick to what he knows something about.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. M.K. MAYES: Well, he should be silent. My responsibility in this matter comes under the Fruit and Plant Protection Act and the quarantine provisions regarding the powers vested in the Minister of Agriculture. That is my prime responsibility. As to the circumstances referred to by the honourable member, over the past few months I have constantly bombarded the inspectors and the director responsible for this area with questions about what is happening in the marketplace. Because of the supply situation it has been obvious over the last few weeks that prices were going through the roof in terms of costs borne by the retailer and the consumer. The advice that I was getting from departmental officers was that that would inevitably lead to an illegal black market importation of tomatoes from Queensland. The great concern that the department and I had was in relation to non-treated tomatoes coming in.

The issue of the treatment of tomatoes with dimethoate is, of course, one of considerable concern. The fact is that tomatoes treated in that form in a spray system have been imported to other States and to New Zealand for many years. The evidence given to me by the department indicates that there is a 99.99 per cent kill rate of fruit-fly in the fruit through that treatment process. With that information in front of me, it was then up to me to make a decision, and the responsible decision with regard to quarantine provisions is to protect our local producers—and not only our tomato producers but all the other horticultural producers in this State. For an industry worth some $240 million to $250 million per annum, the impact of a massive outbreak of fruit-fly from Queensland would be absolutely devastating. I am sure that the member for Eyre appreciates that. The cost of eradication to the State would be horrendous; the amount to eradicate such an outbreak is estimated as being anything between $10 million and $15 million.

Members interjecting:

The Hon. M.K. MAYES: I do not need the Deputy Leader's assistance to reply to the question; I have dealt with this quite satisfactorily and I will continue to do so.

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: The honourable member would be an expert on that. The circumstances relating to the decision with regard to treatment relate very much to the fact that Queensland tomatoes were coming into this State; in the past four weeks we have confiscated some 9.67 tonnes and, of course, we are endeavouring to go back and prosecute, through establishment of evidence, the people who brought in those tomatoes. What departmental officers feared most of all was that through that black market Queensland tomatoes would be introduced into South Australia which were riddled with fruit-fly thus causing a massive outbreak. That was the discharge of my responsibilities. The decision that I made was based on information provided to me, having raised all the questions asked by the honourable member, both here and publicly, as well as those raised by other honourable members, and including questions raised by people in industry.

On the question of hoarding, I have raised this matter with departmental officers, and we have had inspectors in the field constantly. Their advice to me has been that hoarding has not been noticeable to them in the circumstances. In the sense of market supply, the price increased dramatically some three or four weeks ago. Tomatoes were on the market shelf for $4.40 a kilogram, which is about double the price normally expected at this time of the year. So, circumstances were such that it was very attractive to the wholesalers and people without the better interests of South Australia at heart to bring in non-dipped Queensland tomatoes.

Of course, the health aspect is the responsibility of the Minister of Health. That is his primary responsibility, but as Minister I also took that matter into account in view of the obvious concerns of consumers. I queried the department, and the department collected and collated all the reports available, including those of the Health Commission and the National Council of Health and Medical Research, with regard to the likely impact on humans from consumption of fruit treated by dimethoate in the processes set out by the Department of Primary Industry in Queensland. The assurances I have received indicate that it is safe on the basis of those treatment regimes being met. With all of those questions being answered—

An honourable member interjecting:

The Hon. M.K. MAYES: The member for Goyder raised the question. Certainly, all of those questions have been answered. A World Health Organisation report put in front of me raised the question of all the possible injuries to

humans through consumption of fruit so treated. To date it is clear that no carcinogenic characteristics, no neurological defects, and no birth defects can be established as a consequence of reports of the current tests conducted under World Health Organisation authority. In addition to that—

Members interjecting:

The Hon. M.K. MAYES: You have a sectarian interest in representing your growers, and I understand that.

An honourable member interjecting:

The Hon. M.K. MAYES: I am not sure that that is always the case. The report presented to me from the National Health and Medical Research Council and verbal advice from them (that report is about to be tabled in written form) have given the all clear. All of these matters have been questioned by me, and the answers I have received from the department assure me that all those questions are safely answered.

AUSTRALIAN NATIVE FOOD PLANTS

Mr ROBERTSON: I address my question to the Minister of Agriculture and ask what steps have been taken by the Department of Agriculture to investigate and promote the cultivation and marketing of food plants native to Australia. In particular, what consideration is being given to the cultivation of those species which provided the staple diet for Aboriginal people in the arid lands of South Australia?

Members may have seen last evening on *State Affair* the release of a new book concerned with traditional Aboriginal food resources. According to the report, a large number of food items which were and are widely used by Aboriginal people in this continent have not as yet been subjected to horticultural investigation, and I ask what steps have been taken in that direction.

The Hon. M.K. MAYES: I am very pleased to receive that question from the honourable member, because I know he has an interest in this area. Certainly, it is something of great interest to the department and the Government. The Department of Agriculture is researching and promoting existing and potential new crops which have commercial potential for the South Australian climate and soils. Currently, the department investigates and researches cultural practices for more than 15 field crop species and more than 25 pastoral species that, again, would be suitable for the climate and soils of this State.

Some 80 species of vegetable and horticultural crops also are being investigated by the department in research programs. Crop varietal selection, plant breeding, harvesting and storage technology and development are also being done for the most commercially significant of those species and crops.

Except where other organisations such as the CSIRO are involved, the department is conducting and providing the bulk of that service. The results of research are actively promoted by the department's extension and advisory officers, and I am sure the honourable member has seen that through our hand sheets and brochures put out to the rural community and to people interested in those areas of development. We use field days, field demonstrations and, as the honourable member would be aware, schools, videotapes, fact sheets, workshops, bulletins and technical reports, and of course we use the normal media avenues of radio and television.

I think that the honourable member's question highlights something in which the department is very actively involved with the community, and I know that there is a good deal of interest from the community in terms of what future development we can find for significant crops in those species which would not only be commercially viable but also provide a significant employment opportunity for South Australian growers and South Australian industry.

I am sure that, given his continued interest, the honourable member will have an opportunity as parliamentary years go by to participate and continue to question the Minister of the day about developments as they occur. I believe that there will be significant developments in this area. I think that the commercial practicalities will ensure within the rural industry continued growth and diversification of some of these crops.

ISLAND SEAWAY

The Hon. TED CHAPMAN: My question is directed to the Minister of Marine. How much will it cost to rectify the inadequate ventilation system on the *Island Seaway* which caused last week's stock deaths? When will this work be completed and why did the Government ignore warnings about this problem while the vessel was under construction? My question is directed to the Minister of Marine and I ask him not to pass the buck.

The SPEAKER: Order!

The Hon. TED CHAPMAN: In last Wednesday's *Advertiser*, the Minister is quoted as denying that the Government had been warned about problems with the ventilation system. Evidence has been presented to me showing that that is blatantly untrue. I refer the Minister to a meeting of the Kangaroo Island Transport Committee held at the Kingscote Town Hall on 19 March this year—five and a half months before the *Island Seaway* was launched. Those present at the meeting included two local fuel agents representing Mobil and Caltex; Mr Alan Griffith, representing the retail stores on the island; Mr Cameron Kerney, representing Elders IXL; a number of local carriers; Mr Bob Menz, representing R. W. Miller and Company, the Government agent for the *Island Seaway*; and Councillor Jack Meakins, who is Chairman of the committee and also chaired the meeting.

Mr Menz and one of the prominent carriers present, Mr Mike Smith, both confirmed to me yesterday that the question of air circulation on the *Island Seaway* was discussed at this meeting. Councillor Meakins told the meeting that he had received assurances from Mr Bob Stolles of the Department of Marine and Harbors that ventilation on the *Island Seaway* would be considerably better than the system on M.V. *Troubridge*.

At a further meeting at Kingscote on 9 October, called by the Metropolitan Meat Company, this matter involving below deck ventilation on the *Island Seaway* was further discussed in the presence of most of those who had attended the March meeting. Again, Mr Bob Menz, representing the Government agency, was in attendance. Again, the island carriers asked for and were given assurances that adequate provision had been made for air circulation on the lower deck of the *Island Seaway*. However, despite these expressed concerns, during last Tuesday's first voyage from Kangaroo Island with a full load of stock, there was no inspection made by the crew of the below-deck situation during the eight hour voyage from Kingscote to Port Adelaide. I am also advised that there is not so much as a temperature gauge or any other indicator on the vessel to show the below-deck temperatures surrounding livestock consignments.

The SPEAKER: Order! The honourable member is now clearly beginning to debate the matter.

The Hon. TED CHAPMAN: With respect, Mr Speaker, I did preface that remark by saying that I have been advised that that is the situation. I appreciate that that was not the situation when convicts came to this country 200 years ago, but they did not suffocate below decks of the sailing ship. Unfortunately, livestock cannot be transported from Kangaroo Island to Port Adelaide nowadays on this new ship without the death of some stock.

The SPEAKER: Order! At that point of his explanation—

An honourable member interjecting:

The SPEAKER: Order! —the honourable member not only continued to debate but actually escalated the level of debate in a manner clearly directed towards the Chair, and he came very close to being in defiance of the Chair's indication that he should not debate the matter. The honourable member for Alexandra.

The Hon. TED CHAPMAN: With respect, Mr Speaker, I am sure that you can appreciate my emotional feelings about this subject.

The SPEAKER: Order! The Chair is always sympathetic to all members; nevertheless, tolerance can be extended only so far.

The Hon. TED CHAPMAN: Thank you, Sir. This experience, I am told, has added to the evidence that the design of this vessel was initiated within the Department of Marine and Harbors without proper consideration having been given to the shortcomings in the department's specifications, and that the Government, on a continuing basis, has refused to heed warnings when these shortcomings have become apparent. It has been submitted to me that in the circumstances the Government must now not accept last Thursday's report into the incident, which has been described as no more than a whitewash, but to allay continuing concerns about the suitability and safety of this vessel it should make public the line plans and specifications so that they can be assessed by an independent marine surveyor. I call on the Minister to do so.

The Hon. R.K. ABBOTT: Work on the ventilation system has already commenced on the upper deck and is expected to be completed within a few weeks. At this time I do not know what the cost of that rectification will be.

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: The Opposition has claimed that the department was warned about the air ventilation system. I deny that we were warned about that.

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: I stand by my statement on that point.

Members interjecting:

The SPEAKER: Order! The honourable Minister does not require a running commentary from the member for Coles.

The Hon. R.K. ABBOTT: The procedure followed is that the marine surveyors, the people from the Department of Marine and Harbors, once the vessel is nearing completion, go right over the vessel and check everything they possibly can and list those matters to be rectified. I believe that that is what the Leader of the Opposition was referring to. I am prepared to table these orders for repairs and renewals prepared by the Senior Surveyor.

Members interjecting:

The SPEAKER: Order! The Chair is having great difficulty hearing the Minister's response because of the persistent interjections of the member for Bragg.

The Hon. R.K. ABBOTT: It lists all vent flaps to be tested in the machine area, the lower vehicle deck, stores and accommodation areas. On the surveyors' form, compiled before they issue a certificate, a reference to those areas does not appear, which means that they along with other items have been rectified. In his report of 5 November, the Senior Surveyor—

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: —does not say anything about air ventilation or ventilation flaps, which means these problems were rectified. Once all the outstanding matters were rectified the surveyors issued their certificate of safety.

Members interjecting:

The SPEAKER: Order! I call the honourable members for Chaffey, Mitcham and Victoria to order.

The Hon. R.K. ABBOTT: Until these problems are rectified and repairs completed, stock will be carried on the upper deck. As to the temperature gauge, I will follow up that matter for the honourable member. That has not been drawn to my attention, but I will check on the matter and report back to him on it. Finally, the honourable member ought to read the publication of the island local paper in which an excellent report was given on the m.v. *Island Seaway* and the safety of the vessel.

PLANNING

Ms GAYLER: Can the Minister for Environment and Planning say whether the State Government has a substantial hidden agenda in its plans to increase the population of Adelaide's inner suburbs and limit future fringe housing developments? Will the Government's plans curtail environmental and heritage controls? Those claims are made by an Unley City Council planner in today's *News* and they come at a time when a number of metropolitan councils are giving genuine and serious consideration to the Government's strategy papers for the future development of metropolitan Adelaide. In the case of Tea Tree Gully council, in my area, the Government's strategy accords very substantially with the council's own findings of the housing needs of its community and with its wish to protect its environment and important heritage sites.

The Hon. D.J. HOPGOOD: If there is a hidden agenda, I am not sure what it is, and I am not sure that the writer of the article—or indeed the person who gave this information to the writer of the article—knows what it is either, because I picked up in today's *News* this article, which is headed 'Hidden Agenda in suburbs plan'. It goes on for some column inches and does not tell us what it is. It is not clear to me what they are really getting at. One or two things here are worthy of comment, I think, Sir. For example, the report states:

> Unley council claims that the Minister and his department will have the greatest impact on any future development in Adelaide through the interpretation of proposed planning control.

I do not know what they mean by 'interpretation'. When you are dealing with a planning and development system there is, first of all, the development of your plans, your policy, and I would hope that the Minister, his department and the Government would be the major determinants on that policy.

That has always been the case in the past because we know that supplementary development plans, though they are often initiated by local government, must be approved by the Government before they go to His Excellency for gazettal—and that matter will remain. We have been perfectly open and frank about the way in which we would like to see those policies structured in the future. If, on the

other hand, they are talking about the way in which the controls operate then it is clear that for the most part in the future what will happen is what has happened in the past, namely, that the controls will be in the hands of local government, because the vast majority of applications for planning permission which come forward are, of course, submitted to and dealt with by, local government, and that is the end of the matter.

There is also a reference here to the council being concerned that a cost benefit analysis of the strategy had not already been carried out. If this council, or the spokesperson for the council, means that the Government has not analysed the costs that will be facing the community because of this strategy, then they are wrong, because indeed the costs have been very carefully worked out as to what it would mean if Adelaide is to sprawl across the Aldinga-Willunga Plain, or if it is to intrude into the Barossa Valley, or go north to Roseworthy or places like that. Those costs have been stated publicly in the past, and they have been stated at seminars and in newspaper articles and the like. So, there has been a very close investigation as to the cost to the community unless everybody is prepared to cooperate very very closely in a strategy to ensure that we make better use of existing urban space rather than alienating more and more land which currently is in very productive horticultural and agricultural use.

Finally, I would point out that this does not in any way derogate from the sort of heritage and environmental controls which have operated in the past. Indeed, by trying to ensure that the policies reflect the general character of an area rather than the inflexible zoning aspects we have had in the past, I believe we get better environmental controls rather than worse. I can only suggest to the spokesman from this council that they cooperate with the Government in the way that many councils currently are doing.

PERSONAL EXPLANATION: TOMATOES

Mr MEIER (Goyder): I seek leave to make a personal explanation.

Leave granted.

Mr MEIER: Earlier, in Question Time, the member for Eyre asked the Minister of Agriculture whether, basically, he had at heart the protection of South Australian consumers and growers of tomatoes in allowing the importation of Queensland tomatoes. During his reply, the Minister indicated across the Chamber, specifically referring to me as the member for Goyder, that he felt that I was looking after the interests of a certain section of people (or words to that effect). Contrary to Standing Orders, I interjected by saying, 'I have the interests of all residents of South Australia at heart.' The Minister, I believe, came back with words to the effect, 'Well, I do not know about that all the time.' I take exception to those words, because we are dealing here with a matter of grave concern to the health of all residents of South Australia and it seemed to me that the Minister was treating it rather frivolously.

The SPEAKER: Order! I caution the honourable member for Goyder that his personal explanation is merely to clarify where he believes that he has been misrepresented and he is not to canvass other matters.

Mr MEIER: Thank you, Mr Speaker. I was trying to make clear that the Minister was reflecting on my personal integrity, and I take exception to that. I was not at all happy with the way in which he was treating the answer. I make clear that I have had the interests of all residents of South Australia very much at heart for a long time. If the Minister was not aware of that fact, I remind him that I brought to the attention of South Australians only last week that separate tests showed that dimethoate was believed to be carcinogenic and that it could cause birth defects, and I put out a warning accordingly. I ask the Minister to withdraw the remarks that he made to me.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Standing Orders having been suspended, the **Hon. D.J. HOPGOOD (Minister for Environment and Planning)** obtained leave and introduced a Bill for an Act to amend the City of Adelaide Development Control Act 1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The City of Adelaide Development Control Act 1976 presently requires that development which is prohibited by the regulations or is not in conformity with the desired future character statements be referred to the City of Adelaide Planning Commission for approval before it can be approved by the council. This means that a double approval is required for prohibited and non-conforming development proposals.

In the course of preparing the draft City of Adelaide Plan 1987-1991, some of the material previously contained within the regulations (that is, definitions, zone maps and schedule) has been incorporated within the body of the plan. The reasons for this change are twofold. Firstly, there has been a perceived need to incorporate all controls over development within the one document, so ensuring that the new City of Adelaide Plan is 'user friendly' to lay persons and professionals alike.

Secondly, a judgment handed down by His Honour Judge Ward in August 1984 held that a development which was in conformity with the regulations was by necessity in conformity with the principles. This being the case, a development which did not exceed a quantitative control in the regulations (e.g. maximum height control) would be considered to be in conformity with the principles even though it may not comply with a qualitative statement set down in the principles (e.g. that the scale of a development should have regard to environmental and historic factors).

The incorporation of all the material associated with development control in both the regulations and the principles into the new principles overcomes these problems. Henceforth the regulations will contain only procedural information, for example development application forms, the register of development rights and the City of Adelaide Heritage Register. However, the incorporation of material, previously within the regulations, into the plan means that it is necessary to amend the City of Adelaide Development Control Act 1976 to reflect these changes and maintain the commission's role of approving prohibited and non-conforming development proposals.

Clauses 1 and 2 are formal. Clause 3 replaces subsection (1) of section 25 of the principal Act.

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

TERTIARY EDUCATION ACT AMENDMENT BILL

The Hon. LYNN ARNOLD (Minister of Employment and Further Education) obtained leave and introduced a Bill to amend the Tertiary Education Act 1986. Read a first time.

The Hon. LYNN ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to amend the Tertiary Education Act 1986 to provide for the establishment of the South Australian Institute of Languages as a statutory body.

The establishment of the Institute of Languages is an important development in promoting cooperative developments in the area of language programs in our tertiary institutions. As an interim measure a committee is already in existence. The committee is responsible to the Minister of Employment and Further Education and comprises representatives of each of the tertiary institutions, the Minister of Ethnic Affairs, the Minister of Education and the Minister of Employment and Further Education. The purposes of the institute are presently:

—to facilitate the introduction and maintenance within the tertiary institutions of as wide a range as practicable of courses in languages;

—to co-ordinate, in consultation with the tertiary institutions, courses in languages offered at the tertiary institutions;

—to promote cooperation between the tertiary institutions in areas such as cross-accreditation and recognition of courses in languages;

—to establish courses for the continuing professional development of language teachers and other professionals in the language field;

—to promote access for South Australians to courses in languages offered outside of South Australia;

—to promote the development and implementation of languages policy in the South Australian community;

—to provide clearing house and information services about language learning and language teaching at all levels;

—to maximise available human resources to the purposes of the institute;

—to conduct research as required in order to carry out the above purposes;
and

—to consult with the tertiary institutions and the South Australian and Commonwealth Governments in relation to the purposes of the institute.

The Government has given some considerable thought to the final form of the institute and has concluded that the nature of the task envisaged for it is such that it requires the degree of independence which would arise from it having its own corporate identity and being clearly dissociated from the existing institutions of tertiary education organisationally although for purposes of accommodation and support it may well be physically located at one of them. To achieve this we are proposing to establish the Institute as a statutory body with full juristic capacity under the Tertiary Education Act 1986. This is the Act which deals with matters pertaining to the planning, coordination and administration of tertiary education in this State and so it is appropriate that the institute be established under it.

Whilst the purposes of the institute and its membership are presently as I have already outlined, some flexibility is required to adjust these as the institute gets under way. For this reason it is proposed that they be defined by regulations to provide just such flexibility whilst still enabling scrutiny by the Parliament.

Clauses 1 and 2 are formal. Clause 3 establishes the institute and provides the power to make regulations as to powers and functions, membership and procedures at meetings.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1847.)

Mr OLSEN (Leader of the Opposition): South Australians know, to their considerable cost, that they should not take at face value anything that the Premier says about State taxation. After all, the Premier came to office in 1982 promising no increases in the levels of State taxation and no new taxes. It was a promise broken with such frequency that per capita State taxation in the period of this Government has risen by more in South Australia than in any other State.

If this year's revenue forecasts are correct, State tax collections will have increased by 106 per cent since 1982 (by almost twice the rate of inflation) and in this Bill there is the potential to spread the tax net even wider. The House should be under no illusion. On this occasion, it must not accept the Premier's word at face value. His benign second reading explanation masks a major change in policy in this area of State taxation.

There is argument that the practical effect of this Bill is to impose a sales tax or an excise. This would be unconstitutional. There are many unanswered questions. And the House is entitled to be suspicious about the Premier's motives when there is no reference in his second reading explanation to estimating revenue to be generated by this measure.

Mr D.S. Baker: Why not?

Mr OLSEN: It really does beg the question 'Why not?' During the second reading debate the Opposition will be raising these and other questions. We will also suggest that passage of this measure should be delayed until there has been more adequate time for consideration of all its implications. In reply to this suggestion, the Premier will be tempted to label us as friends of tax avoiders. It will make for a cheap headline, but I discourage him from the temptation, a temptation to which he has succumbed previously.

To label us as tax avoiders would be to make the same charge against the Taxation Institute, the Law Society, and other people eminent in the fields of the law, accountancy and business. They share our concerns. Had the Premier consulted them first, it is likely that this legislation would not have seen the light of day in its present form. Had the Premier been able, for once, to resist his taste to tax, tax, tax, we may have had a more reasonable measure able to prevent tax evasion without spreading the tax net unfairly and unnecessarily wider.

This Bill has its origins in the Attorney-General's Estimates Committee this year when the member for Hartley raised a question about the alleged avoidance of stamp duty when a business changes hands. In replying to the honourable member's point, the Attorney-General said he was not aware of the extent to which the practice was occurring but he would refer the matter to the Under Treasurer. Well, the Under Treasurer, the Commissioner for Stamps, and a whole group of Government agencies met following the question from the member for Hartley. It is not difficult to conceive the Premier's reaction when he heard about this: the measure before the House. I understand Treasury officers were immediately put to work to establish how the Government might be able to boost its tax revenues from this source. In the haste, however, and because of the Government's greed to control more and more of our money, it failed to consult with practitioners in this field. It failed to talk to the Law Society, to the Taxation Institute, to the Institute of Chartered Accountants, to the Australian Society of Accountants, or to individual senior members of the legal and accounting professions.

I contrast this with the approach of the former Government when these sections of the Stamp Duties Act were last considered by the Parliament in 1980. Then, the professional groups that I have just named were all consulted, because the former Government recognised that this is a very specialised area of accountancy and the law. But this did not satisfy the present Premier. Then (and here I refer him to the *Hansard* of 3 December 1980) we saw him calling for an expert committee to examine the whole matter. If he is to be consistent (and I might add that he is never consistent), he will accept the need for much more extensive consultation on this Bill before the Government puts it to a vote. In 1980 the Premier also conceded that 'this is an area of extreme complexity and technicality'.

The Hon. J.C. Bannon: It remains so.

Mr OLSEN: Of course it remains so and I completely agree with the Premier on that. It is all the more reason why the Government should be proceeding with much more care and consultation. I now propose to deal in sequence with the provisions of the amending Bill. In doing so, I make the general point about all the provisions that the Premier's second reading explanation was silent about—the question of retrospectivity. This is an important question when Parliament is dealing with legislation to close claimed means of tax evasion. Is this legislation to apply to past transactions? The Premier needs to elaborate on this fundamental point when he replies to the second reading.

Clause 3 of the Bill provides for the creation of a statutory offence where a document is not produced to the Commissioner for stamping within two months of its execution if this occurred in South Australia, or within two months after its receipt in South Australia if it was executed outside the State or within six months after its execution, whichever period first expires. There is a defence to a charge for such an offence if the defendant is able to show that he or she was not the party who would customarily have assumed responsibility for stamping the instrument and it was delivered into the possession of some other party in the reasonable expectation that that other party would have stamped it.

The current practice is that the Commissioner for Stamp Duties has a discretion to remit the late stamping penalty in appropriate cases, or to extend time within which an instrumentality may be lodged for stamping. This would be negated by the amendment before the House. The House also needs to appreciate that there are a number of situations in which duty payable on a document is nominal, such as 20c. In these circumstances the $10 000 penalty for failure to put a 20c stamp duty on a document seems somewhat harsh. This section should relate only to *ad valorem* duty, if at all. There are other technical problems with this clause which we will seek to clarify in the Committee stage.

Clause 4 of the amending Bill relates to objections to assessments and appeals against them. It gives the Treasurer power to confirm or modify the Commissioner's assessment. If, as a result, the assessment is reduced, any excess duty is refundable with interest at a rate fixed by the Government. Generally speaking, this is a desirable change.

However, the Premier's second reading explanation indicates that the rate of interest to apply to the interest on duty refunded will be fixed with regard to the Government's earnings on its own investments. It is a traditional cause for concern that the Government charges a high rate of interest on unpaid duty yet pays a much lower rate on refunds after it has had the benefit of using the amounts involved. I invite the Premier to respond to this matter and perhaps to consider whether the interest payable on refunds should be at the same rate as the Government charges on unpaid and overdue duty.

In comments I have received on the legislation, the appeal mechanism also has been raised. Representations have been made that there should be a more streamlined approach, so that, instead of having to wait on the Commissioner to state a case to the Supreme Court before an objection can be considered, appeals can go straight to the court at the instance of the aggrieved taxpayer.

There is also the question of payment of duty before an objection is made. In some instances, there may be a very large sum of money which the appellant may not be able to afford if caught unawares by the assessment of the Commissioner. It has been put to me that while there should be an obligation to pay the duty regardless of any pending objection and appeal, this should not be a prerequisite in all circumstances to an objection or appeal.

Clause 5 amends section 71 of the principal Act and deals with voluntary dispositions *inter vivos*. Under the legislation currently in force, subsection (7) allows property held by a trustee under a discretionary trust to vest that property in the class of beneficiaries without paying *ad valorem* duty on the basis that the trustee, when acquiring the property, has paid stamp duty on it if it is real property. The amendment seeks to remove that provision and to impose instead *ad valorem* duty on subsequent transfer from a trustee to a beneficiary in certain circumstances. Its submission states:

> A simple example of its unfairness is the example of real estate being acquired by a parent as trustee for a child of, say, eight years of age for a purchase price of, say, $10 000. At this time the transfer would attract $100 duty. Ten years later the parent transfers the property into the name of the child as the beneficial owner. Assuming that the stamp duty rates remain the same but that the property is now worth $50 000, then duty of $1 180 will be payable with a credit for the initial $100. An extra $1 080 will be payable. This does not aviod the double duty that section 71 (5) *(e)*was intended to cover.

The institute's submission continues:

> There are many other situations where a simple beneficial interest in property arises under an instrument that is duly stamped where hitherto it has been the ordinary and reasonable expectation in the community that there would be no double duty payable. This should not lightly be disturbed. Any particular avoidance technique that has been adopted to exploit section 71 (5) *(e)* should be specifically legislated against rather than a complete repeal of the exemption.

There are other matters relating to the application of this clause which I will question the Premier about in the Committee stage. Clause 6 will exempt from stamp duty a transfer of an interest in the matrimonial home from one spouse

to the other. The Opposition supports this move. However, in the amending Bill the definition of spouse requires only two years cohabitation. In this respect, we believe that the provision should be consistent with the putative spouse concept in the Family Relationship Act requiring five years cohabitation, or five years cohabitation within a six year period. I will move accordingly in the Committee stage.

Clause 7 is the most far reaching. In essence, it provides for duty on a transfer where there is not a dutiable instrument and when this results in a change in the ownership of the legal or equitable interest in land, a business or business asset, or an interest in a partnership. There is argument that this is tantamount to the imposition of a sales tax and/or an excise. As such, it changes the whole basis of imposing stamp duty in South Australia—from taxing an instrument to taxing a transaction. It ranges far beyond the closing of so-called loopholes. It will result in taxing transactions which have previously not been liable.

The Premier, in his second reading explanation, suggested that he was merely following interstate precedent. He cited, in particular, the practice in New South Wales. However, in that State there are a number of exemptions so that the provisions are nowhere near as wide as they will be in South Australia if this Bill passes in its present form.

I now propose to quote at some length from the submission of the Taxation Institute. In doing so, I emphasise that this organisation has no political axe to grind. It is simply interested in the credibility and fairness of our tax laws. This is what the institute has had to say to the Premier and to the Opposition about clause 7:

> The section appears to create a sales tax and/or excise. It requires a statement to be lodged on every change in the legal or equitable ownership of a business asset if two other criteria are satisfied. The two criteria are that there is no instrument chargeable with duty otherwise effecting the transaction and, if there was an instrument, it would have attracted conveyance duty.
>
> No definition of a business asset is provided. There appears to be no judicial consideration of that expression. It appears to encompass everything from stock in trade to goodwill and trade marks. The use of the word 'asset' in stamp duty law rather than 'property' is novel. Is it intended to encompass something different?
>
> Under the existing Stamp Duty Act any conveyance of any real or personal property or interest therein would be chargeable with duty as a conveyance, save for a few exceptions. Therefore, there are very few situations where if a transaction was either wholly or in part effected by an instrument it would not be chargeable as a conveyance. Some examples of the operation of the section are:
>
> (i) A consumer purchases his weekly groceries from a supermarket. The cost is $80. No instrument effects the transaction. If it were effected by an instrument then *ad valorem* conveyance duty would be payable. The groceries were business assets of the supermarket at the time of sale. General exemption 14 for goods under $40 does not apply. The consumer and the supermarket proprietor must lodge the statements.

The Hon. E.R. Goldsworthy: That has got to be crazy.

Mr OLSEN: Well, it would be an absolute nightmare. The institute's submission continues:

> (ii) In a like manner every sale of furniture, a new or second-hand motor vehicle, a radio or television receiver or alcoholic beverage where the total value exceeds $40 will give rise to a transaction requiring lodgment of statements. Of course, it must be sold as part of a business. A person who sells his car through the *Advertiser* newspaper may not be caught by the section but a person who sells it as part of a business will be obliged to lodge the statement, as will the person acquiring the asset.
>
> (iii) A small trader replaces used plant and equipment in his premises and either sells or trades in the used plant and equipment for $500. General exemption 14 in respect of goods under $40 will not apply. We have a sale of a business asset. It is usually effected without an instrument. It is not in this case effected by an instrument on which *ad valorem* duty is charged. If it has been effected by an instrument the instrument would have been chargeable with duty as a conveyance. A statement must be lodged by each party to the transaction.
>
> (iv) A farmer selling his livestock will also be caught for similar reasons.
>
> No other State attempts anything as all-encompassing.

Imagine the bureacratic nightmare that this would generate in a paper war, let alone the real principle, as highlighted by the Taxation Institute, that we are branching out into a transaction or a retail tax. That is really what the Government is proposing in this measure. The fact is that either the Government was not aware of what it was doing or had not done its homework. It certainly had not consulted with a number of people—

Ms Gayler interjecting:

Mr OLSEN: The member for Newland would do well to check up on this, as she is interjecting on something that she obviously does not know much about. Either the Government intended to significantly increase the taxation base or it had not done its homework. I think that, to be charitable, it was the latter—that it had not done its homework and had not consulted. It simply wanted to act on the member for Hartley's advice, wanting to cast its net a little wider for the purpose of bringing in more funds for revenue purposes. However, in doing so, it will create an absolute nightmare, which we cannot allow to proceed.

Further on in its submission the institute raises anomalies, difficulties and disadvantages that will arise from application of the amending legislation as drafted. Obviously, a very substantial rethink and redraft of these changes must be undertaken by the Government. As I understand it, Government advisers were locked away as late as this morning with representatives of the various professions, indicating that some mistakes had been made and that some major amendments had to be made to this legislation. But I do not see these amendments put forward by the Government and we are proceeding with the legislation here today.

Mr Lewis interjecting:

Mr OLSEN: No, the Bill ought to be held here and we ought to reconsider the implications of it. It ought to be deferred until after Christmas, so that we do not pass legislation that creates all these anomalies, as have been highlighted by the professionals.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: The Premier interjects that people will have a real ball in the interim. For seven years we have not done anything about it, and then, after the member for Hartley has drawn his attention to it, the Premier rushes something in. He was not even smart enough to think of it himself, and it took the member for Hartley to raise the problem. So, the matter having been raised some seven years after the legislation was last amended, the Premier then acts within a couple of weeks and has acted with much haste to get extra dough into the South Australian coffers that the Government did not even consult with the professions and has created what would be an absolute nightmare and a monster in legislative terms that cannot and will not work, and is unconstitutional in its intent, as highlighted not by me but by the Law Society of South Australia.

Ms Gayler: You want the rorts to continue.

Mr OLSEN: What an inane interjection from the member for Newland. She does not even understand the legislation or what it proposes to do. She should ask the Premier for a copy of the letter from the Taxation Institute, and perhaps she would then—

Ms Gayler interjecting:

Mr OLSEN: The honourable member would pull her head in if she had read the letter from the Taxation Institute. One further matter is dealt with in the Bill. Clause 8 imposes duty on a caveat that protects an unregistered mortgage under the Real Property Act. This will apply to circumstances in which financial institutions take a mortgage which is

unregistered and is not stamped until it is registered on the title. They protect their interest with a caveat which is lodged on the title. The amendment will mean that, where there is such a caveat, duty is payable at the rate of $4 if the mortage to which the caveat relates has been stamped and $4 plus the amount of any duty on any mortgage to which it relates and which has not been stamped. I see no difficulty with this, except that there will be some procedural problems; for example, will the caveat have to be stamped before it is lodged at the Lands Titles Office? If so, this will seriously prejudice the speed with which a caveat can be put on a title to secure an unregistered interest. The essence of a caveat is that it can be done quickly in order to protect an interest. Nothing should be done to prejudice that protection.

The Opposition's response to this Bill indicates the view of the Opposition that it is a major piece of legislation. The manner of its introduction appears to have been a deliberate attempt by the Premier to underplay its importance and its intention. I have highlighted major deficiencies as well as significant uncertainties about its application. Advice has even been received that it may be unconstitutional if it is, in effect, a sales tax or an excise.

Members interjecting:

Mr OLSEN: The Law Society and the Taxation Institute of South Australia have drawn these matters to the attention of the Government. I have referred to the Government's complete failure to effectively consult with members of the accountancy and legal professions on this matter. In all the circumstances, I now call on the Premier to agree to adjourn this debate until the parliamentary session resumes after the Christmas break. This will allow the Government to consider the submissions that it has received on this matter from people who have no political axe to grind—people who were making submissions to the Government but hours ago about amending the legislation. If the Premier refuses to agree to this reasonable proposition, one can only conclude that he has only one interest in this matter, namely, a further expansion of his already overgrown and overburdening tax net in South Australia.

The Hon. B.C. EASTICK (Light): I was expecting the wide-awake member for Hartley to be the next member to contribute to this important debate. He was the member who was wide enough awake to note the difficulties that existed and to draw them to the attention of the Government. I would like to hear the honourable member take the opportunity to extol—

The Hon. P.B. Arnold: He has dropped it like a hot potato now.

The Hon. B.C. EASTICK: Has it become politically unsavoury? The position as argued by the Leader very clearly points up the concern that is being expressed in commercial circles today. His comments clearly express the concern of people who have had fewer than 12 days to consider a very complicated and complex piece of legislation. This piece of legislation clearly shows that the Premier, in bringing this matter to the House, has misled the House as to the extent of the alterations which it brings into place.

The Opposition has no argument with the first part of the presentation which the Premier indicated was to recognise requests which had been made to the Government. He did not go on to identify whence the Government had had the requests. Certainly, though, he seeks to rewrite the rules in respect of one of the first two amendments in regard to the period of time for which a spouse situation may be considered under these measures.

To move away from the five year period which has been recognised by this State and suddenly to implement a two year period is asking just too much, and is asking something which I do not believe the wider community, when the matter is explained to them, will tolerate under any circumstances whatsoever. It also raises the question as to how often some people will be able to utilise this backdoor method of overcoming the cost or of obtaining an advantage if it were over a two year period.

I believe that, before the matter is finally decided, it may well be that the Minister or people in another place will be looking to reduce to once in a lifetime the number of opportunities to make a claim under this provision. It would appear that that would not be an unreasonable situation, particularly if it related to a *de facto* relationship. If it were a legitimate spouse situation and there had been a loss by death or some similar circumstance, then the Opposition would have no argument, but on the open ended manner in which it is brought to the House at this time I raise a very serious question on behalf of the community at large.

The Leader led the debate to the Premier in respect of the manner in which from time to time the Premier has sought to put down the Opposition for protecting people in the community. Let me say to the Premier that the Opposition, either in opposition or in Government, has never sought to condone an unlawful Act once it had been drawn to the attention of the Government of the day. If that rankles with the Premier because he did not get his Warming legislation through, then—

The Hon. J.C. Bannon: My Warming legislation?

The Hon. B.C. EASTICK: Yes—Warming, in relation to licensing. Let us go back and ask why it did not get through. It did not get through because it sought to introduce an element of retrospectivity which has been traditionally against the interest of the Liberal Party, whether in State or in Federal Government, and I believe that there has been a mellowing of the attitude of a number of people in the Labor Party over a period of time as to how far back retrospectivity should go—if, in fact, it should go back at all.

That is the situation that this Opposition has consistently put, both in Opposition and in Government; where a legitimate piece of legislation is in place, people are expected to meet their debt; where there is an error in that 'legitimate' legislation which is corrected by subsequent legislation, then from that time on the Opposition, the Liberal Party, expects people to meet their debt.

I mentioned the Warming situation from a State viewpoint. Let us accept the situation of the so-called bottom of the harbour legislation federally, where the same argument is applied. The Liberal Party was four square behind change effected from a given date, but would not accept going back in time, which was completely against the best interests of the community at large, where people had undertaken legitimate actions with a piece of legislation which existed at that time. I believe that the other matters which the Leader has highlighted relative to ordinary transactions are the most damning of the position before us at the moment.

The Hon. J.C. Bannon: If it was as you outlined, I agree—but it is not.

The Hon. B.C. EASTICK: The Premier will have his opportunity to indicate whether that is the case, and another place and another group of people, the taxation experts—

The Hon. J.C. Bannon interjecting:

The DEPUTY SPEAKER: Order!

The Hon. B.C. EASTICK: They will still have the opportunity to question whether the Premier's interpretation—

The Hon. J.C. Bannon interjecting:

The Hon. B.C. EASTICK: Do I get protection, Mr Deputy Speaker, or does the Premier want three or four bites of the cherry?

The DEPUTY SPEAKER: The honourable member for Light has the floor.

The Hon. B.C. EASTICK: The clear position I am putting to the House is that, whilst the Premier is gloating at this time that he has the answers which will put down the argument advanced by the Leader of the Opposition, that matter will still be tested in the broader community by people who have drawn attention to the deficiencies as they see them and who have not been able to obtain from the Premier's officers adequate information to dispel their concern about the measures that the position is as the Leader has put down in their mind and continues that way.

As members from this side interjected—quite incorrectly according to Standing Orders—there would be a whole new bureaucracy created and, whilst it may be that it was not the intention of the Government, nothing that the Government has done by way of amendment thus far will overcome that very major deficiency which is viewed by the knowledgeable community who practise in this area.

Members interjecting:

The Hon. B.C. EASTICK: The Premier will have his opportunity in due course. I believe that it is a matter which requires a great deal more attention and community acceptance than it has at the moment, and I believe that the question that was put to the Premier by the Leader (that it be held over until it has been properly tested) was perfectly legitimate.

The Premier's immediate reaction was, 'You want people to have a killing.' There was the cynicism to which I referred earlier: the cynicism which the Leader recognised when he challenged the Premier not to come back with that sort of action. The situation is that the Government, having highlighted its intentions by the laying on of this Bill on 11 November, could legitimately expect that any transactions taking place beyond 11 November, when due notice was given, would be caught by the legislation if it finally went through.

There would not be any killing, because people would be committed to a situation if it finally got through—and I question whether it will get through in the form in which it exists at present. That is consistent with action we have taken in the past. Let us be sure and, if we are wrong and if the Government is not going to miss out on a legitimate decision it had highlighted to the community, then let it go and collect its dues. It has occurred in this State in the past and it has occurred on the Federal scene that the legitimate day of laying on the measure is the day from which the commitment becomes operative.

We do have a minor problem with that, because it was laid on 11 November. These matters were highlighted on 24 November, and it would be virtually impossible, without tremendous cost, to go backwards between 11 and 24 November. So let it date from now: let the public announcement be made that transactions from this point may be caught if the Government gets its measure through, because then there would be no loss to the Government and there would be no killing, which is the criticism levelled at the Opposition by the Premier. I support the measure to the second reading stage so that it can have the proper consideration, as indicated by the Leader, that it needs.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I am particularly concerned at the advice tendered by the Taxation Institute of Australia, which has been supported by the Law Society of South Australia. A letter to the Premier from the Law Society states:

> Dear Sir,
>
> re the Stamp Duty Bill. The Commercial Law Committee of the Law Society of South Australia has given consideration to Bill No. 52 of 1987 to amend the Stamp Duties Act. The committee has also had the opportunity to consider the submissions forwarded to you by the Taxation Institute of Australia. The Bill contains a number of matters of concern to the committee. The areas of concern are set out in the submission of the Taxation Institute. The Law Society endorses the comments made in the submission and requests you to have regard to those matters in your consideration of the Bill.
>
> A copy of this letter has been forwarded to the Hon. Mr T. Griffin who sought comments from the Law Society.

So the first the Law Society knew of this matter was when the Opposition sent it a copy of the Bill. The concerns of the Taxation Institute are echoed by the Law Society. The Leader of the Opposition quoted from the Taxation Institute submission, as I will.

The submission states that the Bill amounts to the imposition of sales tax and/or excise. If the Taxation Institute—which, as I say, is supported by the Law Society—is correct, there is no way in the world that I will support the Bill—no way. The submission states:

> It requires a statement to be lodged on every change in the legal and equitable ownership of a business asset if two other criteria are satisfied. The two criteria are that there is no instrument chargeable with duty otherwise affecting the transaction and, if there was an instrument, it would have attracted conveyance duty.

The Leader of the Opposition used the example of a grocery store. The submission also states:

> A farmer selling his livestock will also be caught for similar reasons.

If you go to the abattoirs on a sale day and tell both the sellers and the buyers—the farmers and stock agents—that they will have to put in a return to the Government and pay duty on a conveyance, all hell will break loose. As I read the Bill—and obviously as the Taxation Institute reads it—if you go to a hardware shop and buy over $40 worth of goods, you will have to send in a return and pay duty. Many people, including the Law Society, are saying that that is a correct interpretation of the Bill. If that is a correct interpretation, all hell will break loose when the wider community become aware of what the Bill entails.

I was at the abattoirs last week. In an attempt to supplement my modest parliamentary salary I run a very modest primary production enterprise, and last week I sold a small quantity of produce. Any reaction to the Stock Exchange crash which may have affected people in this place will be quite modest compared to what will occur in the rural community if these people are forced to send in a return to the Government on every transaction and then pay some sort of stamp duty. If that is what the Bill does—and that is what the Taxation Institute and the Law Society believe it does—there will be one heck of a fuss before it gets through Parliament.

Mr S.G. EVANS (Davenport): I rise to endorse the comments of the Deputy Leader of the Opposition. I will oppose the Bill if it remains in its present form. I openly admit that in reading the Bill and parts of the parent Act I was unsure. I am prepared to admit that. However, I sought an opinion, which cost me nothing, from two legal friends—and I am grateful for that. They hold the same view as that expressed today by members on this side of the House. The Premier has indicated that that is not the Government's intention: that it will not apply the measure to all transactions of $40 or more. That may be the intention of this Government and this Premier, but we have learnt our lesson

in this place before that it does not matter what the Government of the day would like to do. The Premier has indicated that the Government does not want to set up another bureaucracy. I am quite happy to accept that that is his intention, but how can we trust a future generation of our lot? What will the next Government do, whether it be Labor, National Party, or Liberal?

If we pass laws, we must be sure that what is intended by those who bring them before Parliament is written into the legislation. If the advice that I have been given is incorrect, let the Premier say where it is incorrect. I have admitted quite openly that I have great difficulty in understanding the interpretation. I would be deeply concerned if Parliament passes this Bill in its present form. Tomato growers, for example, have a problem. The Minister of Agriculture is now aware that that is the case, although he did not know very much about it before today. If tomato growers sell their produce in bulk at, say, $200, they will have to send in a return and will have to pay duty. So the words we heard used in the upper floors of this building earlier today will be very moderate when compared with what will happen if the Bill passes in its present form. The duty will be passed on down the line to the consumer. New Zealand has fiddled around with different areas of the value added law and so has the Cook Islands. The Premier has said that he does not want the experience of those two countries repeated here and that he does not want another bureaucracy.

Legal advice—and it appears that the Deputy Leader also received a letter from the Taxation Institute—is that this measure could go in that direction and that that sort of penalty can be applied. The legislation can be interpreted in that way. Surely if that is the case it would not be beyond the powers of this Parliament and those who advise and help us to draft the Bill in the form that the Premier and the Government desire so that a future Government will not be able to do something different. We all know that, if a Government of any persuasion gets its hands on more money or has an opportunity to get more money, it will do so. If at the same time it can spend money to appease a mob greater than those who must pay the tax, it will do so—and that is the approach in politics today.

If it is taken from a few and spread among many in society it is good politics because the Government of the day wins in the long run. It does not matter about justice, because that is never really considered in Parliament. Therefore, I ask the Premier to think about what is written. If he really believes that there is no chance of any future Government putting into practice what has been suggested by people who have advised me—and, it appears, the official Opposition—he should leave it as it is and see what happens in another place. However, if the Premier is convinced that there is that opportunity for others to make this change in the future (say, a Government of the same philosophy but with a different Premier), let us change it. I will definitely oppose the Bill if it is not amended unless there is an absolute indication given to me that my interpretation and those who advise me are wrong.

Mr BLACKER (Flinders): I wish to express my concerns about the Bill. I am the first to admit that I do not fully understand the implications, which is why I wish to raise certain queries. In particular, I refer to a letter that I have received from a solicitor in my electorate. In quoting that letter, I hope it highlights some of my concerns. The letter states:

The writer read with some alarm a recent report in the *Advertiser*, a photocopy of which is enclosed. The particular aspect of the amendment relates to the assessment of stamp duty on transfers of property from a trust.

Under the present law, any property held by a trust can be transferred to a beneficiary of that trust and the only stamp duty payable is a nominal $4 stamp duty. The same situation applies when property is transferred from a trust set up by a will, where property passes to the trustee or executor named in the will and then to the beneficiaries.

On the writer's reading of the *Advertiser* report, it would appear that the Government may intend to charge all transfers from trusts to beneficiaries at the normal *ad valorem* rate.

If the writer's interpretation is correct, we might commonly see one or either of the following situations:

1. A widow or widower dies leaving a house property worth some $75 000 to his or her children. The transfer from the trust created by the will would then result in stamp duty of some $1 955 being paid. In effect, this would amount to a form of death duty.
2. If a farmer left a farm worth $500 000 to his son, then the son would pay $18 830 stamp duty on the transaction—

this is where the writer exercises some licence, I imagine—

3. If Peter Blacker owned a property in the name of the Peter Blacker Family Trust and decides to vest it whilst he is still alive to one of his children and if that property were worth $200 000, then stamp duty would be assessed in the sum of $6 830.

It may well be that the legislation will simply be aimed at family trusts that have been set up in considerable volume over the past 20 years. Even so, the ramifications are extensive. If the legislation were also to cover trusts created by wills, then the ramifications would be disastrous.

In family trusts the main reason for transferring a property to a trust, or purchasing property in the name of a trust, has been the ability to vest that asset at a later date to one's family but to have the ability to control it in the meantime. With stamp duty being assessed at only $4 there has also been a considerable sum of stamp duty saved as a result of the transaction.

We look forward to receiving your early reply.

I consulted with the solicitor yesterday about this matter and some confusion still reigns about what is actually meant in clause 5: does it apply to all the estates? What transactions are referred to? Members on this side expressed concern about a number of other property transactions involving, for example, stock and plant as well as land. Do the provisions refer to trusts created by wills? What is the position in the event of a trust created upon the death of an individual? Would the provision apply in such circumstances? Would it apply to existing trusts or trusts created only after this amendment comes into operation? I raise this question because the provision could be interpreted as constituting retrospective legislation. I refer to people who have set up their family affairs after having sought legal advice. They did so under the law of the land then applying but they could find that all their trouble and expense had been nullified, which is a matter of concern to me.

One or two other aspects of the Bill are worthy of support. I refer to clause 3 and the requirement to have documents stamped. While there was previously a moral obligation to have documents stamped and it was stated that that should be the case, often there was no follow-up, and there is no doubt that the Government was denied considerable stamp duty that normally would have been payable. It has been suggested to me that solicitors should be obliged to tell clients of their obligation under the law, yet a client could then approach someone who is a little less discerning about the law and who might suggest that one could get around that. Therefore, solicitors, having done the right thing by the law of the land, could lose a client and could lose business by virtue of their being honest and advising their clients of this obligation. On the other hand, there is no law compelling a person to follow that direction.

I hope the Premier will be able to provide further clarification on this clause because there is confusion. I note also the comments made in letters from professional organisations which have contacted the Opposition. I can only

affirm that confusion remains among individual members of the profession in the community.

Mr S.J. BAKER (Mitcham): I will briefly address the Bill, but before I become overly critical I should take the opportunity to congratulate the Government for at least addressing the question of spouses, albeit in a different way from the approach of the Opposition. Certainly, that it costs people money when they wish to transfer half their property to their spouse has been a matter of considerable concern. I have twice approached the Premier previously about this problem. Two families in my area have said that they cannot afford the cost of transfer and that, therefore, they will not have the property in a half-share arrangement. Of course, the situation is not as bad as it could have been because, say, 10 years ago the difficulties of transfer of property on the death of a spouse (whether it be the bread-winner or otherwise) meant that properties were tied up for protracted periods until duties were paid.

This is a welcome relief to those people who would like to share their property in the marriage situation with their new spouse (in some cases the spouse may not be new). One of the cases I was confronted with involved a single person who had owned a property and who had married. In the other case a person had been divorced and had remarried. In each case the cost of stamp duty was prohibitive because it meant paying stamp duty on half the property. The Opposition disagrees with the proposition involving the stipulation of the putitive spouse as being defined for two years, and that provision is subject to a proposed amendment.

I would like to take up the point that the legislation now requires people to stamp the relevant document within two months. I would like the Government to consider seriously the case that I have before the Premier at the moment. That involves a lady, also in my electorate, who was coerced, beaten and, in fact, almost frightened to death by a male who forced her to transfer half her property into his name. The only trouble was that he went a little bit too far and decided he wanted the whole property. When this issue was taken before the courts, the courts ruled that the lady had been subjected to undue duress and that the property had to be returned to her. The courts made an order that he was to pay the amount of stamp duty required so that she could have the land transferred back into her name. The court did not require the man to stamp the document. It was not to be put into his possession, but he was required to pay the money. Under the term here, he could not afford it, and I have sent a letter of request for stamp duty to be waived or, at least, some provision to be made in these circumstances, given the terrible nature of the case. However, under this Bill the woman would be committing an offence because the document—

An honourable member interjecting:

Mr S.J. BAKER: I am sorry; there is no way out. The legislation provides two ways out: it does not provide for that circumstance. Therefore, the woman is guilty of an offence. We cannot assume that the courts are going to read more into the Bill than is already there.

The third issue I wish to address—and this is the serious matter being raised by the Opposition—is our belief that this Bill should be completely redrafted. I will read to the House exactly what the Bill puts in place. New section 71e provides:

(1) Subject to subsection (2), this section applies to a transaction in the following circumstances—

(a) the transaction results in a change in the ownership of a legal or equitable interest in—

(i) land;

(ii) a business or business asset;

(iii) an interest in a partnership;

or

(iv) property of a prescribed nature.

What we are doing is, in fact, describing the world—every transaction you can think of can come under that definition, and by putting this legislation we are setting a principle which says we can include any of these items under stamp duty. This Bill enables the Government, by its own discretion, to include or exclude any items it wishes.

I believe that this Bill has to be completely redrafted. The intention of the Government to cut out tax avoidance and stamp duty avoidance is supported by the Opposition. The areas that they wish to attack should be clearly stated in the Bill; the exact means by which they are going to approach it should be contained within the Bill; we should not have an overall clause which provides the opportunity for this Government, or later Governments, to then say that Parliament has in principle said stamp duty can apply to almost anything and these are the items that we talked about such as land, business, or business assets, and so on.

An honourable member: That is the case now.

Mr S.J. BAKER: It is not the case now. In fact, what we are—

An honourable member interjecting:

Mr S.J. BAKER: We have not heard from the member for Hartley but I am sure he will actually make a brief contribution. The Law Society and the Taxation Institute are obviously particularly concerned. They have indeed communicated their concerns, I presume, to the member for Hartley, and I presume that they have communicated their concerns to the Premier. We certainly share those concerns. We believe that the ambit of this legislation is far too wide and that, if the Government wishes to tackle stamp duty avoidance, it should do so specifically. We should not be relying on regulations to decide who is in and who is out, because the principle should be contained within this Bill.

This Parliament should determine what should be dutiable. That is the nature of most major pieces of taxation legislation. Even though the regulations actually change the amounts, the Parliament sets the principle. I believe that in this case the principle is that the Government wants an open cheque book or an open opportunity to place anything over $40 under stamp duty. That is the way in which the Act reads to this Parliament. Indeed, we cannot read it in any other way. I suggest that the Premier move the adjournment of the debate until members have something more satisfactory before them.

Mr LEWIS (Murray-Mallee): In addressing the substance of the Bill before us, I must commence by saying straight out that I support utterly the points made by previous speakers. My Leader has given the whole House, indeed the Government and its advisers, good reason to think again surely and to redraft the Bill before us. The member for Mitcham has already made that plain by giving an instance where that needs to be done. Let me, without repeating anything that he said, give another instance.

I draw to the attention of members the amendment to the Bill that has just been circulated by the Premier. Even before the completion of the general consideration of the legislation, the Premier has unearthed a substantial oversight in the legislation it would seem and has circulated an amendment that would mean that a series of transactions over a period of a month which in effect amount to more than $40 would be treated as one transaction and so taxed. Have you got that, Mr Deputy Speaker? If a number of transactions are carried out over a month between the same

two parties, it is the total at the end of that month that will be considered as the total upon which duty will be payable. That total merely has to be more than $40.

The Hon. H. Allison interjecting:

Mr LEWIS: The honourable member is on to what I am about to say, because he has anticipated my next remark. I again draw to the attention of members the remarks made by the Leader when he quoted from the submission from the Taxation Institute. In order to refresh the memories of members, I quote from the same submission:

> No definition of a business asset is provided. There appears to be no judicial consideration of that expression. It appears to encompass everything from stock in trade to goodwill and trademarks. The use of the word 'asset' in stamp duty law rather than 'property' is novel.

That is why the Leader asked, 'Is it intended to encompass something different?' Clearly it is. Such a term would not have been used in substitution for the term 'property', which is normally used, were there not some other consideration in the minds of the people directing the drafting of this legislation. In answering this point in his second reading reply, the Premier may say that he meant to use the same meaning or that the two words have an identical meaning. If that is so, why not stick with the original? The word 'asset' is used and, if that is to be the case, let us look at the situation in which goods in trade are considered as assets, as indeed every member would agree, and where, as such, groceries owned as stock in trade assets by the grocer or the supermarket are sold to a specific party namely, the housewife or any other person responsible for purchasing the groceries for that household.

So, where the total of the take under the terms of the Premier's amendment is more than the minimum amount on a monthly basis, duty is payable. If that is what the Premier intended, clearly the amount of revenue to be generated from the pockets of every South Australian in a direct way will be huge. There is nothing to stop the Premier, at this point of time or at any subsequent point of time, determining that the goods in trade in that transaction are in fact assets. Just because, in the first instance, it is overlooked does not mean that it does not apply in any or every instance thereafter.

Then, the matter cannot be simply taken for granted as having been an aberration. There are many examples in case law that indicate that to be so. It would in fact, therefore, be a sales tax on goods and probably unconstitutional. Indeed, it would be unquestionably unconstitutional if that is the way in which the courts ruled. Why did the Premier introduce the measure with such haste and why is he so anxious to push it through Parliament? What is he trying to hide from us and from the public? Without sufficient debate on the measure, people may not become aware of this aspect and so allow the measure to be passed in its present form only to suffer its consequences either immediately or later.

Another aspect of the matter to which I have drawn the attention of the House is that, if the Premier answers the concerns that I raise simply by saying that he will deal with them in the course of making regulations under the Bill, I ask him where that situation stands in relation to the need in most fair minded legislators' opinions to have such definitions and the nature of such transactions included in legislation. We are failing in our duty as legislators if we have not the wit, wisdom and foresight to include such matters in the Bill before Parliament.

It is not good enough for us simply to say, 'This is really what we want to do. Okay, we will give the Government open slather and *carte blanche*. We know what you really mean and we know that you won't do any differently.' There have been too many examples during my term in Parliament because of which I have learnt not to trust Governments. Many of those examples stem from statements made to the Parliament and to the public of South Australia by the Premier especially about taxation measures, where the Premier has given clearcut, unequivocal undertakings about taxation, such as not increasing it and not introducing new taxes. Yet, lo and behold, even before the ink is dry on the paper, proposals to introduce higher levels of taxation and to introduce new taxes are already in the pipeline, as we have learnt afterwards.

Therefore, I rise to draw to the attention of the House in this instance (admittedly cynically) to what I regard as a serious anomaly in the legislation as it has been presented to this Chamber and now in conjunction with the Premier's amendment, so that people can see the real ramifications. It is not good enough for the Premier to use the 'We'll do it in regulations' argument because, by doing it that way, he averts and avoids an essential aspect of legislation—the opportunity of Parliament to decide whether or not it should be included. We cannot amend regulations. If we decide to do anything with regulations, we can only disallow them and immediately on their disallowance the Government can introduce the same regulations and the whole process starts all over again.

It takes months to obtain a disallowance of any regulation so, by reintroducing the regulation once or twice a year, the Government effectively could continue to collect tax, in spite of the fact that Parliament in its wisdom might have chosen to disallow its capacity to do so. In the event that the Government decides to reintroduce a regulation which has been disallowed by either House of Parliament, we do not have the same provisions as the Senate to reconvene ourselves to further disallow the regulation. We simply have to take the limited time available in private members' time to attempt to address such injustices.

For that reason, if for no other, I support all the comments made by my Leader and the other members who have spoken on this Bill. I ask the Premier to remove this Bill from the Notice Paper and to redraft it, or at least to leave it on the table until the new year so that a whole range of amendments can be drafted and presented to tidy up the awful and awesome mess it will create not only in relation to the legislation but also, if my suspicions are correct, to every adult's household budget in South Australia.

The Hon. J.C. BANNON (Premier and Treasurer): As far as the Leader of the Opposition is concerned, I will be unpredictable. He told me that I would launch into a diatribe against the Opposition as being supporters of tax avoidance and that sort of thing. I suppose that there are times and occasions when that can be done, but I do not believe it is appropriate in this context. In relation to the criticisms that have be made of this Bill (and I suggest that most of the doubts and problems that have been raised can be overcome by an examination of the total Bill and an interpretation of it), it is interesting to note that really it took until the member for Mitcham's contribution to recognise that two of the amendments are reforms that I would have thought would be welcomed by anybody. One relates to the transfer of an interest in a matrimonial home between spouses and the other concerns that payment of interest question. I think that both amendments are desirable reforms which obviously have negative revenue implications, but nonetheless I think that they would be welcomed.

The other amendments are aimed at closing loopholes and tightening up the legislation in a reasonable way so that

it conforms with the objects of the legislation—it is nothing more and nothing less. Reference has been made to questions asked by the member for Hartley and the contribution that he made to this Bill. I am very happy to acknowledge the member for Hartley's knowledge of and interest in this area and the contribution that he made, but I add also that this Bill is the result of more than 12 months of consideration on the part of the Government. A number of meetings have been held both at officer level and at ministerial level between ourselves and other States. The various Governments of Australia are attempting to try to find some uniformity in this area and I would have thought that that would be welcomed.

It is not true to say that these amendments have come out of the blue as things that nobody could have expected or have had time to analyse. On the contrary, these principles have been talked about for some considerable time and in that they differ from the 1980 amendment referred to by the Leader of the Opposition. I understand that that was a unique amendment. The Leader of the Opposition conveniently quoted some remarks I made at the time about there being the need to examine these methods more fully. As I recall the context of it, I suggested that the Bill ought to go further than it did, which is opposite to what the Leader of the Opposition is now saying. He wants to minimise its impact to the greatest extent possible, but I point out that what was being done then had not been done in other jurisdictions. There were no real precedents or examples to lean on, and in that respect these amendments differ, because they are based on matters which are covered by legislation in other States and which have been the subject of widespread discussion in that context.

The member for Hartley's questions notwithstanding, meetings I held as long ago as 1986 resulted in an agreement to work on certain amendments and to do some more inspectorial followup work to see whether or not these amendments would be justified and the results are before the House. Many of the questions and points raised I think either misinterpret the provisions or ignore other provisions in the Act.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: Yes, in some respects the Taxation Institute has got it wrong and I think that discussions that have been held with it as recently as today have indicated that, in a number of those respects, its initial response was not correct.

Mr Olsen: It is different from what it told us at lunchtime today—

The Hon. J.C. BANNON: I am sorry about that then. I do not think that that is the point. The legislation will be dealt with in Parliament.

Mr Olsen interjecting:

The Hon. J.C. BANNON: A number of questions raised by the institute have been answered adequately and indeed can be answered. For instance, great play has been made of stamp duty applying to all of the most simple transactions and so on. That ignores the impact of clause 31 of the Bill and it ignores also the regulation power in relation to other clauses. I thought that, in a sense, the problems in raising objections to this Bill were exemplified by the member for Flinders. He mentioned these questions and problems referred to him by a solicitor who, presumably, advises on these things in his district. If we are right in what we interpret to be the problem of that solicitor as put before us by the member for Flinders (and I and the officers can only go on what we heard in the course of debate), the point that he made much of relating to transfers made in pursuance of the provisions of a will is already covered by section 71 (5) *(h)*. That is not modified or affected in any way by this legislation. Perhaps that is another example of misinterpretation which I am sure would satisfy the honourable member's constituent who, as an adviser, obviously when he sees the final legislation, will understand it.

I might add, in defence of the correspondent to the member for Flinders, that he did say that he was responding to what he saw as reported as being in the Bill; in other words, he had not looked at the provisions and therefore possibly he could infer that the section to which I referred a moment ago had been affected in some way. I assure the member for Flinders that that particular subsection is not affected. There are many other areas like that. I do not accept that in all respects the criticism is valid. I have circulated a clarifying amendment which I intend to move and it relates to a series of transactions.

That point was raised by the Taxation Institute and I think it was a valid point. Although Parliamentary Counsel said that effectively one could interpret it as not being necessary, nonetheless it may be as well to clear up that question relating to a series of transactions and we will come to that in due course. I appreciate the thorough submission presented by the Taxation Institute and it received attention, but it does not warrant substantaive amendments to this Bill. I do not think that the institute's fears are in any way borne out by the actual interpretation of the legislation and the way it will be effected. I therefore commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Penalty for not duly stamping.'

Mr OLSEN: I want to raise a number of questions that I referred to during my second reading speech and respond to one or two points made by the Premier. He said that it was a matter of interpretation and that the Taxation Institute of South Australia and the Law Society of South Australia had got it wrong. The Premier also indicated that those professional bodies were in discussion with officers of the Government during the course of this morning—and that is right. As of lunchtime today, we have been advised, the result of those discussions was that a whole range of amendments would be considered by the Government to heavily amend the Bill, to overcome the problems identified by the Taxation Institute—covering some nine pages.

In a dismissive sort of way, the Premier has said that all the Law Society had done was to write us a letter and say that it had agreed with everything that the Taxation Institute had to say. He almost dismissed that as not meaning very much. However, the letter does indicate that the Law Society of South Australia has had a close look at the nine page submission of the Taxation Institute and, in effect, it has indicated that what the Government has drafted is an absolute nightmare and that the Government needs to rethink the direction in which it is going. That is the import of what has been said. The Premier referred to the position in other States. I shall quote just one comment in relation to the situation that applies in other States, as follows:

> None of the States of New South Wales, Western Australia or Queensland require a statement to be lodged where the transaction results in a change of the ownership of legal estate or interest in real property.

That is the situation in other States, but the Government maintains that it has consulted with all the other States. I think the member for Murray-Mallee summed up the matter well: the Government has consulted with all the factions but none of the professions. It is pretty clear that that has happened in this instance. The letter continues:

In the case of New South Wales and Western Australia the statement is only required where the change relates to a beneficial interest.

So, clearly, in comparison with other States we are out of step—and yet the Premier in his second reading reply led us to believe that this legislation is complementary to that which has been enacted in other States. No definition is given in the legislation of a 'business asset'. That is really the subject of the problem identified in clause 7.

In relation to clause 3, which amends section 20 of the principal Act, I ask whether the Premier will reconsider the proposition to allow greater discretion by the Commissioner of Stamps to remit late stamping penalties in appropriate cases or to extend the time in which an instrument may be lodged for stamping. In other words, this would remove the sudden death proposal, which is really the effect of this provision. That is the current practice, but this provision negates that.

The Hon. J.C. BANNON: The answer to that is 'No'. It would be inconsistent with the rest of the taxation legislation and with similar provisions that have been introduced interstate, in New South Wales and Western Australia. There is such a provision in Queensland, although that only provides for a one month period. The existing provisions relating to late stamping, to which section 20 relates, refer to a two month period for instruments executed in South Australia and a six month period where an instrument is executed outside of South Australia. I think that is a quite reasonable situation.

Mr OLSEN: I want to address one of the unintended consequences of the creation of a statutory offence by virtue of a stamping not being undertaken in due time and whether that might therefore render a document illegal. That is an unintended consequence. The Taxation Institute has highlighted this matter to the Premier. For easy reference I indicate that that is in the second and third clause of the institute's submission to the Premier. Although it is expected that a provision creating a criminal offence—as indeed this one does—will not be given retrospective effect, there is no provision in the Bill to preclude such retrospectivity. Will the Premier therefore amend the Bill to enable a clear indication that that provision applies only to instruments which are created following this section coming into effect? Further, will the Premier give a clear commitment that this provision will not apply retrospectively? Also, will he please indicate whether an unintended consequence of this might be the creation of a document that might be illegal in law?

The Hon. J.C. BANNON: First, this will not have a retrospective effect at all. It has effect on the day after this legislation is proclaimed. Secondly, the various factors are taken into account in situations where it has been decided whether or not to prosecute. In other words, we are not dealing with an automatic prosecution in each and every case. That is true of taxation offences and other offences under the Act. It is for the courts to decide whether an offence has been committed and the amount of penalty that is appropriate. The submission that the Leader of the Opposition quotes from the Taxation Institute argues that there is too great a discrepancy in penalty in relation to an initial offence. However, all those matters can be taken into account by the courts. I do not believe that there are any major dangers there. Prosecution decisions will be taken as appropriate. However, I think what is important is that the Taxation Office and the Taxation Commissioner have the power to do so. In a sense, we are suggesting to people that they should stamp their documents, that if they do the right thing they need have no worry.

Mr Olsen: But there are unintended consequences.

The Hon. J.C. BANNON: Well, they will be taken into account.

Mr S.J. BAKER: I am fascinated by the Premier's response. Despite his background, it seems that he has little understanding of the law.

Members interjecting:

The CHAIRMAN: Order!

Mr S.J. BAKER: I understand that if a document has not been stamped within two months an offence has been committed. Whether indeed a person is then taken to court and wanders through the myriad of legal processes is another question, as is whether at the end of a day a person is found guilty. But it still puts people to an extraordinary amount—

The Hon. H. Allison interjecting:

Mr S.J. BAKER: That is right; it is an illegal document—*per se* the document is illegal. During my second reading contribution I referred to a case involving one of my constituents. That matter has been referred to the Premier. I want to again briefly outline that case, because it is interesting. This person was forced by physical means to transfer half the property. After a great deal of harassment, involving a life-threatening situation, and after this woman had moved out of her home, the court eventually ruled that indeed the property should be transferred back. This has extended well over a two month period. The lawyers have indicated that if this person does not get the document stamped she will be subject to interest. I have contacted the Commissioner of Stamps and he has been very sympathetic. However, under this legislation the lady would be guilty of an offence. There is no doubt about that.

This person has gone through an enormous amount of trauma, and has been bashed from pillar to post. She has been told by her lawyers that if she does not come up with the stamp duty money she will face an interest penalty. Of course, under this Bill she would face a $10 000 fine as well. That is just incredible. We have given no leeway in this Bill for whatever circumstances might prevail, whether a family member gets sick or someone has forgotten to stamp a document. There is an assumption here that people act in accordance with the law, but some people have no real knowledge of the law.

Members interjecting:

Mr S.J. BAKER: Groom is grooming at the moment—that is right! I cannot impress sufficiently on the Premier that we have circumstances in which people do not deliberately disobey the law. Perhaps they have forgotten or, through circumstances, have been unable to comply with it. If this lady had to pay rent on another property her bank balance would be wiped out. I think she would have $30 left to her name if she has to pay the stamp duty. Although the courts have awarded against the perpetrator of the crimes against her, he has no assets and cannot be found, so her lawyer has said, 'You had better pay up if you want your property.'

In those circumstances, after two months she has committed an offence. This provision does not allow any discretion—that is the point we make. We are saying that there are special circumstances and there should be discretion, which should not be wiped out by statute. I emphasise to the Premier that this provision will be subject to an amendment in another place unless he can see some reason. We believe that it is bad legislation because it does not provide for the little people of this world who always get hurt and always get hit by this Government.

The Hon. TED CHAPMAN: I note from the Bill we are dealing with at the moment, Bill No. 52, that an 'instrument' in the context in which it is used in this Bill appears to be

a transaction which involves the sale of an asset for a fee which, in turn, becomes subject to the duty that is proposed.

Mr Lewis: The instrument's a receipt—every written document. That's what it says in the principal Act.

The Hon. TED CHAPMAN: Taking the definition of 'instrument' in the principal Act, as I have been reminded to do by my colleague the member for Murray-Mallee, and taking it as read, the reference to the term 'asset' does not appear to be defined in the principal Act or in the Bill we have before us. Before we talk about what might be chargeable or applicable in the way of duty on an asset, we ask the Premier to define within the ambit of this Bill what is meant by an asset—and I have a couple of subsequent questions after receiving that answer, if it is all right with you, Mr Chairman.

The Hon. J.C. BANNON: I am not sure whether this is in clause 3.

The CHAIRMAN: I am allowing the question because—

The Hon. TED CHAPMAN: It seeks to clarify a position on which—

The CHAIRMAN: I am allowing the question because new subsection (4) does begin with the words 'If an instrument that is chargeable,' and the honourable member is seeking a definition, I assume, of what that actually means.

The Hon. J.C. BANNON: I am afraid I cannot answer that question. They are those instruments which appear throughout the course of the Bill. Various clauses delineate particular instruments. There is also provision for exemptions of certain transactions, and so on, which come up. That is why I thought the honourable member's question was really devoted to a later consideration of another matter which has been raised by members in the debate. I am sorry that I cannot be more helpful than that, except to refer the honourable member to the definition clause.

The Hon. TED CHAPMAN: Perhaps I can help the Premier in his apparent dilemma. As I understand it, without being too nitpicking about the detail, the situation involves a proposed extension to the Stamp Duties Act so as to incorporate those transactions which involve the sale of an asset, and the term 'asset' is therefore paramount as a bottom line to all of the actions proposed in the Bill. In the absence of a definition of the word 'asset' in the principal Act, and in the absence of a definition of the word 'asset' in the current Bill, what does the Premier mean when he uses the term 'asset'?

The Hon. J.C. BANNON: Simply, it means any item of property, but it is then defined down, as it were, by a series of exemptions in the Act. At a later stage I will indicate a certain list of exclusions. In fact, some of them are mentioned as being appropriate for exclusion—

Members interjecting:

The Hon. J.C. BANNON: Because we have not reached that clause at this stage. That is surely the appropriate time at which to do it. But that is the answer.

The Hon. TED CHAPMAN: I am sorry about the slight delay, and I hope the Chairman is not regarding my follow-up explanation to the first point as two questions when it is really only one so far.

The CHAIRMAN: I am prepared to accept that.

The Hon. TED CHAPMAN: If I might just come back to the explanation the Premier has given us about the term 'asset' as being all-embracing and meaning anything that one sells, one can reasonably assume from that that he means real assets, liquid assets, moveable items, cash, stock as in shelf stock in a store, or stock as in livestock in the paddock. It is a pretty all-embracing answer that the Premier gave. Subsequent to the giving of that definition to the Committee, he went on to refer to an apparent exemption list. We all know what the Government mucks around with in that regard when it talks about the banning of cigarettes—'except for' the Grand Prix; 'except for' some other special occasion to which the Government has committed itself or got into bed with.

Again, I ask what point there is in proceeding with this subject until we are given all the basic facts. If there is a list—be it a short list, one of substantial length or one as long as your arm—that identifies those items of assets that will not cop this proposed new tax, albeit for the time being calling it stamp duty, for goodness sake let us have it. Lay the cards on the table: show us what the ground rules are, and we can then more appropriately debate the subject. I put the comments in the form of a question to the Premier to table the document to which he refers so that we all know where we stand.

The Hon. J.C. BANNON: I am sorry; I was trying to observe the procedures—which I think is only reasonable—in that the clause where this becomes relevant is clause 7. If we want to deal with clause 7 now, I am very happy if people are satisfied to do that. I am at your wish, Mr Chairman.

The CHAIRMAN: I accept that explanation. Now I have heard a longer question from the honourable member it really is applicable to clause 7 so, if the honourable member would like to wait until we get to that clause, he can rephrase his question.

The Hon. TED CHAPMAN: With due respect, I raise this once more. Without this information, I suggest that we cannot proceed reasonably or sensibly with the debate on the Bill, because the term 'asset' is relevant to the second reading explanation which we have already had and is the incorporated bottom line in that address. Without an explanation as to what it means and the associated material which must accompany that term, we are flying in the dark. We could well be wasting our time in debate on this subject, because matters that we might quite legitimately believe should be raised may be totally irrelevant once this list surfaces.

Again I plead with you, Sir, to have the Premier table the facts—without any reference to them, maybe, but at least to let the Opposition have access to them during this passage of the debate rather than waiting until half-way down the track when we all might have made fools of ourselves or, indeed, as has been indicated so far, the Premier has made a fool of himself.

The CHAIRMAN: I point out to the honourable member that his question relates to clause 7.

The Hon. B.C. EASTICK: This clause introduces a penalty of $10 000, which is quite considerable. On the information available to the Committee at the moment that money can be extracted from a person who fails to pay duty of 20c, $4, $10 or something of that nature. This penalty of $10 000 applies to a number of other clauses, so on what basis or by what means will it be decided that this penalty will apply? The clause gives no indication that there will necessarily be any discretion. Sections 107 and 108 of the Act give no guidance as to how this matter will be determined. When does the discretion of the Commissioner cease and the determination of the court begin? How will people know the odds against them with this mammoth cost for what might be a minor transgression?

The Hon. J.C. BANNON: The Commissioner will forward the details to the police and to Crown Law and they will decide whether or not prosecution is warranted—and often they decide that prosecution is not warranted. However, if they believe that prosecution is warranted and it proceeds, obviously the court will determine the level of

the penalty. In other words, it is a penalty for an offence—it is not something administratively imposed by the Government. The Government has no control over it, and nor should it—the court controls it. It is a maximum penalty up to $10 000. So, if the court chose to do so, presumably it could impose a fine of 20c, if that was its view of the severity of the offence. The procedure works quite well in practice.

There is a large maximum penalty which I am sure would be levied in only very gross cases. The discretion is, if you like, at those two levels. First, as to whether or not to prosecute, it may be that an offence is quite trivial, similar to that of a person walking against traffic lights and being told by a policeman not to do so. Secondly, if a matter goes before a court, it is up to the court to make a determination.

The Hon. B.C. EASTICK: The Premier has indicated that the Commissioner and/or his staff will decide whether to forward a matter to the police for consideration. As the Minister responsible for the legislation, what direction has the Treasurer given to the Commissioner, or what policy exists within the department as to how discretion will be decided? What are the criteria expected of the Commissioner under circumstances such as this to determine whether he should take action against an individual, and what degree of discrimination is there against individuals in the community if the Commissioner fails to take the same discretionary action on every occasion?

The Hon. J.C. BANNON: Each situation is different in some way or other. The Commissioner will operate from general rules. There are administrative writs, and so on, if members of the public feel that they have been discriminated against. So that is not at issue. As the Minister responsible I do not direct the Commissioner in any particular detail. I expect him to do his job effectively with sensitivity and efficiency—and indeed he does that. Obviously, if he is not doing his job, I would want to know why. If matters are referred from the public, and occasionally by members of Parliament, as the Minister responsible I will refer them to the Commissioner and obtain a report. This Bill does not change the practice in that respect.

The Hon. B.C. EASTICK: Has the Treasurer ever suggested a discretion to the Commissioner in a particular case?

The Hon. J.C. BANNON: I cannot recall. On occasions I have recently made a decision about *ex gratia* payments. For example, the member for Mitcham has raised on a couple of occasions a case that he has before me. In the way that he describes that case—and I cannot recall that I have specifically looked at it, but I will receive a recommendation on it—I may make an *ex gratia* decision. That is appropriate in certain cases. It would not be a direction to the Commissioner to take certain action; it would simply be an indication that, for instance, an *ex gratia* payment should be made or a fine remitted or not collected.

Mr OLSEN: I point out that the Committee is being asked to assist with the passage of a piece of legislation that has a series of exemptions which we are not entitled to know about at this stage. That clearly indicates—

Mr S.G. Evans interjecting:

Mr OLSEN: I am working up to that point. The Taxation Institute and the Law Society have drawn these major problems to the attention of the Government. Obviously the Government has said, 'Don't worry, at the last minute we'll bring in a series of exemptions to overcome some of your problems.' This should have been indicated in the draft legislation and in the Premier's second reading explanation. If that had been done, I am sure that some of these problems would not have arisen and there would not be this concern about the likely consequences of this legislation. The Government did not do its homework before introducing the Bill. Professional groups in this State which have no political axe to grind have highlighted the serious ramifications of this Bill, and they are genuinely concerned about its intent.

The Premier has not been able to explain how these problems will be overcome. The Government has not done its homework and advice has not been given to Parliament and, as a result, a judgment cannot be made. In his reply to the second reading debate the Premier should have been big enough to say, 'We made a few mistakes. A few points have been drawn to our attention which we think are valid and we will incorporate them.' The Government never wants to admit that it is wrong, so it pushes on regardless and keeps legitimate information to one side. The Government operates on that basis. The Premier was not big enough to say, before we went into Committee, that the Government recognises that the legislation contains drafting faults which have been highlighted by professional groups. The Government should have been big enough to admit that and give the detail to the House.

The Hon. Ted Chapman: The Government has the numbers.

Mr OLSEN: Yes, we are accustomed to its arrogance. Does the Treasurer acknowledge that, with respect to clause 25, the expression 'duly stamped' is inappropriate? This is because an instrument is not duly stamped unless the Commissioner upon application has expressed his opinion and subsequently stamped it in accordance with subsections (3) and (4) of the principal Act. Where an adhesive stamp is used—and many people use adhesive stamps to render a document appropriately stamped—it is referred to only as being noted, and therefore it is not referred to the Commissioner. These people, acting in good faith, may still be subject to the harsh penalties of new subsection (4). They may well be acting in good faith but breach the Act because the Commissioner has not passed an opinion on it and duly stamped it. The Taxation Institute points out that the term should be removed and more general terminology put in its place so that people who incorrectly stamp a document in good faith are not treated so harshly that they are in breach of the Act and subject to a fine of up to $10 000.

The Hon. J.C. BANNON: If the Leader of the Opposition's interpretation was right, every conveyance virtually is not stamped in that sense. They are adjudged to be duly stamped if certain procedures have been gone through. It is wrong of the Leader of the Opposition to say that the Taxation Institute, for instance, in putting its submission before us, is simply doing it off a completely neutral ground with no axe to grind at all. The institute is aimed at advising its clients and assisting them in the avoidance or minimisation of their tax and that is fine, but—

Mr Olsen interjecting:

The Hon. J.C BANNON: Yes, we appreciate the advice we are given. For the Leader of the Opposition to stand here and say that there is absolutely no value judgment whatsoever in that is as dishonest as a number of other remarks that he is making. I do not wish to raise the temperature of the debate but I would just like to get on with it. I wish to respond directly to the question, as I have already done.

Mr LEWIS: I would call into question the *bona fides* of the State Taxation Office, which is where the Commissioner operates. That is the very subject of this clause and of the Premier's response to earlier questioning about the efficacy with which that office does its work, its the fairness and the way in which we, as members who represent the community as we do, can rely on it.

Therefore, I invite the Premier to exercise his prerogative (as he said he would do) by referring to an instance in which he can prove to Parliament that this office is quick off the mark and consistent and honourable in the way that it conducts its business. I start with a submission made to that office and the officer concerned by the East Murray Area School on 1 February this year. A letter was sent to the office requesting exemption from FID, which is administered by the Commissioner and office to which the Premier referred and for which he is responsible as Minister. This is an example where the assurance that the Premier has given us on questions raised about new subsection (4)—

The Hon. Ted Chapman: It's all a bit dodgy.

Mr LEWIS: Yes. One just cannot rely on it. I could take the 15 minutes allowed to me under Standing Orders to read the documents at my disposal, but I will not. I simply tell the Premier in summary that on 12 February a letter came back telling the people of the East Murray Area School that they could have consideration of their application under the Act for exemption from FID if and when the organisation provided account numbers. There was no suggestion that they would get it but that there would be consideration of the application.

The CHAIRMAN: I want the honourable member to come back to clause 3, which we are discussing. I understood at the beginning of his remarks that he was discussing whether or not there ought to be penalties and how those penalties could be applied. I can follow that argument, but in the last two or three minutes he has been drifting away from the clause and I would like him to come back to it.

Mr LEWIS: Let me reassure you, Mr Chairman, that it is because there is such a steep penalty that I now question the assurance the Premier has given the Committee. The assurance was that this outfit called the State Taxation Office under the Premier's administration is honest, honourable, fair and prompt in the way it deals with inquiries. I am now telling the Committee that, after about seven items of correspondence, where under law East Murray Area School should have been exempt from FID, in good faith it went on with the job of building its school community recreation centre and now finds in a letter of 6 November that it is not going to get its FID payments back. The officers virtually said, 'We've taxed you, you've paid your FID and we're going to keep it.' In the first instance and under the terms of the Act this non-profit-making organisation should not have had to pay FID and all along the way it was led on in the belief that it would be given the exemption, that retrospectivity would apply and that the FID payments would be refunded.

The CHAIRMAN: I request the honourable member to come back to the clause. We are not talking about the FID legislation.

Mr LEWIS: Except that it is dealt with by the same body, the State Taxation Office, and it is the Commissioner of State Taxes whose judgment we are going to have to rely on, we are told by the Premier. Under new subsection (4) there is a penalty of $10 000 if the Commissioner proves a person to be unreliable, yet the Commissioner has been proved already to be an unreliable person. Our point about this new subsection is that neither the Premier nor the Commissioner can be taken at their word and that a $10 000 penalty is a pretty steep penalty to impose on someone. It is rigid: one cannot move it either way. There is no discretion involved and, if there were discretion involved, you could not rely on either the senior public servant involved or the Premier to exercise discretion in a fair way. I have a case in point that illustrates that. If that is not dodgy enough for this Committee to express its concern, I do not know what is.

Mr Klunder: Are you speaking for the Opposition?

Mr LEWIS: In reply to that rather smart alec interjection—

The CHAIRMAN: Order! Interjections are out of order and there is no need to respond to them.

Clause passed.

Clause 4—'Objections to, and appeal against, assessments.'

Mr OLSEN: This clause relates to the payment of interest on amounts refunded after a successful objection or an appeal against an assessment of duty, the rate of which is to be fixed by the Minister in the *Gazette*. As I said in my second reading speech, the Opposition supports the inclusion of this amendment. However, we would question one aspect of it. In the Treasurer's second reading explanation he states that the rate of interest to be fixed will relate to the Government's earnings on its own interest. It has always been a cause of concern that the Government charges a higher rate on unpaid duty yet it pays a lower rate on duty which it has collected and which it has been subsequently required to refund. I suppose the question is why should taxpayers be treated any differently from the Government in that respect? Will the Treasurer consider paying interest paid to the taxpayer on refundable duty at the same rate as that which the Government charges on unpaid and overdue duty payable by the taxpayer? In other words, will the Government treat the taxpayer in exactly the same way as the Government is treated in this respect?

I make one further point in phrasing that question. The Premier indicated that the Taxation Institute of Australia (SA Division) has an axe to grind, that it is on about tax minimisation (I do not think he used the word 'avoidance') for its clients. I do not think in all fairness, despite the aspersion that has been cast by the Premier on that profession, that the Law Society of South Australia ought to be given the same tag, yet that is what the Premier has done today. He said that these groups—the Law Society and the Taxation Institute—have a vested interest and therefore their submissions ought to be treated with some caution because of the suspicion—

Members interjecting:

Mr OLSEN: Yes, because they are representing vested interests. The Premier does a disservice to those professions by making that claim.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: I most certainly will. Had we not apprised the Taxation Institute and the Law Society of South Australia of the measure before us, it would have passed the Parliament without their scrutiny and the identification of the major problems now being discussed. I do not doubt that that was the Government's intention: 'Don't tell anyone about the measure. Get it through as quickly as you can.' Then it is passed through Parliament and everyone shrugs their shoulders, gives up and lives with it because it is a *fait accompli*. That is the mode of operation of this Administration and it is not good enough.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: What was in the newspaper did not deal with the Government's intentions or with the implications and ramifications of the legislation that we are considering. What was in the newspaper was a sanitised second reading explanation of the Bill and the Premier did not want to identify all the problems which we are now considering. When one says that it was in the newspaper, it is absolute nonsense to resort to that as a defence. Will the Premier consider treating both the taxpayer and the Government in

the same light as regards interest payable and to be paid back in both the instances that I have highlighted? I say that in the context of supporting the amendment that the Government has put before the House as being a move in the right direction.

The Hon. J.C. BANNON: As I explained in the second reading debate, because the rate will vary it will be determined by notice in the *Government Gazette*. It will be related to the rate that the Government earns on its own investments. I understand that at present the rate in Victoria is 13.7 per cent and in Western Australia about 14 per cent. I do not know indicatively what our rate would be, but it would probably be of that order if that is the general Government rate. That is the intention.

Mr OLSEN: Regarding the appeal procedure encompassed in section 24, that section of the principal Act deals with appeals and, although it is not part of the amending Bill, we are amending section 24, so it is appropriate to raise the matter now. Will the Treasurer consider the appeal mechanism and amend the Bill so as to streamline and update the appeal procedure? I draw to the attention of the Committee the fact that, if someone wants to lodge an objection, that person must wait for the Commissioner of State Taxation to lodge an appeal in the Supreme Court. The taxpayer should be allowed to appeal direct to the Supreme Court. However, one must at present wait for the Commissioner to prepare a submission. Instead of lodging that objection and waiting on the Commissioner, the taxpayer should have the right to appeal direct to the court which would consider the matter.

Such an amendment would streamline the present procedures and also ensure that the taxpayer's appeal did not depend on the Commissioner's taking action. It may well be that the Commissioner is diligent in responding to such matters, but the taxpayer's having to wait on the Commissioner to determine when he lodges the documentation in the court before the matter can proceed is a cumbersome way in which to deal with this matter. It is also highlighted in correspondence that I have received from a legal practitioner, as follows:

> The appeal provisions in this Act are particularly unsatisfactory. I have two objections:
>
> (1) Payment of the duty (irrespective of whether or not the Commissioner had any basis for exacting it) is a condition precedent to the institution of an appeal. As far as I am aware, payment is not a condition precedent in relation to an appeal against any other impost. I have no objection to the duty being payable and recoverable notwithstanding an appeal. Such a situation is common enough, for example, income tax. But that is a different thing from losing one's right to appeal because payment was not made within the required time. For example, the duty assessed may be a large sum. It may be quite unexpected. A transaction which the parties expected would attract nominal duty might attract substantial *ad valorem* duty. The parties may not be able to find the cash required in 14 or 21 days.
>
> (2) The procedure on appeal is unsatisfactory. It seems to depend on an archaic procedure whereby the Commissioner states and signs a case. It should be modernised. For example, see the N.S.W. procedure.

In view of the fact that the Premier indicated that there was a lot of consultation with the other States, no doubt he would be aware of the example to which I refer. Will the Government give consideration to streamlining the appeal provisions to give the taxpayers direct access to the courts rather than their having to wait until the Commissioner of Stamps files a case?

The Hon. J.C. BANNON: The short answer to the Leader's question is 'No'. We do not intend to move any such amendments in this Bill, but this question of appeals is under consideration and any subsequent legislation could well address that matter. I do not know whether or not the honourable member missed this point, but section 24 (1) provides an alternative; in other words, within 14 days after the date of the Commissioner's assessment, a statement can be forwarded objecting to it, or within 21 days of that assessment, the appeal can be made direct to the Supreme Court if that course of action is desired. Aspects of the appeal process could well be looked at and over time we will do that.

Mr OLSEN: The Premier highlights to the Committee another reason why this matter should be deferred until we get it together properly. The Premier has indicated that the appeal mechanism needs to be streamlined. It can be modernised and it can give proper regard not only to the wishes of the taxpayers but also to ensuring that taxpayers are treated fairly and reasonably by modernising the appeal procedures.

Mr S.G. Evans: And respecting the taxpayers' rights.

Mr OLSEN: And respecting the taxpayers' rights. In response to my question the Premier indicated that the matter is being looked at and the Government may well introduce legislation in the not too distant future to overcome this difficulty. While the measure is before the House, surely it is appropriate to get all provisions of the Act right at this time and, if the matter is being considered, it should be considered now while the Bill is before the House. It is a further reason why this matter should not proceed at this time and that due consideration be given to the submissions that have been made, taking on board the consideration the Government is giving to the appeal mechanism so that the Bill can be looked at in its entirety. That would be a far more appropriate way to deal with the passage of this Bill.

In light of the information from the Taxation Institute that we have put before the House today (and the Premier has that submission), and the admission that the Premier is looking at other components of this Bill which will need to be amended in the future—

An honourable member interjecting:

Mr OLSEN: It is under constant review. We get these sweeping generalisations. When the Premier backs himself into a corner, we get one of these broad brush approaches to get away from it. On the basis that the operative date could be fixed and advised publicly, there would be no loss of income to the Government. In light of that fact, will the Government roll this Bill over, and defer further consideration to give the Government an opportunity to assess in detail what those professions have said and to give further consideration to the matters that are currently before the Government so that we can consider the Bill before the House in a more appropriate way? Will the Premier at least defer the matter to another time for further consideration?

The Hon. J.C. BANNON: It is appropriate that the matters contained in this Bill be dealt with now. I readily concede that there are always a large number of matters undergoing review on an ongoing basis in such a large Act as the Stamp Duties Act. Usually, a number of amending Bills are introduced over a period of time and there is nothing unusual about that procedure. This Bill is ready to be proceeded with and it is being proceeded with.

Mr D.S. BAKER: As the Premier wants to hurry the Bill through, and because it will cause tremendous problems in the community, could he tell us how much tax has been avoided in the past financial year? Further, can he tell us how much extra tax he thinks he will raise in the next financial year because, if it is so important, if we knew the figures we might be able to make a sensible comment on it?

The Hon. J.C. BANNON: We are not rushing the legislation through. I remind the honourable member that this Bill was introduced and read a second time before we rose for a week's recess. It is now the following Tuesday after that, so I do not see that as rushing. Rather, it gives as much time as one gets for most measures that come before this House, so I assure the Committee that it is not being rushed through.

It is very hard to make estimates as to the revenue. As the honourable member would understand, very often it is only by closing off these loopholes that are covered under various provisions of this Bill that one actually sees the extent of the particular practice that is being carried out. In some cases, that is considerably higher than the rough estimates one may make. It is hard to estimate how extensive the practice is. In some cases we actually lose revenue. Two provisions to which I have already pointed have revenue implications for the Government, so there are checks and balances. For the reasons I have suggested, I am very hesitant to place a figure on it, but notional estimates of change probably amount to some millions of dollars. It is certainly less than $10 million and it might not be much above $1 million. We are not sure of the extent of these practices. Obviously, the honourable member would understand why I am saying that.

Mr D.S. BAKER: Even the Treasurer's counterpart in Canberra has some financial expertise. He seems to make an estimate in all his tax measures. Is the Treasurer telling us that the Government is introducing these tax amendments without knowing or giving us an estimate of the cost to the State or the extra revenue it will raise in the next financial year? If he cannot give us that forward estimate, surely if it is only $1 million it does not make any difference whatsoever if the legislation remains on the table until these outside bodies have had a good look at it. There is concern about this legislation. Practitioners in the field have not had a chance to look at the Bill.

If we rush this legislation through now, I think that it will throw up anomaly after anomaly. What is the harm if it is only $1 million, if the legislation is passed and today's date is taken as the cutoff point, given that the Government is losing millions of dollars from other transactions? I refer to Satco which the Government does not do anything about, but in relation to this matter we want to go out into the community and have a proper look at it. There will be tremendous ramifications on the taxpayers in this State, but the Government will not listen to the argument that we are putting forward. What are the financial implications? I think that we have a right to know that.

The Hon. J.C. BANNON: I think that, if a date is set while the measure is still under assessment, it is a little hard for business. People can have no real certainty about how to draw documents and things of that nature. The honourable member mentioned the estimates made by the Federal Treasury. I think that that is a very good case in point. For instance, in such areas as the FBT, we know that there was a gross under estimation of the amount of duty—

An honourable member interjecting:

The Hon. J.C. BANNON: Yes, in a notional way, just as I have done. There was an under estimation which, as it turned out, improved the overall budget outcome of the Federal Government.

Mr S.G. EVANS: Returning to a point that was raised earlier by the Leader, I refer to the second reading explanation of the Premier when he stated:

> 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.

That refers to any situation where a person pays more stamp duty than they should have paid, or pays stamp duty when they did not need to. The Bill provides that the Government will then pay interest on that money. The word 'related' does not mean that it will be the same as that which the Government gets on its investments. It just mentions the word 'related'. It could be half or 25 per cent and Parliament has no way of changing that. It is done by a proclamation in the *Gazette*.

There is no way for Parliament to do anything about it, as it would be too late. It might be different if it could be dealt with by regulation. Should Parliament accept that because a Premier or a Government of the day says that this shall simply be 'related to' an amount that that will be the case. Why do we not provide that it be the same as the Government gets on its investments? In that case an amount would be fixed and there would be no hassles and nothing unfair about it. Surely, John Citizen in the community who happens to have paid more than he should to a Government agency should be entitled to at least the same rate of interest that the Government gets for its investments, with the Government investing money for all people of the State. No person in the State would complain about such a method.

So, instead of using this stupid procedure of putting this in the *Gazette*, why do we not stipulate in the legislation that it will be the same as the Government gets for its investments? I understand that Government investment rates vary, but we could find an area where a fixed rate applies. As the provision stands at the moment, the Premier or other Ministers could have all the good will in the world, but a future Premier does not have to go by what a Premier of today, or even tomorrow, says. Also, with the numbers game here we know that once a provision gets through Parliament there is no way in the world that a financial provision can be changed. It is fixed until the Government of the day decides that it will dispense with it.

Members on both sides of politics agree that legislation should be written in simple English, and yet this provision provides that the rate is to be declared by a notice in the *Gazette*, with no chance for Parliament to debate it, and will be related to the rate. As I have said, it could be any percentage. If the Premier believes that it should be 13.5 per cent—the rate at which the Government invests its money at the moment—or whatever, surely the simplest way to deal with this would be to fix the rate now. Alternatively, it could be fixed to a bank overdraft rate, or whatever. However, at the moment we are trusting that future Premiers and Governments will do the right thing by those who have been disadvantaged by paying too much. What I have asked is not unjust and I consider that it is fair. I know what the Premier's response will be: he will not have a bar of it.

In relation to the point that the Premier made about the measure not being rushed through, and that it was introduced, I think he said on 11 November, I point out that the Premier is rushing it through, because a lot of the information that we wanted could not be obtained until we got here today—until he was made to front up. The Premier is stumbling and faltering to find the answers; one can see by the look on his face that he is worried. We understand that he has a concern about the matter. Further, two of the major professional groups who are affected by this have expressed a view, and yet the Premier says that he is not rushing it through. The attitude of the Government today is one of contempt for Parliament. Parliament to the members of the Government is a humbug; it is a hassle and they do not like fronting up here. So, I ask the Premier why we

cannot fix a rate instead of providing 'related to', because sometimes in this world we can have bad relations.

The Hon. J.C. BANNON: At the moment nothing is provided. This will now provide some interest free payments. It is rare that these cases are lost. The amount in question runs to only a few thousand, as I understand it, based on the experience that we have had to date. Really, I think the honourable member is quibbling, and I do not accept his proposition. He has put in a bit of abuse—fair enough, but I wish that we could get on with the Bill.

Mr S.G. EVANS: The Premier has emphasised the point that I was making; he has said that only a small amount is involved. Fair enough, it will not occur in many cases, so how much would we be putting at risk if the rate was fixed to, say, the overdraft rate of the State Bank, or some other rate. What would we lose? At least it would be clear in the legislation. It would be clear to the poor individual who gets hooked up in the system. This would be much better than the complicated method involving the Government's throwing something in the *Gazette* to suit it. I think that the Premier has quite clearly pointed out where my concern lies. There is a just way to do it, and the Premier is simply not prepared to concede that he might have made a mistake.

Mr OLSEN: Has the—

The CHAIRMAN: Order! The Leader has spoken three times, I am afraid.

Clause passed.

Clause 5—'Instruments chargeable as conveyances operating as voluntary dispositions *inter vivos*.'

Mr OLSEN: I hope that the Premier's reaction to the two propositions put by the member for Davenport is not indicative of the way that he will deal with the rest of the Bill, with our getting no replies to the question that we ask.

The Hon. B.C. Eastick: Consistent with Question Time.

Mr OLSEN: Yes, it would be consistent with Question Time. This clause relates to the transfer of property subject to trust. It seems to me that there is an overreaction by the Treasury and the Government to a court decision, which was referred to by the Taxation Institute, and which could create hardship as it would involve the payment of double duty in some cases. In my second reading speech I made an observation that had been put forward by the Taxation Institute, and supported by the Law Society, that, for example, real estate acquired by a parent as a trustee of a child at age 8 with a purchase price of $10 000 at the time of transfer attracts a duty of $100. Ten years later if that land is transferred to the child, who has turned 18 and is an adult, receiving that land as a beneficial owner—and assuming that stamp duty rates are the same as those that apply now—and the property is worth $50 000, then duty of $1 180 would be payable, with a credit for the initial duty which is $100. That means that to transfer the property to the beneficial owner—the person for whom it was bought in trust—it would cost an extra $1 080.

It has been pointed out to the Opposition that section 75 (1) (*e*) has been exploited in the past in a way that might not have been envisaged by Parliament when the Act was amended in 1980 but that perhaps this is an overreaction. The Premier referred to this in his second reading speech when this measure was brought before the House in 1980. It exposes people to the risk of double duty. Given those points and the submission made by the Taxation Institute, will the Premier indicate what course of action the Government intends to take to ensure that double duty is not payable by people in circumstances similar to those that I have just outlined to the House?

The Hon. J.C. BANNON: This is covered if in fact a discretionary family trust is used. Indeed, in the discussions that I understand took place with the Taxation Institute, it conceded that that in fact is the way in which this would be done. So, there would be an automatic exemption under sections 71 (5) *(f)* and 71 (5) *(g)*. However, there is a possibility that the advice received by someone was inadequate or not of a sufficiently professional standard. Any instance of someone being caught up in this way can be categorised under the provisions of section 71 (5) *(k)*, and one could use that power. The example given by the Taxation Institute, as referred to by the Leader, I think could be covered in the way suggested. Of course, the normal course is to use the device as family trust. The other way, of course, is to regulate under section 71 (5) *(k)*.

Mr OLSEN: Under new subsection (7), another problem which has been highlighted to us is that it does not appear to acknowledge where the beneficial interest might have arisen as a result of a number of instruments rather than one. In other words, is the credit for duty paid in the past calculated on the basis of the sum total paid on all instruments or only the last one? It might well be that a number of instruments have created the interest which is the subject of this amendment.

The Hon. J.C. BANNON: Parliamentary Counsel's advice on this point is that the singular includes the plural as a matter of statutory interpretation, and therefore there is no problem in this area.

Mr S.G. EVANS: On a point of order, Sir, is it appropriate for the Premier to refer to advice that he gets from Parliamentary Counsel? I thought that that was against the practices of this place. Someone else was pulled up on it.

The CHAIRMAN: Standing Orders state that no member of the House shall refer to Parliamentary Counsel, and I uphold the point of order.

Mr OLSEN: I seek clarification from the Premier. A moment ago I quoted a specific example. The new subsection (7) contains no guidance as to when valuation for apportionment purposes is to be made. A number of examples have been submitted by the Taxation Institute. Is it to be based on values at the time of acquisition or at the time of the further conveyance? There are a number of cases where people would be unduly and harshly, in my view, dealt with under the provisions of the Act if the Taxation Institute position is right. For example, if the latter time is adopted—that is, at the time of further conveyance the apportionment takes place—then in the case of an acquisition of property by a trustee to be held upon trust to pay the income to A during his life, remainder to B on the death of A, the duty on the transfer to B of the legal estate should have an offset credit for the whole of the duty paid on the acquisition. If it is to be measured at the time of the purchase, then B would be liable to pay *ad valorem* duty on the transfer of the property with a credit based on the actual value of his interest at the time of the acquisition.

The Hon. J.C. BANNON: It is the actuarial value, not the actual value. That point was made by the Taxation Institute. In fact, it is covered under section 60a, which relates to how these assessments are to be made, and this new subsection will be subject to that. In other words, the existing valuation provisions in the Act will cover the situation mentioned there.

Clause passed.

Clause 6—'Exemption from duty in respect of a conveyance between husband and wife.'

Mr M.J. EVANS: I move:

Page 3—Line 18—Leave out 'section is' and insert 'sections are'.

After line 37—Insert new section as follows:

71cc. (1) An instrument of which the sole effect is to transfer an interest in a Housing Trust home from the South Australian

Housing Trust to a person who has rented the home for at least five years before execution of the instrument is exempt from stamp duty.

(2) The Commissioner may require a party to an instrument in respect of which an exemption is claimed under this section to provide such evidence as the Commissioner may require for the purpose of determining whether the instrument is exempt from duty under this section.

(3) In this section—'Housing Trust home' means residential premises owned by the South Australian Housing Trust.

(4) This section applies in relation to instruments executed after its commencement.

This amendment relates to an exemption from stamp duties for the sale by the South Australian Housing Trust to tenants of five years standing of the house they have been leasing. I do this for a particular reason, not because it is my wish to interfere with the revenue program of the Government, but because I believe that this is a unique case which, like that for spouses, requires the special attention of Parliament and the Government. It has become obvious to any member of this House, I think, that the Minister of Housing and Construction's proposed sale program of Housing Trust houses has not been startlingly successful to date.

I believe that one of the principal reasons for that is the price structure and the add-on costs which are added to the base price of the house. As the Minister has frequently reminded the House, of course, it is not possible for the Government to sell those premises for less than the market value, because of the provisions of the Commonwealth—State Housing Agreement. Given that constraint, obviously the only area where we can attack the problem of price is in the add-ons, and one of the most prominent add-ons is stamp duty. One of the others is the Housing Trust valuation fee, and various other charges I will not detail now, because they are not relevant to this debate, except inasmuch as to say that the Housing Trust component of stamp duty is significant.

I believe that, without this kind of amendment, the Government will not be deriving significant revenue from this area anyway, because the costs are simply too high. Therefore, it is very much a Catch 22 situation. If the price is lowered, then more will be sold and would have generated stamp duty but, of course, without this kind of exemption it will be fairly impossible to sell very many of them anyway. So I see this as one component of the process. I also see any loss of revenue here being offset by the gains which the State as a whole will make by having tenants purchase their houses and, therefore, the State no longer being liable for maintenance and other costs.

I have specified in the amendment a period of five years residency to ensure that this is only for genuine cases where the person concerned is purchasing the property out of a wish to be a long-term owner of it and, thereby, to benefit the community as a whole. I believe that that kind of process merits some consideration from the Parliament and from the Government.

The Hon. J.C. BANNON: This matter has been considered not directly in the way the honourable member raises it in this amendment, but in an analysis of the Home Ownership Made Easy scheme and the provisions applying to that; again, for the same reasons the honourable member adduces in support of this amendment. What we are looking at is whether it might not be possible to make certain concessions in relation to stamp duty. However, this amendment goes well beyond the sorts of things that have been looked at to date. A package is being assembled, and what I would suggest to the honourable member is that this is not the appropriate time or measure in which to move it.

If in fact we find some problems and anomalies over the next few months, they can be dealt with administratively, but basically we are trying to package all of this into one set of legislative provisions, and I will ensure that the purpose behind the honourable member's amendment is considered as part of that transaction and, as such, I am not prepared to support it in this context.

Mr S.G. EVANS: I support the amendment. We know that we cannot outvote the Premier here, even with the support of the member for Elizabeth, but I would ask the Premier to look at this area before the Bill goes through the Upper House. I support the amendment strongly. I would go further. People in the State Transport Authority are still buying houses they have lived in for years, and they have been employees of the State Transport Authority. I believe there have been one or two, although not many, in the Highways Department. People who have worked for Australian National are living in homes the department is now disposing of. In most cases, they are very modest homes. The people living in them have been tenants for 15 or 20 years and it is impossible for them to find the resources to buy another home when the home in which they have lived for years is placed on the market and the addition of this stamp duty places the burden on them. In most cases, they have given loyal service to a Government department.

They are the people the Premier's Party claims to represent more than anyone else. I dispute that, but that is the claim it makes. One could go further and say that some private employers have had people living in homes in regional centres where businesses have had to fail because of socialist philosophies and policies, so they sell the homes to the poor old employees who cannot get jobs anywhere else and who are placed in the difficult position of not having enough resources to buy a house elsewhere.

As there is a long Housing Trust waiting list, they have to wait for four or five years to rent a home, and they could buy a house from a private employer for a reasonable rate because of its location, and because of its modesty—somewhat below what one might call modest at times. We need to consider these people who have given loyal service, who have made a home, and who suddenly find that, because of policy changes of Government departments or others their home and occupation are no longer in the same locality. They are forced into buying the home they live in because they cannot get out into the more expensive field, and we must give them consideration over and above that suggested by the member for Elizabeth. The area referred to by the member for Elizabeth encompasses a larger area in terms of numbers than the one I have mentioned, but I believe that there is some urgency in considering that area that I have cited. Two railway cottages have just been sold at Blackwood, but they were not sold to tenants.

Mr Becker: How much were they sold for?

Mr S.G. EVANS: It was not a high value, so there would not be a great loss in terms of stamp duty. Other cottages coming on to the market should be offered to people who have served this State in their employment. Will the Premier look at this aspect before the Bill reaches the other place so that he has an opportunity to make this move instead of asking someone else to do it on behalf of these people? I support the amendment.

The Hon. J.C. BANNON: This sort of thing could be looked at in the overall exercise that I mentioned to the member for Elizabeth. I think it is more appropriate to do it in that way rather than in the context of this Bill.

Mr M.J. EVANS: I appreciate the Premier's assurance that he is looking at this concept. I believe that that is a more than acceptable response to the amendment, and I am quite pleased with that. I hope that he takes into account—

Mr S.J. Baker: You're easily satisfied.

Mr M.J. EVANS: I remind the honourable member that matters pertaining to revenue are primarily for the Government to decide. It is for members to put forward suggestions and proposals, and I believe that I have been quite responsible in doing that. I see no point in not being satisfied with the reasonable proposition put by the Premier. If no action is forthcoming after due time, naturally I will take a more hard line and I will look forward to the member for Mitcham's support. It seems to me that the Government would be well advised to consider the total abolition of sales tax in this package rather than partial abolition. If we are to make these sales more attractive, I believe that the full abolition of sales tax would draw a greater response from the buying public and would be a much better marketing proposition than partial abolition.

Mr Becker interjecting:

Mr M.J. EVANS: That is another debate entirely, and I will leave it to the honourable member's judgment. It seems to me that the public needs some inducement to move into this area and that the State would be well advised to do what the Premier has said that he will do—that is, to give it very serious consideration in the near future.

Mr OLSEN: We will support the amendment because it goes down the track of Liberal Party policy in making Housing Trust homes easier to buy. The honourable member referred to the direction of the Minister and the Government in this matter. I think that there have been two failed schemes to try to get people to buy Housing Trust properties, and I think they failed because the schemes were not attractive enough. At least this amendment removes the cost of stamp duty for these people, and I think that that is appropriate. I am disappointed that the honourable member does not have the will to test the Government on this matter. The member for Elizabeth's faith is far greater than mine. I trust that he does not hold his breath waiting for the Government to act in this area. We would have supported the amendment if a division had been called.

The CHAIRMAN: I put the question: that the amendment to page 3, line 18 be agreed to. Those in favour say 'Aye'; against, 'No'. I think the 'Noes' have it.

Members interjecting.

Mr S.G. EVANS: On a point of order, Mr Chairman, there was no call of 'No', and therefore I think you must say that the amendment is carried.

The CHAIRMAN: The Chair certainly does not have to do that. The Chair makes the decision and the Committee then decides whether the decision is acceptable.

Mr S.G. EVANS: Mr Chairman, are you saying that, if there is no call of 'No', you are not obliged to say that the Ayes have it?

The CHAIRMAN: The Chair heard a call of 'No'. The amendment is in the hands of the Committee, and it is the Committee that will eventually decide. To satisfy the Committee I will put the question again.

Mr S.J. BAKER: On a point of clarification, Mr Chairman, when there is no response at all can you interpret that in any other way than that the affirmative side has succeeded?

The CHAIRMAN: If the Chair is satisfied, the matter remains with the Committee. To put it simply, if the honourable member for Mitcham is dissatisfied with the decision of the Chair, he can do something about it—and that applies to every member of the Committee. I will put the question again.

Amendment negatived.

Mr OLSEN: I move:

Page 3, line 33—Leave out 'two' and insert 'five'.

Clause 6 provides a new section 71cb to exempt from stamp duty an instrument that has as its sole effect the transfer of interest in a matrimonial home. As I said in my second reading speech, it is a Government initiative that I support; it is welcome and a move in the right direction. Therefore, we accept and support the Government in its intent. However, in the Family Relationships Act 1984 a spouse is defined as someone who has lived with another person for not less than five years continuously or five years out of a total of six years; or a relationship that has resulted in the birth of a child. My amendment brings the Bill into line with the definition under the Family Relationships Act. It seems wrong to have one definition of a spouse in one piece of legislation and a different definition in another piece of legislation. For consistency, my amendment will bring the two pieces of legislation into line, so that for the purposes of cohabitation five years will be the period of eligibility under this measure.

The CHAIRMAN: Before calling the Premier, does the member for Elizabeth wish to proceed with the rest of his amendment to this clause?

Mr M.J. EVANS: No, Mr Chairman.

The Hon. J.C. BANNON: This is a matter of judgment. The Leader of the Opposition wants the provision to be tougher, and that is his prerogative. I do not feel very strongly about it. I think the period adopted comes from the New South Wales provision. I am aware that other measures provide for a period of five years but, as I say, it depends on just how tough you intend to be. I will not accept the amendment but prefer to persist with a period of two years.

[*Sitting suspended from 6 to 7.30 p.m.*]

The Hon. JENNIFER CASHMORE: I find it extraordinary that the Premier should oppose an amendment when, in acknowledging the Leader's statements, he admitted that the amendment had the merit of consistency. He also admitted that the Government had chosen the two-year period as being the qualifying period for *de facto* status because it was based on the New South Wales model. It is simply not good enough for us to pick bits and pieces from other State Acts and to apply them in South Australia irrespective of their consistency and the legitimacy in out situation. The Government would be well advised to accept the amendment bearing in mind that, if it is not accepted, the two-year period will undoubtedly be acknowledged as a precedent in other legislation and we will then get deeper and deeper into an inconsistent mire.

Mr OLSEN: The Premier indicated earlier that he had some sympathy for my amendment and that at least within South Australia it maintained consistency. I think that consistency in legislation is an important factor. We are not trying to restructure the system. As the Premier indicated earlier, the Liberal Party's objective in moving this amendment is merely to bring South Australian Acts into line so that there is consistency of five-year periods in relation to both pieces of legislation. As the member for Coles has said, what happens interstate is irrelevant to South Australia. We believe in South Australia that there should be consistency of provisions in South Australian Statutes. It is an important principle and, therefore, I ask the Premier to reconsider the amendment.

Mr D.S. BAKER: I agree with what the Leader and the member for Coles has said, I am amazed that the Premier wishes to break down from five years to two years what is otherwise a sensible period. The reduction further degrades the cause of marriage and the Committee will note that in the green parliamentary hand book stipulating travelling

expense guidelines a *de facto* husband and wife relationship is determined at five years. It would be consistent to have it at five years in South Australia, because the same time is provided in other areas, and it would be inconsistent to allow two years. I support the amendment.

Mr S.G. EVANS: I support the amendment on the ground that two years is not long enough for people to come together and then separate and expect a benefit from the State. We are talking not just about *de facto* relationships, but in the Leader's amendment we suggest that people should be together for five years instead of the two years proposed by the Government. Two years is not long. People can have trial relationships for that time in order to decide whether or not they want to get married. They might have acquired a home and then come back to the people of the State saying that they had a trial marriage, it was a *de facto* relationship, and they seek exemption from stamp duty because one partner is taking over the other's interest.

One partner might go overseas and be happy to pass over a share. Money might change hands, but these people will be asking the State to pick up part of the cost of that short-term relationship. Two years is not long for people to be together when previously five years was required. It is not unjust that they do not get this benefit if they separate. If there is a settlement of any kind, even if a matrimonial home is involved, I say it is just bad luck. There is no great loss to those people. I am confident that, when the Bill goes to another place, a change will be made, although the Premier will not budge here. He will not give in but, if the right pressure is applied in another place, we will see it returned as an amended Bill and we will get it through as five years then.

Amendment negatived.

Mr S.G. EVANS: I draw the Committee's attention to new subsection (3), which provides:

> In this section—
> 'matrimonial home', in relation to spouses, means residential premises that constitute their principal place of residence but does not include premises that form part of industrial or commercial premises:

I take it that 'industrial or commercial' also means farmland. Members from both sides of politics claim that they believe in small business, that the person battling in small business should be supported by Parliament at all times there.

Here is an example of where we are ignoring people in that category. What about a couple who run a small country store, a suburban delicatessen, garage or service station with or without other employees? If there is a marriage breakup the spouse may leave, the other being left with, say, two or three children, and there is a property settlement. We are saying in those circumstances that the residence in question is not considered as such in the transaction and that there is no exemption from duty in that case. I am happy to be corrected if I have misread the provision, but it clearly refers to premises constituting the principal place of residence, not including premises forming part of industrial or commercial premises. If the house is adjoined to such premises, does an exemption apply to it? I seek an indication from the Premier whether a valuation is placed on the residential part of the property and that it is exempt, or is none of it exempt? My interpretation is that none of the property is exempt from duty and that this group is penalised.

The Hon. J.C. BANNON: This measure is aimed at a domestic relationship and not a business one. It is only reasonable in a business partnership, even if there are domestic connotations, that the appropriate duty be paid. There is a series of cases on this. Many provisions in the Bill seek to preserve the *status quo* in a whole range of areas.

Earlier the honourable member spoke about consistency, and I suppose this is a case where we are reproducing the consistent ruling on which there is case law, and that relates to how one segregates it. For instance, if the House is entirely separate and a separate valuation can be applied to it, then it is severable. However, I think that we must redirect ourselves to the purpose of the clause, which is to deal with a matrimonial home, a domestic relationship and not a business, commercial or industrial one.

Mr S.G. EVANS: Does this include also primary production? I will use as an example one of the tomato growers from the north who are getting kicked in the teeth at the moment. If one of those people was involved in a marriage break-up because one loved the Minister and the other hated the Minister and the property has to be settled, in those circumstances the house could be identified as a separate entity. I hope that the Premier does not suggest that, because someone happens to run a delicatessen that is attached to the matrimonial home, the home is not the matrimonial home but, rather, a weekend shack or something else.

Returning to the primary production example, if it is the matrimonial home, I would like an answer to that question. I can envisage an instance with a couple on a larger primary producing property who have a large mortgage and who are involved in a marriage break-up. Either party may decide to try to continue on that property and use the home, which is a matrimonial home, as their home to raise any children from the relationship for whom they have custody. Under this provision, does that attract stamp duty?

The Hon. J.C. BANNON: I cannot give a legal opinion. It would be subject to assessment of the circumstances of each case. If there was a challenge to it, it would have to be tested through the courts. However, the word is 'premises', and I think that that refers specifically to a structure, so that is certainly the starting point of any definition. It relates to premises and not to land as such.

Mr S.G. EVANS: Before this Bill goes to the other place, can the Premier provide a clearer explanation of that? I am not very keen to pass a bill in this House when the Premier, who introduced the Bill and who is a lawyer and has Treasury as his portfolio, says, 'I am not sure. We will have to wait for a legal interpretation.' That would not appeal to somebody who has been through the hassles of a marriage breakdown and property settlement. In general, we know that the Taxation Department takes a very pro-Government view to get as much as it can out of a stone, whether it be blood or money. The tendency would be to say, 'Right, we will claim the stamp duty on it. You (the person who has been aggrieved in a marriage break-up and who is trying to get a property settlement) will have to go to court and challenge it.' That is what the Premier is telling us.

I ask members on both sides of politics to think about the concept that we as legislators are passing laws and the Minister who introduced the Bill and who has the responsibility for running the whole State, as well as being the Minister who has control of Treasury, even with advisers close to him, says, 'I cannot give you a clear answer; it will be a matter for the court to decide.' I repeat something I have said in recent times: given that both sides of politics have been arguing that we should try to introduce simpler laws so that those people to whom they apply can understand them, I do not understand (and it might be quite understandable to other people that I do not comprehend it) why the Premier of the State would say, 'I am not sure whether or not it will apply. You will have to get a legal opinion.'

I accept that the provision relating to 'premises' may exclude it, but even the Premier is not sure of that. Let us return to the small store or commercial operation with a residence attached to it. Somebody could own a group of home units. They might have owned three or four home units and could live in one of them as their matrimonial home. The other part is a business enterprise. They are part of the commercial premises because they are all encompassed, but they are able to put a value on them. You can put a value on anything. You can put a value on a room, two rooms, part of a house, a complete house, one home unit or all home units. However, in the case of the delicatessen or convenience store with a business and home in the same building, it is not dissimilar to a maisonette. You can place a value on each of the maisonettes. In the example I give the only difference might be a fire wall that is provided through the ceiling in the maisonettes but that would not be the case with a delicatessen that had a residence attached.

The Premier said that the intent of this provision is to cover the matrimonial home. If that is not the matrimonial home when the couple has lived in it and raised their family in it, regardless of whether or not they work and operate the business next door, what the heck is it? It is not their play home or holiday shack. What is it? Of course it is a matrimonial home and can be valued separately. If there was a fire in the building and that part of it was burnt, an insurance assessor would come in and soon value it or, if that part of it which attracted land tax because it was commercial got burnt, they would soon value how much the property was worth, even though it was only land. There are other areas about which one can draw comparisons. Of course it can be valued.

The Premier said that in case law these things have gone in different directions. It has been established that in certain cases it applies and in other sections of the Act it does not. Surely, this is the occasion on which it should be clarified. Why do we keep passing laws which will cost the taxpayer, who is supposed to understand the laws, money to get lawyers (much to their joy and to that of the Premier, who is one of them, even though he does not practise now—he might one day soon) to prove their case.

They have to go to court and fight it, and the person who has been through a broken marriage and who is trying to get back on their feet is penalised for having to fight it in the court. Does any honourable member, even the Premier, think that that is justice? We are passing the confounded legislation: we have it in front of us. Surely the opportunity is there for the Premier to say, 'I believe that there is a problem. We will correct it when it goes to the other place.' It only needs a change in wording to correct it. Surely they have a right to have that benefit.

Some people might argue that, because they have run a business as a married couple, they should be rich enough to pay it, but they may have a larger mortgage or overdraft than the other couple (who could be millionaires) who also have had a marriage break-up and who are entering a property arrangement, but not paying any of the stamp duty.

The Hon. J.C. Bannon: It's got nothing to do with break-ups—it is the opposite situation.

Mr S.G. EVANS: What if they are trying to transfer it over? The Premier says that it has got nothing to do with break-ups, but rather it relates only to an agreement between the two.

The Hon. J.C. Bannon: Another section deals with break-ups.

Mr S.G. EVANS: Thank you. Where there is an agreement between two people to do it, why can we not still separate it and be fair about it? We are not doing that. Will the Premier give me a guarantee that, when the Bill goes to the other place, he will then say that, where it is a commercial premises attached to a residential matrimonial home, he will consider giving that couple the same benefit for the residential part of the property as they would receive for an individual free standing place.

The Hon. J.C. BANNON: The marriage breakup question, referred to by way of interjection and on which the honourable member spoke for some five or 10 minutes, is covered by section 71ca and is nothing to do with this provision. In the case that the honourable member is talking about, the premises and the home is what is involved, and it is a concession, where formerly there was no way of doing this without paying the appropriate stamp duty. We are actually making a concession in a matrimonial, domestic home arrangement. Business is excluded from it and that is how it will be defined.

I did not say that the law was not clear but that the interpretation of a specific and individual case is not something on which I can give an opinion. It does not matter how clear the wording is, there will still be shades of grey. Indeed, the most simple provision of the Commonwealth Constitution—that is, section 92—has been the one that has resulted in more litigation and more difficulty of interpretation than any other. The honourable member who has had nearly 20 years in this place would surely know that. It is not simply a case of wording but of having to look at specific cases on their merits and at the way in which they fall within a definition. But we are trying to make a concession; we are trying to help people and not hinder them.

Mr D.S. BAKER: I support what the member for Davenport has said. The more this matter is discussed the more worried I become about this provision. This cuts out small operators, for instance the small business people who operate a deli at the front of a house, or whatever. Clearly, we want to help these people, but the Premier has not told us whether or not they would be exempt.

Can the Premier say what will happen in the case of a doctor who consults in the front room of a home? What happens in the case of the lady of the house going out and selling cosmetics and using the phone in the house to take orders, etc? What happens in relation to a couple who live in a caravan and who tow that around Australia for fruit picking or grape picking jobs? What happens to people who are establishing businesses like this? Every time the Premier attempts to explain this matter more and more areas of concern become apparent. Will a doctor who consults out of the front room of his house or a lady who sells cosmetics, for example, be exempt? I just want an answer.

The Hon. J.C. BANNON: The law is based around whether it is for a subsidiary purpose or a primary purpose.

Mr D.S. Baker: Give me an opinion.

The Hon. J.C. BANNON: I do not know how many rooms the house has that the doctor uses, what his consulting hours are, whether he uses it all the time, whether he consults at other locations or whether it is his sole place of practice, etc. I cannot give off the cuff legal opinions. I am simply saying that we are trying to help people. Caravans are irrelevant. The honourable member might be right in saying that it would be simpler if we left it as it is.

Clause passed.

Clause 7—'Transactions otherwise than by dutiable instrument.'

Mr OLSEN: The fact that the Premier is reluctant to answer any of the specific questions put forward by members of the Opposition clearly indicates that the legislation is not precise and is not clear, and that therefore supports

the view put by the Taxation Institute of Australia that it is faulty legislation. That view is supported by the Law Society of South Australia. It also endorses the view of the Taxation Institute that this legislation contains anomalies and has ramifications not foreseen by the Government. The fact that the Premier cannot respond to the specific points raised—

The Hon. J.C. Bannon interjecting:

Mr OLSEN: It is true. For the past three hours we have been going through this Bill piece by piece and asking specific questions. It is our responsibility in Committee to clarify legislation. It is our responsibility to ensure that legislation is well thought through.

Ms Gayler interjecting:

Mr OLSEN: It is our responsibility and our right, and it cannot be taken away by the member for Newland.

The CHAIRMAN: Order! The Committee will come to order. The Leader has the floor and I ask that members of the Committee respect the member who has the call.

Mr OLSEN: This clause provides for a new section 71e. It requires that a statement be lodged with the Commissioner when:

(a) the transaction results in a change in the ownership of a legal or equitable interest in—
(i) land;
(ii) a business or business asset;

and, as we have indicated before, there is no definition of a 'business asset'—

(iii) an interest in a partnership;
or
(iv) property of a prescribed nature;
(b) (i) the transaction is not effected by an instrument on which *ad valorem* duty is chargeable;

Duty will be payable on the statement. This reflects a major change in stamp duty policy in South Australia, which sees duty levied on transactions rather than on instruments or documents. This is exactly the point put forward by the Taxation Institute. As I said earlier, it is a professional body that has no political axe to grind. As pointed out in its nine page submission, this Bill is faulty, and yet the Government is not prepared to say that its drafting is faulty and that it will take it away and have another look at it and perhaps consider it next week or when the session starts next February; it will push on and put through faulty legislation by sheer weight of numbers, rather than giving consideration to the Taxation Institute's and Law Society's very genuine and real concern about this legislation.

This results in a significant broadening of the tax base. This is the view of the Taxation Institute of Australia (South Australian division). The crux of the proposal is to start taxing transactions that have not previously been the subject of duty. The provision appears to create a sales tax and/or excise. In many respects it is not constitutional for a State to levy a sales tax or excise. It requires a statement to be lodged on every change in the legal or equitable ownership of a business asset if two other criteria are satisfied. For the Premier's benefit, I point out that I am referring to the Taxation Institute's submision to him, which states:

The two criteria are that there is no instrument chargeable with duty otherwise effecting the transaction and, if there was an instrument, it would have attracted conveyance duty. No definition of a business asset is provided.

We do not know what is caught in the net. About two or three hours ago we asked the Premier the definition of 'business asset'. Does it include a supermarket, which has assets on its shelves and which sells those assets to customers? If it is above $40, does that constitute a transaction under the ambit of this legislation and, if so, what sort of paper warfare will be generated?

The Premier says that there will be a series of exemptions. I presume that those exemptions will be by regulation. So, we do not know how all-encompassing this legislation is that the Government is asking us to pass. It is asking us to trust it on the basis of the Government's coming to power and saying that there will be no new taxes or increases in existing taxes. However, we have had half a dozen new taxes and a 106 per cent increase in the taxation level in South Australia in the past five years—higher than any other State in Australia and higher than for any other time in South Australia's history. Yet, the Government is saying 'Trust us on this taxing measure. We will not rob the electorate blind.' However, that has already occurred. The Government maintains that it will not take any more out of the weekly pay packet and that it will exempt taxation by regulation. However, we do not know what regulation the Government will ultimately decide on.

An honourable member: Or for how long.

Mr OLSEN: Yes. It might well decide to bring in some regulations early, due to the concerns that the Taxation Institute and the Law Society have. It might well decide to bring in regulations for the first six months that will allay the fears expressed and then nine months down the track when all the dust has settled the regulations will be altered—which the Government can do at any time. It does not have to come back to Parliament. In both the Upper and Lower Houses of Parliament the Opposition does not get that same chance as applies to legislation to review such matters and make the Government accountable.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: That can be done, but we cannot review it on the same basis as legislation—and the Premier knows that that is right.

The Hon. J.C. Bannon interjecting:

Mr OLSEN: That can be done but the Government can put them back in in 14 days time. You know the system as well as I do. The only real way is to ensure that the principles are embodied in the legislation under which the Commissioner of Stamps has to operate, not left *ad hoc* to the Government of the day as circumstances dictate. Given the state of the economy next year, I have no doubt that the Premier will be looking for a whole range of measures to increase his taxation base, considering the faltering state of our economy in South Australia. The Taxation Institute also refers to the fact that there appears to be no judicial consideration of that expression. What is a business asset? What is caught in this net? It is not defined. The Taxation Institute stated:

It appears to encompass everything from stock in trade to goodwill and trade marks. The use of the word 'asset' in stamp duty law rather than 'property' is moved. Is it intended to encompass something different? Under the existing Stamp Duties Act any conveyance of any real or personal property on interest therein would be chargeable with duty as a conveyance, save for a few exceptions. Therefore there are very few situations where if a transaction was either wholly or in part effected by an instrument it would not be chargeable as a conveyance.

Some examples of that are included in the Taxation Institute proposal that the Premier has. I would like to ask the Premier specifically whether he will give us the definition of a business asset so that we know the parameters of this legislation. Secondly, what are the revenue increases likely from the broadening of the base as outlined in this clause?

The Hon. J.C. BANNON: The clause is certainly not intended to catch the examples that are listed in the Taxation Institute brief, and that has been made clear to it. The opinion that we have is that a number of those things are already clearly exempted by the operation of, for instance, clause 31. However, I think that if there is to be any doubt in this area it is better to put it beyond question by provid-

ing through regulation the opportunity to exempt certain categories. Of course, the Leader of the Opposition, because he sees everything the Government does as devious, evil and against the public interest, sees that as being a negative thing, to do it by regulation. Actually, I think that it is a positive thing, because the regulation power gives flexibility to introduce new categories of exemption as we believe that is appropriate. In fact, I think that is an important thing, and those regulations would be subject to the scrutiny of Parliament in relation to their disallowance or comment on them as the case may be.

Certainly, such regulations would exclude the sale of goods, wares, or merchandise in the ordinary course of business, so that most of those examples that are given in the Taxation Institute submission fall down at that point. We are not getting into a new bureaucracy or developing a new form of taxation. What we are trying to do is induce people to register transactions, to pay their stamp duty appropriately and not seek to avoid it, so obviously we are not trying to catch up in the net of stamp duty things that at the moment are not within that net; it is as simple as that.

Most of the examples that have been given are in that one particular category. The sale of a business asset where no other part of the business is being sold as part of the same transaction or a series of transactions that form substantially the one transaction would be exempted; the appointment of a receiver or trustee in bankruptcy would be exempted; the appointment of a liquidator would be exempted; the making of a compromise or arrangement under Part VIII of the Companies Code that is approved by the court would be exempted. There may be other categories, and the regulatory power gives us the opportunity to add to that list. We are prepared to discuss with bodies like the Taxation Institute how we might add to them, and it is better that we do it that way because, if we try to introduce a list here and now into legislation, it will not necessarily be comprehensive and will not necessarily cover the categories that people believe should be covered.

All I can say is that we are not seeking in any fundamental way to change the *status quo*, and that ought to be apparent. The regulation power, in fact, is one that I would have thought would be supported by the Opposition, rather than the other way around, because once you encapsulate it in legislation and once you make it necessary to keep resorting to legislation then, obviously, a Government can sit pat and catch up all sorts of transactions which were not really intended to be caught up. The regulatory power we are suggesting provides that flexibility to ensure that we do not catch transactions that are not intended to be caught; they can be exempted.

That is the way in which it operates, and we have looked at those particular points which were made by the Taxation Institute, and I believe that we are able to respond to all of them. There are certainly some areas which are currently liable, such as changing of partnerships and things of that nature, and we are not proposing in this Bill to change them. As I say, we are not trying to affect the *status quo*.

The CHAIRMAN: We have an amendment to this proposition, and I would like to dispose of the amendment first. This is the way the Committee usually works. We could dispose of the amendment and take the debate on the amendment first and then go back to the clause. I ask the Premier to move his amendment.

The Hon. J.C. BANNON: I move:

Page 4, after line 46—Insert new subsection as follows:

(9) If there is a series of transactions between the same parties and the transactions take place within a period of one month, they may be treated as one transaction for the purposes of this section.

Again, our advice is that this is not strictly necessary. This is the amendment that puts together a series of transactions and deems them to be part of one transaction. I think it clarifies our intention in moving this in this Bill, and by so doing covers that technical point raised by the Taxation Institute. In moving it, I hope I am indicating that where we believe there is a matter of substance that needed this sort of clarification, we were prepared to respond to it, and that is exactly what this amendment does. Our assessment was that it probably was not necessary but, certainly, the question has been raised. To put it beyond doubt in this instance, we felt that the amendment as proposed would be useful.

Mr BLACKER: In speaking to the Premier's amendment I am seeking his advice as to the one month stipulation. Am I correct in assuming that this amendment covers the sort of anomaly where a person dies in a road accident and then, within 30 days, another person dies as a result of injuries sustained in that same accident? If so, is the 30 day period sufficient? I appreciate that the Premier has already indicated that he does not believe it is even necessary, but, if this is designed to cover that sort of case, I wonder whether 30 days is sufficient. More particularly, in the case of a death within a family, more often than not people would not act so quickly unless they handed everything over to their legal officers. Trustees, particularly private individuals who act as trustees, may well take more than 30 days before getting around to carrying out those duties. But I seek the advice of the Premier as to whether my line of thinking in this case is what is intended by this amendment.

The Hon. J.C. BANNON: It is an arbitrary period. The intention is to cover a series of transactions that are really part of the one matter, as it were, and I would have thought that a period of one month at least allows notice and lodgment of those matters to take place. It may be that all transactions concerned may not be completed in that time, but the one month is an arbitrary period which is deemed sufficient, based on experience, to handle the sort of problems that arise.

Mr OLSEN: The Premier said that there are consequences, as mentioned by the Taxation Institute, which were not intended. If they were not intended, obviously they are wrong and the major exclusions—

The Hon. J.C. Bannon interjecting:

Mr OLSEN: The Premier indicated that consequences highlighted by the Taxation Institute were not intended. Therefore, if there are to be the exemptions, the major exemptions should be included in the legislation so that the principles are there. Of course, regulations can be used to allow for daily or weekly adjustment in the Government's administration of the legislation. There is no argument about that. That is what the regulations are there for—to give the Government some flexibility, but the principles should be established by Parliament. Taking this out of the hands of Parliament and putting it into regulation means that the Government is trying to ursurp the role of Parliament. It is taking away Parliament's right to set the guidelines under which the Government and therefore the Commissioner of Stamps can issue taxation levels against the citizens of this State. We are concerned that the Government is usurping Parliament's role; it is taking away Parliament's opportunity to dictate the principles that should apply.

The Premier said that he does not want to build up any great bureaucracy to handle this measure. He must have said that tongue in cheek, because over the past five years the Premier has added an extra 10 000 employees to the Government payroll in this State. That is a reasonable

increase in the size of this State's bureaucracy. When the Premier asks us to trust him to not increase the bureaucracy to administer this legislation, his track record does not support him.

The Hon. J.C. Bannon: Are you calling nurses bureaucrats?

Mr OLSEN: The Premier has expanded the size of the Public Service in South Australia, and he cannot deny that.

The Hon. J.C. Bannon: You can't get away with that. We have more nurses, and more police.

Mr OLSEN: Obviously, this is a very sore point.

Members interjecting:

The CHAIRMAN: Order! The Committee will come to order.

Mr OLSEN: I know that the question of privatisation is worrying the Labor Party at the moment, but obviously in South Australia it goes a little deeper than I imagined. I will repeat a question that the Premier has not answered. Is this Bill a broadening of the sales tax base by creating sales tax and excise, as claimed by the Taxation Institute? What are the likely revenue increases as a result of the broadening of the base outlined in the Bill?

The Hon. J.C. BANNON: No, it is not a sales tax measure. In answer to the Leader's second question, I point out that by closing loopholes we certainly expect to raise some revenue which we should be getting at the moment but which is being avoided. That is what the Bill is all about. I talked about that area earlier in response to the member for Victoria. Perhaps the Leader could refer back to that response.

Mr D.S. BAKER: The Premier did not answer my question, and he has not answered the Leader's question. How much evasion has been going on? We know that some land brokers have not been registering documents—that is the only area to come to our attention. Time and again the Premier has been asked how much tax has been evaded in the past financial year and how much extra tax is expected to be raised next financial year. The Premier is being dishonest if he will not answer those questions.

The Hon. J.C. Bannon: I already have.

Mr D.S. BAKER: The Premier has not answered that question. If the Premier checks *Hansard*, he will find that he has evaded the question every time. As Treasurer, he should be able to do better than that. The Premier's amendment provides:

> If there is a series of transactions between the same parties and the transactions take place within a period of one month, they may be treated as one transaction . . .

Can the Premier provide examples of those transactions to give us some idea of what he is talking about? While the Premier is on his feet he might like to answer the question that we have been asking all night about the financial ramifications.

The Hon. J.C. BANNON: Our view is that it was probably a theoretical situation dreamed up by the Taxation Institute.

Members interjecting:

The Hon. J.C. BANNON: I suggest that the honourable member direct his queries to the Taxation Institute, because it raised this matter. The institute said that this was a problem; we said that we did not see it as a problem; the institute insisted that it was a problem; we said that we would try and accommodate it. So I suggest that the honourable member confer with the Taxation Institute.

Mr D.S. BAKER: I did not think that I would ever see the day when the Treasurer of this State introduces an amendment to a Bill but cannot give a specific example of what it is about. Is the Treasurer telling the Committee that he cannot give us one example? I want the Treasurer to answer the question.

The Hon. J.C. BANNON: There may be examples, but I am not aware of them. I am trying to accommodate the Taxation Institute, and I thought the Opposition was keen for us to do that. I am not prepared to accommodate the institute in all areas, but in this instance it has said that it believes that this could occur and it is not covered, and I am prepared to agree. I am being attacked or criticised for that—it seems a strange criticism.

Mr D.S. BAKER: This is the third time I have asked this question. If this amendment comes about as a result of representations by the Taxation Institute, why has not the Treasurer introduced other amendments relative to the institute's other fears?

The Hon. J.C. BANNON: I have answered that question. The Taxation Institute has set out its reasons in its brief, a copy of which is in the hands of the Leader. I will not read those reasons into the record—the member for Victoria can refer to them later. We accommodated the institute in this case but, in other cases, we disagreed with its analysis. In this case I was prepared to accommodate the institute so, again, I ask what is the criticism.

The Hon. B.C. EASTICK: Every change in the interest of a partnership or of the partners in a partnership will obviously require the lodgement of a statement. Every farmer, for example, who wishes to admit his son or daughter to a partnership owning nothing more than livestock will be required to lodge a statement and pay the duty thereon. The basis of the calculation of payment is not made clear. Does the Treasurer intend to impose such stringent conditions on the normal course of business, that is, in this partnership type of arrangement? If there are two stages to a transaction—one involving a change in beneficial ownership followed by a change in legal ownership—statements will be required to be lodged on the change in both beneficial and legal ownership. Is double duty payable in this instance? How does the Treasurer intend to value the change in beneficial ownership?

In relation to new section 71e, it is unclear whether both parties to a transaction have to lodge separate statements in the approved form or whether one statement must be completed by both parties. It is simple questions of that nature—the practical day-to-day activity of what is being demanded of the community—which have not been answered. This detail is extremely important for the Freds and Fredas out there who will be ensnared by the activities of the Government.

The Hon. J.C. BANNON: I think I covered this area in an earlier answer. First, the situation described and the examples given by the honourable member, as I have already pointed out, are currently liable to duty and, therefore, no change is contemplated in the Bill. Secondly, we do not believe that the amendment will lead to the payment of double duty—that is not contemplated and will not occur.

The Hon. B.C. EASTICK: It is not clear to members of the Committee, members of the legal fraternity or the accountancy fraternity whether the statement made by the Premier will be similarly interpreted by the courts. I refer the Premier to the statement, which he has no doubt heard on a number of occasions, from a former justice of the Supreme Court of South Australia, Mr Andrew Wells, who frequently advised the court and those who would listen that he was not at all concerned about the intention of the Government or the intention of the drafter in relation to the piece of material presented to Parliament. He has said that what he and other members of the court were interested in were words presented to them as an act of Parliament,

what they meant and their ramifications. That is where the professional fraternity feel all at sea at the moment.

The Hon. J.C. BANNON: I understand that legal maxim: it is certainly correct. I simply say that the words provide that response, unless the courts choose to interpret it otherwise and then we have no control over that.

Amendment carried.

Mr S.G. EVANS: This is a taxation Bill and the Premier says that he, with the support of his colleagues, will introduce certain exemptions, some of which he has named and others of which he has not. Taxation Bills are different from other Bills. It is not an acceptable practice, when introducing a taxation Bill, to give a Government power to make regulations saying which transactions shall be exempt and which shall not be. Regulations may be disallowed by either House of Parliament. However, I point out that the availability of time for private members' business may be such that such a motion may not be voted on until the end of the Parliament. Indeed, a Government may delay and even stop a vote on a private member's motion to disallow certain regulations.

Further, it is not an accepted practice in our system of democracy for a Government to remain in power if it is defeated on a taxation measure and, although such regulations as these may not be interpreted as a taxation measure, it is close to the principle that exemptions should be stated in the Act. Indeed, they should be stated here or in the other place before the legislation is passed and proclaimed. Then, if Parliament believes that the Government has made an error it has the power to pass legislation quickly. Indeed, we saw an example of that recently when a Bill was introduced in the other place, passed in one day and then brought into this place and members were expected to pass it in only half an hour. There was no hassle or injustice in that case: it was a matter of providing protection to a certain group. So, there is no reason why this Bill cannot include the areas that should be exempt and we should fight for that principle very strongly on a taxation measure such as this.

Earlier, the Premier said that, under section 31 of the original Act, goods, wares and merchandise involved in any transaction in the ordinary course of business would be exempt. When I looked for the definition of 'goods, wares and merchanise' in the Act, I could not find one, but I take it that such a definition would include livestock. Further, I read that an instrument includes every written document. What happens if, for example, I agree, as I recently agreed, to buy livestock for about $900 and there was no written document other than the receipt? As such livestock were not being bought in the normal course of business, would that transaction be exempt from the provisions of the legislation? If I entered into an agreement with a stock firm or some other person and signed a document giving particulars of the livestock, would I be liable under the legislation?

Alternatively, is the receipt for cash payment an instrument under the legislation? After all, the legislation provides that 'an instrument includes every written document' and I interpret that to include a receipt. So, despite what the Premier says concerning the provision in section 31 of the Act, I do not believe that that section clarifies the situation as the Premier suggested that it did, because section 31 (1) provides:

> Any contract or agreement in writing for the sale of any estate or interest in any property whatsoever (including goods, wares, and merchandise not being goods, wares and merchandise agreed to be sold in the ordinary course of trade by a party whose business is or includes the sale of such goods, wares, and merchandise) except—

Then follow references to other types of property. The word 'asset' is not defined, nor is 'property', whether it be real property or general property. The Premier may say that it is merely a matter of looking at the dictionary, but I do not think that is correct because the Act refers to 'the sale of any estate or interest in any property whatsoever' and many commodities could not be considered goods, wares, or merchandise.

I ask the Premier whether a receipt is a written document. In other words, if two people agree to do something and the purchaser requires a receipt, as may be the case in the sale of a business, there is no other written document. Indeed, even though there is a risk, there may be no written document except the cheque that is exchanged. Does such a transaction attract stamp duty? I do not think it does because a written document is not involved.

The Hon. J.C. BANNON: The sale of livestock is not covered in that way. One of the transactions that the honourable member mentioned sounds like the very thing that we are trying to catch up. We believe, and I think it is in the public interest, that those transactions are in fact registered and properly stamped. But, in the case of selling livestock in the way the honourable member describes, that would not be caught up.

I say again to the honourable member, who has been here for nearly 20 years, that I cannot stand here and give him a legal opinion on a specific set of facts without actually sitting down and taking a full statement from him and finding out all the facts and circumstances. For instance, he says that it is partly his business to buy stock; well, one would have to see the degree to which he does it, the number of stock involved, and so on, before you could judge it. That is why, unfortunately, we have to have lawyers and interpretation of the statutes. Unless the honourable member is proposing that we write in that clause 15(3)(e) exempts Mr Stan Evans, MP, when he transacts 15 stock with Mr G. Smith on such and such a day, we just cannot cover that in legislation.

All I am saying is that, broadly (and do not take this as a cast iron legal opinion, because I am not, as Treasurer of this State, in a position to give cast iron legal opinions) the transaction the honourable member is talking about would not be caught up under this but the transfer of a going business and so on, is covered under various clauses.

Mr S.G. EVANS: I know the Committee wants to move on to something else. However, I was not asking that Stan Evans be identified, or any other individual. As the Act is written at the moment, if a person agrees to buy a property which has livestock on it and the livestock is included in the deal, I believe stamp duty applies to the livestock as well as the property. That is under the old section of the Act and we are not changing that. That is agreed. The new definition has worried some legal people and others. I do not just want to tie it to livestock, but I picked that as different from goods, wares and merchandise. Why can we not include in the Act the areas that the Premier read out that he would like to exclude, and any others that the Government feels should be included after hearing the debate here and submissions made by the legal profession or the taxation people? Then, we could say that we are prepared to put those in the Act in the other place, knowing that there will be some areas that we did not include although we should have, knowing that in such circumstances Parliament will pass them quite quickly, as has been the practice in the past, and knowing that no long-term injustice applies at all.

I support the concept of catching up with those who have rigged the system—I am not anti that—but I believe it

should be made as simple as possible and as clear as possible, because not everybody can afford to go to lawyers and accountants, who command just about as much as lawyers, if not more nowadays to get advice. It is all right for the big operators, but I do not believe that we consider the small operators and the small business people. We say simply that it is bad luck and they will have to fall behind.

The Hon. J.C. BANNON: I have a great deal of sympathy for the point the honourable member makes. I think he is quite right, these things should be simple, and we should not force people to take expensive and abstruse advice on every point in relation to ordinary transactions. I would hope, for instance that our officers in the Taxation Department and elsewhere are able to assist in a constructive way, and I am sure they do. That is why I think this regulatory power is an important one to have, because then we will be able to take account of these situations as they arise.

Clause as amended passed.

Clause 8—'Unregistered mortgages protected by caveats.'

Mr OLSEN: I seek clarification about the operation of this clause. In my second reading speech I referred to section 81c of the principal Act relating to caveats. At what stage is it intended that a caveat will be dutiable? To protect their interests in an unregistered mortgage people would seek to have it applied forthwith. If that document now has to be stamped, how much longer will that make the process? There are serious implications for people with unregistered mortgages wanting to have their interest secured. What we are proposing is a long route by which that will now occur, but will it put at risk people who have an interest and who ought to be protected?

The Hon. J.C. BANNON: The first point is that we believe that, with the passing of this Bill, recourse to caveats will occur much less than at present. They are used for tax purposes. If that tax loophole no longer operates, people can go direct, which is obviously what should be encouraged. Certainly, the transaction time can be made very short, as it ought to be, and the procedures between the Taxation Office and the Lands Titles Office should be short: we will try to ensure that that happens. Essentially it is an administrative matter. The whole purpose is for this section not to be even needed. By catching these transactions and thus eliminating the tax avoidance relating to them, we will ensure that transactions occur in the usual formal way, which is much better for the parties concerned.

Mr OLSEN: But there is still a delay in enabling that to take place relating to the stamping of the document. Will the Lands Titles Office be able to register a caveat without it being stamped? Will the protection be given to the person who wants to secure his interest in an unregistered mortgage? It is the process that concerns us.

The Hon. J.C. BANNON: As a matter of practice, it would be acceptable without the stamp provided there is the guarantee that it will be paid. In other words, the administrative practice will put the caveat on the basis that payment will be made.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (22)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), Crafter, De Laine, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally, Klunder, McRae, Mayes, Payne, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, Becker, and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Gunn, Lewis, Meier, Olsen (teller), Oswald, and Wotton.

Pairs—Ayes—Messrs Abbott, Blevins, and Peterson. Noes—Messrs S.J. Baker, Goldsworthy, and Ingerson.

Majority of 8 for the Ayes.

Third reading thus carried.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1906.)

Mr BLACKER (Flinders): I support the Bill. Members will recall that when the House last met this Bill was the subject of some controversy, not because of its content but because of the manner in which the Government was handling it at that time. To that end, I supported the Opposition totally in opposing the Government's procedural moves. I am pleased that the Government was able to allow an adjournment so that at least those of us on the back bench could have some homework done on the Bill and satisfy ourselves that the Government's intention was honourable and that right and proper practices were being undertaken.

Representations have been made to me by the Law Society, which is anxious that the Bill pass the House at the earliest time. Basically, the Bill sets up an arrangement or agreement whereby legal practitioners or the Law Society can, through arrangement with the Government, set up a partial self-help scheme in terms of their professional indemnity insurance. I understand that the insurance is subject to renewal, particularly for the certification of legal practitioners, on 1 January. Before that renewal can take place appropriate insurance must be arranged to ensure that not only practitioners but also their clientele and other persons doing business with them are covered. For six years a professional indemnity scheme has been operating on a three year roll-over basis.

However, it has become increasingly difficult for the Law Society to obtain that insurance and it has become increasingly more expensive. It is envisaged that, as a result of this proposed self help scheme, part of the premiums will go into a fund whereby the Law Society itself will carry the insurance for claims up to $50 000. Beyond that figure the insurance will be carried by Lloyds of London. That arrangement will allow the premiums to be kept somewhat lower. In fact, I believe that a saving of about $700 is envisaged by this scheme.

I believe that the issues at stake are commendable. I think that the Law Society knows what it wants in this instance. The only problem is the timing. At the time that the matter was introduced, I think the Government expected that the Bill would pass through the House of Assembly in a matter of minutes and then it would go to the other place for final approval.

Mr S.G. Evans interjecting:

Mr BLACKER: Yes, I think that I am one step out there. The member for Davenport says that it has already passed through the other place (which is correct) and it came here, but it was to be noted before final assent could be given and, as the other place had already risen by that time, it was impractical for that to occur anyway. Therefore, the Government saw the wisdom of adjourning the debate to allow this to take place.

The time for lodging of trust accounts and adjustments, etc., has been changed. It is presently 1 January and 1 July

but, for obvious reasons, not many premises would be open on 1 January. Final statements would have to be obtained from banks, but they would not be open on that day. It is a practical and commonsense approach that the date should be changed from 1 January and 1 July to 31 May and 30 November respectively.

Another amendment allows for the increase in the funds being contributed by the individual practitioners. The amount has been increased from $5 000 per practitioner to $7 500 per practitioner. The reason for that is that a fund of at least $500 000 can be accrued. In this case, I understand that it will be well in excess of $500 000 in order to be able to absorb any claims in an under $50 000 range.

There is a requirement that moneys be deposited by a certain time and penalties are to be provided for not complying with that provision. I support that provision because, if the Law Society is to establish the fund, obviously some penalties have to be involved in the collection of those funds, otherwise it will not get its base fund established. For that reason I think that all members would accept that that is a necessary provision. As a word of caution, the $500 000 that is referred to in a very short period of time perhaps could be an insufficient amount. Courts are now awarding damages to such an extent that that $500 000 could be absorbed very quickly. Because we are talking about claims up to a maximum of $50 000, it would need only 10 claims throughout the State for that fund to be depleted in that period of time.

However, I support the Bill. It is required by the Law Society, and it is necessary to enable insurance to be established for professional indemnity and that has to be set down and in place before certification can take place for the individual legal practitioners. It must be in place before 1 January, when all licences become due. I support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to this debate. I apologise to the House for the confusion that arose when this matter was last before us. I understood that there was an agreement between the managers of business that this legislation would be passed expeditiously, but obviously that agreement broke down. Therefore, it was necessary to have the matter adjourned so that it could be dealt with in the fullness of time. Nevertheless, there is an important time restriction on this legislation and I am sure that fact is now obvious to all members.

When bringing legislation before the House, whilst it is desirable to ensure that there is proper time to debate and to consider it, there are always occasions when legislation must be passed as a matter of urgency. I thank all members for their understanding of this matter and for their indication of support.

This Bill provides a series of changes to the Legal Practitioners Act and to the various funds and accounts which are kept by the Law Society subject to that Act to provide protection for the clients of solicitors. They are important provisions. It is necessary that from time to time they be updated so that they can adequately serve the community and that is the case here. These amendments will come into effect for the current cycle of professional indemnity insurance and the management of the combined trust account and the legal practitioners guarantee fund so that there can be a very expeditious application of this legislation.

On behalf of the Opposition, the Hon. Mr Griffin in another place sought from the Government further information with respect to two matters, the first of which was new section 52 (4), which provides that, as from the date of the promulgation of the scheme, it is binding on the insurers. Mr Griffin queried whether this provision can bind interstate or overseas insurers. I am advised that the provision has been included for completeness. The insurers, having entered into an agreement with the Law Society, are bound by the terms of that agreement.

Mr Griffin also asked what happens to liabilities that are accrued under the current scheme. I am advised that the insurance is on a claims made basis. Claims made under the current scheme are dealt with under that scheme. Where the liabliity accrues while the present scheme is in operation but no claim is made until the new scheme is in operation, the claim will be dealt with under the new scheme. I trust that that clarifies those matters which remained outstanding from the debate in another place.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Professional indemnity insurance scheme.'

The Hon. B.C. EASTICK: On behalf of my colleague in another place the Hon. Mr Griffin, I thank the Minister for bringing to the attention of the House the answers which are provided by the Attorney-General in respect of new section 52 (4) together with the other matter that he raised. My colleague wanted to determine that there would be no loophole, if we may use the broad sense of the term, which would allow the escape of just dues in relation to the State of South Australia. It is quite obvious that that particular matter is caught and I will convey that information to him.

The Hon. G.J. CRAFTER: I thank the honourable member. On occasions, when we are dealing with amendments to the Legal Practitioners Act, not only are we guided by Parliamentary Counsel and Crown Law, but also we have a good body of legal opinion that is very interested in the precision of the drafting of these matters. Usually they are well considered prior to debate, but it is always good to have the assistance of the Opposition in these matters.

Mr S.G. EVANS: Clause 3 deals with a scheme which is being improved, as best it can in the present circumstances, to give legal practitioners the opportunity to be covered against claims that might be made against them for whatever reason and for which money might have to be paid. I find this matter a little amusing. I was not able to raise some points during the second reading debate because of circumstances to which the Minister has alluded, and I thank him for his comments in this area. I suppose in some ways it is strange that legal practitioners who fight many of the cases for claims for large damages in all sorts of fields, even against their colleagues, have found that the claims now made are so high that they can no longer afford to meet the commitment and that therefore they must go out and collectively insure, to save themselves from themselves. That is what it boils down to. Lawyers go to court and argue for huge compensation claims for their clients, in all sorts of areas. Suddenly it has hit home to the professional groups, in particular those who do the fighting in courts and who obtain quite substantial incomes from the misfortunes of others, that in this instance they are caught up in the system, in part due to their own negligence and/or misfortune.

They have suddenly found that no-one wanted to insure them and that the cost was so high that they could not afford to insure themselves. Thus, we are now looking at a shandy measure. Can the Minister tell me whether the Government is working to help and to negotiate with the other groups who do not have the representation in Parliament, that the Minister tells us the lawyers have? The Minister tells us that there are members in this place to represent them with the necessary expertise to ensure that

the profession gets what it needs or desires. However, can the Minister say whether this sort of proposition will be introduced for engineers, architects, auditors, accountants, and so on, if they so desire? Those professionals come into the same category these days. Lawyers are fighting cases to ensure that people pay huge amounts for non-professional or negligent conduct in the execution of duties.

I suppose that when we recently amended the Legal Practitioners Act we gave the Law Society powers not dissimilar to what it had before, except that there might now be more of what one could call a balancing effect than was the case in previous circumstances. In this clause we are providing that the society may, with the approval of the Attorney-General, do certain things. I will not go through all of them, because there are many. It is a little like Caesar running to Caesar: in this State usually the Attorney-General is a lawyer, and of course as a lawyer the Attorney-General would not want to make too many bad friends with his legal colleagues, in relation to proposals like this or anything else. That is not always the practice in the British Parliament where, quite often, the Attorney-General position is not given to a lawyer. That is done for the very reason of avoiding conflict of interest that can prevail. I am not saying that an Attorney-General will act irresponsibly or in a corrupt fashion, or that the Law Society would do that. However, I think that the public sometimes has doubts about whether justice can be obtained.

In several areas the society can do certain things with the sanction of the Attorney-General. However, in relation to this scheme, I do not think that many areas would be of concern to the general public. In the main, I think it is a provision to give legal practitioners a protection against the huge claims which some of them fight to get for others. It is a way of protecting themselves from themselves. They are satisfied with it and they desire to get this measure through quickly, so I am happy to say that I do not wish to suggest any amendment to clause 3. However, I wonder about the speed with which we have been asked to consider this.

The Committee was advised a few moments ago by the Minister with the carriage of this Bill that the lawyers in this place are able to provide us with good advice and cooperate with one another. But why did it take so long to draft this legislation and yet bring it before the House with the idea of getting it through quickly or else? This reminds me of complaints that are made to me by my constituents about lawyers who put the hard and less lucrative files aside while getting through quickly the ones for which they are better reimbursed for their efforts. I guess the impression that one must hold is that this must be a difficult matter with not much money involved, because it was left to the last minute, with the Government then trying to get it through both Houses of Parliament in two days, or else. However, whatever else may apply, I am quite happy to say that I agree with this clause.

The Hon. G.J. CRAFTER: I thank the honourable member for his concurrence with this clause. In response to his question about other professions, I point out to him that in South Australia, by law, legal practitioners are required to insure against professional negligence. If they do not do so they are not entitled to obtain a certificate to practice in this State. That is not the situation with other professions. Maybe that is an inquiry that the honourable member would like to pursue with architects, engineers, dentists, doctors, and other groups, to see whether they would like to be bound by law requiring that they insure to a level that is decided to be a safe level in respect of their professions. For example, having regard to the amounts of money with which architects deal, one would believe that they would need very substantial professional indemnity insurance. Obviously, large firms of architects do provide that, and many other professional people in the community also similarly insure, but not everyone does to an amount required by statute. This is now the situation with the legal profession. I think that a case has now been made out over a long period that that is appropriate for lawyers and that it should be embodied in legislation of this type. It is administered by the Law Society on behalf of the clients of legal practitioners, and it is done so very efficiently and well.

Indeed, in this proision there is built into that professional indemnity insurance a self insurance provision, up to a certain amount. So, there is, in fact, an internal policing of peer pressure, if you like, within the profession to minimise claims, particularly small ones, many of which are associated with matters concerning running out of time under the Statute of Limitations Act. That is a matter of organisation within the practice, systems and the like. So, a lot of work is going on in the legal profession to assist practitioners to be better organised and to minimise claims of this type. To that extent the honourable member might have misunderstood the purport of this legislation and, indeed, its importance to the standing of the legal profession in the community and the protection of clients. I guess it is not a matter that other professions would want to rush into in a similar vein.

Mr S.G. EVANS: Perhaps I can put it another way. Societies or associations representing other professional groups could approach the Government asking for similar provisions, because they are also caught up in this field of heavy claims against them especially in the building industry today, where there are some large claims, as the Minister mentioned. It is very damaging to the whole profession if one member of the profession has not insured against such claims and a claimant is successful against that person, who cannot meet the commitment. In that way, someone loses out in society.

I cite the case I mentioned before of the President of the Architects Society who built in the 1970s a house which was faulty in many ways. This house, at Upper Sturt, was finished before he became President. A very expensive court case went on for a long time and cost a lot of money, and the person for whom the home was built was also a professional person. That was a black mark against architects overall because of one person's many errors. I am really asking the Minister whether, understanding the point he has made and being aware of part of what he is saying, if these other groups came to the Government and said 'We would like to get into a similar field,' because of the difficulties in this area a sympathetic ear would be given to such groups?

The Hon. G.J. CRAFTER: I cannot speak on behalf of my colleagues or indeed the Government collectively, but I am sure that any professional group which came to the Government and required a similar statutory provision to protect clients would be given a very sympathetic ear. However, a lot of work must be done to gain the unanimous support of the profession for this to occur, and it brings down a very substantial onus upon each member of that profession. Obviously, any Government is interested in providing protection to the community at large, and in areas of this type, where very large sums of clients' money are being used, there is always the risk of negligence. Obviously, any Government would look at that proposition sympathetically.

Clause passed.

Clause 4—'Duty to deposit trust money with the society.'

Mr S.G. EVANS: In the case where a practitioner fails to make the deposit by the required date and is personally liable to pay interest on the outstanding amount at the prescribed rate for the period of the default, we are back into the category of not fixing the interest rate. I know I will not change it today, but I believe that we should start tying these interest rates to something that is fixed within the community at any period of time, whether it be the overdraft rate of the State Bank or 2 per cent above that rate. When we come to this 'prescribed rate' we as a Parliament do not know what we are talking about. We know that it is up to the Law Society, which can talk to the Attorney-General and say that they want to fix the rate at X, but surely we as a Parliament should give an indication of what it is likely to be.

We perpetuate this system of saying that some day we will find out what it is, and any Government at any time, subject to, in this case, an application by the Law Society, can vary or prescribe the rate. To me it seems quite unfair. I think that the Parliament should tell governments at the time to put the rate in by fixing it to something that prevails in the community. I do not care, in the case of a default such as this, whether it is 10 per cent above the bank overdraft rate or 1 per cent below it. At least it should show us what it should be.

The Hon. G.J. CRAFTER: I note the honourable member's observations. It is prescribed and, to that extent, is subject to public scrutiny, but the honourable member makes a policy point, if you like, and that is noted.

Clause passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

EXPIATION OF OFFENCES BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 25 (clause 3)—Leave out "any other person or body to which" and insert "the Chief Executive Officer of an administrative unit under the Government Management and Employment Act, 1985, to whom".

No. 2. Page 4. The Schedule—"Boilers and Pressure Vessels Act, 1986"—Leave out the heading and all items in relation to Boilers and Pressure Vessels Act, 1986.

No. 3. Page 4. The Schedule. Under the heading "Commercial Motor Vehicles (hours of Driving) Act, 1973", leave out the following items:

Section4—Exceeding hours of driving	$80
Section 8(5)—Failing to provide a name and address, or to answer a question	$80
Section 8(6)—Falsely representing that person is named in a log book	$80

No. 4. Page 4. The Schedule. Under the heading "Dangerous Substances Act. 1979", leave out the following item:

Section 9 (8)—Refusing or failing to comply with a direction	$200

No. 5. Page 4. The Schedule. Under the heading "Education Act, 1972", leave out the following item:

Section 78 (1)—Employing children of compulsory age in contravention of this section	$150

No. 6. Page 4. The Schedule. Under the heading "Explosives Act, 1936", leave out the following items:

Regulations 3.01—3.32—Licensing of factories and manufacturing explosives—any breach of these regulations	$100
Regulations 4.01—4.29—Mixing and using ammonium nitrate mixtures—any breach of these regulations	$100
Regulations 5.01—5.08—Filling certain cartridges for sale—any breach of these regulations	$100
Regulations 9.01—9.04—Storing on unlicensed premises—any breach of these regulations	$100

No. 7. Page 5. The Schedule. Under the heading "lifts and Cranes Act, 1985", leave out the following items:

Section 10 (1)—Constructing, altering and installing a crane, hoist or lift without approval	$250
Section 11 (1)—Failing to obtain registration	$200
Section 14—Failing to perform inspection	$250
Section 17—Failing to notify an accident	$100

No. 8. Page 5 to page 6. The Schedule. Under the heading "Public and Environmental Health Act, 1987", leave out the following items:

Section 15 (3)—Failing to comply with a notice	$250
Section 18 (1) and (2)—Discharging waste	$300
Section 30 (1)—Failing to notify a disease, or to provide information	$100

No. 9. Page 6. The Schedule. Under the heading "South Australian Metropolitan Fire Services Act, 1936", in relation to the item:

Section 70 (1)—Failing to give information—Leave out $50 and insert	$20

No. 10. Page 6. The Schedule. Under the heading "Tobacco Products Control Act, 1986", leave out the following item:

Section 7 (1)—Failing to publish a health warning	$200

Amendments Nos. 1 and 2:

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendments Nos. 1 and 2 be agreed to.

Motion carried.

Amendment No. 3:

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment No. 3 be disagreed to and that the following amendment be made in lieu thereof:

Page 4. The Schedule. Under the heading "Commercial Motor Vehicles (Hours of Driving) Act, 1973", after "Section 4—Exceeding hours of driving" insert ", but only in cases where it is alleged that the driver drove for no more than 30 minutes over time... Leave out the following items:

Section 8 (5)—Failing to provide a name and address, or to answer a question	$80
Section 8 (6)—Falsely representing that person is named in a log book	$80

The amendment restricts the ability to issue expiation notices for all other offences that extend beyond that period of time. Further, that amendment leaves out two other related sections, section 8 (5) and section 8 (6), which were previously included in the ambit of expiation notices, that is, failing to provide a name and address or to answer a question, or falsely representing that person is named in a log book. They are now to be deleted from the provisions of this legislation, and I seek the support of the Committee for these amendments, which have been the subject of debate in the other place.

The Hon. B.C. EASTICK: I am advised by my colleague that the course of action contemplated by the Minister's motion is acceptable in that it does reduce some of the criteria which were in place and which had been very heavily questioned at the time of the debate, notably section 8 (5) and section 8 (6), and that in relation to section 4 it provides a further proviso which must be met before the action can be taken against the driver, and intensifies, if you like, the transgression. That is an improvement on where the original Bill stood.

In actual fact, a number of alterations were effected in another place to the original schedule presented to this place. Only three of the clauses which currently exist and were not removed were intended to be removed. For example, section 104 relative to insulting a teacher under the Education Act remains. The regulation under the Explosives Act 1936 in relation to packing and labelling also remains, although every effort was made to remove it from the ambit. Section 16 (1)—'causing or allowing an unsanitary condition to exist—under the Public and Environmental Health Act 1987 (which provides for a fine of $250) also remains within the Minister's schedule as a result of the action of members

in another place. There are also 12 or 13 other expiations which had been removed from the original schedule. I suspect that, having regard to the review of penalties and the review of activities associated with a whole host of statutes of the State, we will see a similar Bill in the not too distant future. It is hoped that the weight of evidence given to the Committee on this occasion in relation to the matters that I have mentioned may yet see them excluded from the schedule.

Mr GUNN: I cannot let this opportunity pass without saying one or two things about the continuing process of Government, particularly in relation to those people who sit behind Government and administer these things and make life easier for themselves and place the public at a great disadvantage. One of the simple facts and realities of the current situation is that the average citizen is placed at a great disadvantage when given one of these wretched on-the-spot fines. It would take some convincing before I would support this general legislation. It is far too easy for law enforcement officers to issue these notices when perhaps a caution is more appropriate. We are filling up our prisons and dragging people before the courts for trivial offences which should never be reported.

I have always been regarded as a tough law and order and no nonsense person but, having dealt with some of these cases on a regular basis, I am concerned that we continue to go down this track. This provision allows for an expiation notice to be issued against a person who attempts to get to a reasonable site before stopping his truck. Let us look at an example. I refer to someone who has been driving for, say, 8½ hours and, under the legislation, he must stop. He could be only 20 km from, say, Port Augusta. On a hot day who would want to stop out in the middle of nowhere? I know how some of these departmental officers operate. If a driver uses commonsense and drives on to Port Augusta where he can have a shower and a cup of tea, he can be issued with one of these on-the-spot fines. I know that the Minister will get up and say that, if a driver objects, he can go to court. However, the Minister will not tell us that the drivers will receive a summons, which will disadvantage them in that when it is delivered they are virtually told that if they do not plead guilty they will be up for costs (and in my view that is quite outrageous). The fine is only $80 so it is not worth having a lawyer. The average citizen has never been before a court, so of course he is disadvantaged.

It is time that the Government took a close look at this area. I am having a meeting with departmental officers in a couple of days and I will tell them what they should be doing. In fact, I have several examples to put to them. I will not allow measures such as this to pass through Parliament without registering a protest about this business of arbitrarily imposing on people penalties which I believe should never be imposed in the first place. Commonsense should govern the issuing of on-the-spot fines. People are being penalised for trifling offences when they should receive only a caution. If an officer has not issued the required number of tickets for a particular day, he will look for the most trifling offences. As these notices continue to be issued with more frequency, public contempt will grow for law enforcement officers and the level of disputes will rise. The only recourse people will have is for members to stand in this place and quote chapter and verse on these cases. Only then will something be done—by bludgeoning the administrators.

If one complains to departmental officers about these notices, they say that the Minister and Parliament are responsible and that they—the officers—are charged with administering the provision. That is nonsense. The officers can put it over the average law abiding citizen. In most cases they are responsible for the recommendation to the often not too bright Minister who does not know what he is administering anyway. That in itself is not an excuse.

The Hon. D.C. Wotton interjecting:

Mr GUNN: It is factual. Of course, one cannot expect a Minister to have a working knowledge of the transport industry. Most members of Parliament have never been involved in that area. So Ministers act in good faith on what is meant to be the best advice available to them. However, many public servants have spent all their working lives administering these areas and they have a seige mentality. If they had to live in the real world for, say, six months, they would think differently. I am concerned about this because I see at first hand what is happening. I would be failing in my obligation if I did not rise and register a protest.

If we keep going down this track, we will be held in complete contempt by the public. Is it right for the average person who commits a very minor misdemeanour on, say, a Sunday to be whacked with a $150 on-the-spot fine by some young police officer? I think that that is a poor state of affairs. This is brought home to members of Parliament when some poor fellow who is trying to look after his wife and family, a decent citizen who is up against it, rings up and asks what he is to do. He has not hurt society but Parliament, with a rush of blood to its head, allows this nonsense to go on. Members of Parliament must then act and contact senior police officers and ask them whether they realise what is going on. It is about time that we put an end to this and reviewed some of these measures. I will not be satisfied until I see some commonsense and fairness applied in this area. I disagree with this business whereby whenever people commit some minor offence they are dragged before the courts or locked away in prison. In many cases the officers responsible are people who prey on the emotions of the community and do not look at reality.

The Hon. G.J. CRAFTER: The honourable member has actually answered the questions that he posed to the Committee, but I acknowledge that he provides a valuable contribution to the life of Parliament and the community. He is a vigilant watchdog on excessive use of power by law enforcement agencies and, of course, that is a vital role for any member of Parliament to play. However, I point out to the honourable member that his thesis, as I understand it, is that the law is the law. This legislation is about how it should be enforced when it is broken. The first question is: has the law been broken in the circumstances? I think the honourable member is saying that the law has been broken and he is then asking whether there should be a prosecution.

We are saying that there are two approaches. First, an expiation notice can be issued—an on-the-spot fine if you like—with the option to go to court or pay the fine and not go to court. Secondly, there can be no provision for an expiation notice and indeed the matter must go to court. As I perceive the honourable member's theory, if a law enforcement officer has to go through a more difficult process—that is, he does not simply issue an expiation notice on the spot but must go back to his office some days later and prepare a report and submit it to another authority (usually Crown Law) and then a summons is issued—sometimes, on reflection, there is a change of heart during the process. That is the issue which I understand the honourable member has raised. These matters must be balanced out as to whether there is the choice of an expiation notice or

whether there is no such choice, and the matter simply goes off to be dealt with by a summons to a court.

It is a matter of whether there are officers who apply their judgment in the appropriate circumstances. In that regard, I guess that we shall never have a perfect situation, even though the member for Eyre adopts the vigilant role which he has adopted in recent years and which minimises the risk of officers being tempted to exceed their powers or to be harsh in their judgment. This is a grey area not only for Government agencies but also for the police every day of the week. It is not something that can be prescribed accurately by legislators: it requires commonsense and training in the establishment of precedent over many years. We can rely only on the good judgment of those whom we employ and those who supervise and train them in our Administration.

Mr M.J. EVANS: I support the changes that have been made by another place. Those changes, which are very much along the lines that were discussed in this Chamber previously, much more fairly present the position of only having those offences covered by the Bill which can be truly and reasonably described as minor offences, and that is the position which should prevail. I hope that the Government will take into account in future, during the administration of this legislation, the difficulty which may arise, which was canvassed previously, but which has not been adopted by the other place, regarding those offences that are expiated and those that are still prosecuted.

The administrative discretion resting in those who implement the various items of legislation covered by the schedule to prosecute where almost all other people receive expiation notices requires serious attention. When an inevitable amending Bill comes before this place to insert additional offences under a wider range of Acts, which may reasonably be done, I hope that the Government will take into account the need to ensure that what will develop in the community is a reasonable expectation that offences listed in this Bill to be expiated are in fact expiated and that offences are prosecuted only where a serious case is made out and where such cases are given individual attention. Otherwise, the power of an inspector or some other officer to decide not to issue an expiation notice could become a significant power.

I will revive the amendment that I moved when the Bill was in this place previously should that turn out to be the case on further examination. Apart from that proviso, I believe that the Bill as it will stand after the adoption of these amendments is a reasonable expression of efficiency in the operation of the law.

Motion carried.

Amendments Nos 4 to 10:

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendments Nos 4 to 10 be agreed to.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No.3 was adopted:

Because the amendment removes appropriate sanctions in the Act.

ARCHITECTS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 2 (clause 4)—After line 7, insert the following subsection:

(2) A liability that would, but for subsection (1), lie against a person on whom immunity is conferred by that subsection lies instead against the board.

The Hon. T.H. HEMMINGS: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

WHEAT MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1894.)

Mr GUNN (Eyre): The Opposition supports this minor measure which, however, is important because it formalises a practice that has been taking place to allow the Wheat Board to deduct from growers' payments money for the Wheat Research Trust Account. Such action is necessary if adequate and effective research is to take place in the wheat industry.

Already, the current wheat harvest is well under way and probably the first cheques have already been posted out for this year and deductions will have been made. From inquiries, I understand that, if growers did not wish to have such deductions made, a proper process was in place to solve any such problems. Personally, however, I cannot understand why any grower would not want to pay the contribution, because adequate research and development is essential in the interests of not only the wheat industry but the State as a whole.

I see no reason to hold up the Bill. The wheat industry has been one of the success stories in this State and, with wine and wool, it has played a most significant part in producing export income. Indeed, the wheat industry has played its part in providing income for the nation as a whole, and this measure supports such a worthwhile exercise. In declaring my interest as a wheatgrower I point out that I will contribute to the fund. I have pleasure in supporting the Bill.

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

PAROLE ORDERS (TRANSFER) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1847.)

Mr BECKER (Hanson): This very brief piece of legislation simplifies and facilitates the transfer of parolees, which, of course, is the overall aim of the principal Act, and allows parolees to return to the States in which they live. There are obvious cost advantages in making the process easier, and for that reason the Opposition supports the legislation.

After an offender serves his term of prison in another State—for arguments sake, let us say Western Australia—if that person is a South Australian, and wishes to return to South Australia on parole, he can do so. However, in the past there has been some difficulty in obtaining all the documents relating to that parolee. This legislation is being dealt with by the other States as uniform legislation, and we hope that this will simplify the process of parolees wishing to return to their State after serving their term of sentence in another State. We support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Registration.'

Mr BECKER: Can the Minister advise the Committee which States have enacted similar legislation at this time,

and which States will put forward to their Parliaments similar legislation?

The Hon. G.F. KENEALLY: I thank the honourable member for his support of this measure. To date I am advised that only New South Wales has actually passed the complementary legislation, but that all other States have legislation pending to go before their Parliaments. Therefore, to date New South Wales has passed legislation, South Australia is in the process of doing so, and all other States have legislation pending for their parliamentary sessions,.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That the House do now adjourn.

Mr MEIER (Goyder); This evening I wish to address the situation that has been before the public of South Australia for virtually a week now through the newspapers and the media generally. It started last Tuesday in the *Advertiser* with a small article headed 'Fruit-fly concern over Queensland tomatoes'. On Sunday we saw a larger headline: 'Tomato war—"we'll fight", say South Australia's angry growers'.

In today's *Advertiser* we have the headline 'Growers declare market tomato war' and the front page of tonight's *News* states 'It's the great tomato war'. It is a tragedy that this war had to start in the first place, because only one person can be blamed for starting a war and, in my opinion, it is the Minister of Agriculture. Information given to me suggests that there are about 500 growers on the Adelaide Plain. Certainly, these 500 growers are a smaller number than was the case some years ago, because there has been some rationalisation in the industry.

Growers have faced a hard time over the years: they have not found it easy at all times to make a living but, through their hard work and long hours toiling preparing the ground and glass houses, and picking and marketing their fruit, there are still 500 growers in existence, they are 500 people in South Australia who are at least employed and who are contributing towards the State's growth. Indeed, I believe that they are proud citizens of this State. At this time of the year when tomatoes become ripe growers are normally able to make somewhat greater profits than they can at other times of the year. Indeed, they look to this time leading up to Christmas as an important period when hopefully they can sell their products—hopefully they have products to sell—and so balance their budget, pay their bills and prepare for the forthcoming year.

What has happened this year? Whereas normally they do not have to worry about excess competition, this year the Minister has panicked. He has panicked because he believed that prices were going up too high. I will address this aspect later. It needs to be remembered that our growers are producing what we would call rich, red, juicy and certainly tasty tomatoes; tomatoes that South Australian housewives are happy to look for and eat, unlike some of the imported tomatoes, particularly imported Queensland tomatoes, which are relatively firm (one could even call them 'hard') and not tasty—

The Hon. Jennifer Cashmore: Pallid.

Mr MEIER: Yes. One grower told me that a housewife approached him a week or two ago and said, 'What is wrong with your tomatoes this year? They are just tasteless?' He looked at her tomatoes and said, 'They are not ours, they are imported: our tomatoes have real taste.' We have a very good product. The tragedy is that the Minister reacted in a panic situation, because he believed that tomatoes were in short supply.

I was interested to learn that on Monday of last week—just over a week ago—people were paying between $15 to $20 for a 10 kilogram carton of tomatoes. At that stage wholesalers were expecting the Minister (Mr Mayes) to allow Queensland tomatoes into South Australia, but on Tuesday last week they were told that the Minister would not make the expected statement and on the following day tomato prices jumped to $35 a carton.

It is strange that such a price increase should occur virtually overnight without any explanation other than the fact that the Minister had not made an announcement then and that the wholesalers decided that they would see that prices went up. In fact, the basis of the information given in today's *Advertiser* is that some of the pressure on the Minister came from wholesalers themselves. Whether others are involved, I cannot comment, but it seems that wholesalers want to maximise their profits, and one cannot deny them that right.

However, the reaction of the Minister to allow Queensland tomatoes into South Australia is worrying because of several factors. First, it appears that there is no guarantee that fruit-fly will not be brought into this State. These imported tomatoes are dipped in the solution dimethoate. Dimethoate simply attaches itself to the tomato skin. If the larvae is already in the tomato, it is too late—too bad—because the fruit-fly will continue to grow and after a period (I think, 10 to 14 days) dimethoate no longer has any effect, certainly not on humans, according to some tests, and fruit-fly could be well established in South Australia and could escape. We know what damage that could do not only to our tomato crops but to many other fruit crops in this State, a State which is thankfully still officially fruit-fly free. That is the first problem.

Certainly, dimethoate can have a positive effect on oranges, lemons, bananas and mangoes. For tomatoes, it is not only not effective against fruit-fly but the health aspect to human beings is a great worry because the dimethoate can be eaten off the skin to which it is attached. Tests at Haberfield, a Sydney suburb, and by a local scientist, Dr Warwick Raymont, indicate serious negative effects of dimethoate. For a start, the Sydney tests were quoted in *Choice* and indicated that dimethoate is a suspected carcinogen (cancer causing agent) that has produced reproductive abnormalities in animals. In fact, Dr Raymont said it caused tumors to grow in laboratory rats and mice.

Dr Raymont also said that he would tell any pregnant woman that in no circumstances should she be advised to eat tomatoes dipped in dimethoate, because it could lead to birth deformities. That is a very worrying statement indeed. In fact, when I spoke with Dr Raymont and asked his reaction to tomatoes dipped in dimethoate coming into South Australia, he said, 'I will certainly not be eating tomatoes for the time that they are allowed to come into this State.' Yet the Minister in his wisdom has decided to let dimethoate dipped tomatoes to enter South Australia.

Also, we have the clear emotional trauma facing growers themselves. It will result in a drop in income for them. Indeed, in today's paper members can see that they are so frustrated that they are even prepared to let their fruit go for nothing, as a result of the Minister's action. I believe that tomato growers are the true Aussie battlers of today, yet they are being kicked in the teeth by this Labor Government, particularly by the Minister of Agriculture. We

have seen their reaction. They have met on several occasions. They met last night and I believe that they have also seen the Minister and will be seeing him again. Therefore, I implore the Minister to reverse his decision. Whilst he acknowledges it is only for one month, he should make it for less than one week.

Mr GREGORY (Florey): Tonight I want to address a problem that has occurred in the area of the Corporation of the City of Enfield where I believe the corporation has shown a decided lack of courage in enforcing the Local Government Act. I refer to the actions of one of its members, Mr Bryan Stokes, who denies owning the motor vehicle that was registered RZN961. A seller's form has been placed with the Registrar of Motor Vehicles which indicates that that car was sold and transferred to the name of Bryan Stokes, 190 Hampstead Road, Clearview. I have spoken to the son of a person who used to own that motor vehicle and his wife advised me that they delivered the motor vehicle to Bryan Stokes and he did take delivery of it.

On 14 July 1987 there was a question on notice in the Corporation of the City of Enfield minutes; a councillor asked a question regarding the sighting of this motor vehicle outside the Northfield High School on Hampstead Road, Hampstead. When it was moved that the statement dated 14 July 1987 read to the Council concerning the parking of motor vehicles in a restricted parking area on Hampstead Road, Northfield, be recorded in the minutes, the motion was lost. Stokes is recorded as having voted against that resolution. It begins the saga; Stokes has continued to be involved in voting either for or against resolutions in respect of this matter.

It is my considered opinion that these actions are in breach of the Local Government Act for which severe penalties are provided and, if convicted, he could be barred from standing for local government office for seven years. Again, on 28 July a further question was asked regarding the parking of this particular motor vehicle in a limited standing zone and the answer to the question states:

(a) All tickets issued to date have been placed on the offending vehicle at the time of the offence and any reminder notices, where appropriate, have been forwarded to Mr Bryan Stokes, 190 Hamstead Road, Clearview.

(b) For the period 14 July 1987 to 20 July 1987, one vehicle parking ticket has been issued to the above vehicle.

If anybody was familiar with this vehicle they would know that the damn thing was never moved, except in the morning when it was placed there and in the evening when it was put back into the Stokes property. It illustrates that council officers themselves were not too keen on enforcing the infringements against the parking by-laws that the council had in place at the time.

In an article in the Messenger *Standard* which covers that area Stokes is reported as saying in respect of the councillor who raised this matter that he should really learn to let sleeping dogs lie, because they sometimes bite. I wonder whether Stokes was threatening the councillor who raised this issue, because people had approached this councillor regarding what they considered to be blatant infringements of the parking regulations and by-laws of the Corporation of the City of Enfield. At a meeting of the council on 28 July 1987 the following motion was moved:

. . . that in respect of the illegal parking of vehicle no. RZM 961 on Hampstead Road, Northfield, adjacent to the Northfield High School, that 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.

That motion was seconded and carried on the casting vote of the Mayor. A call was made for a division and Stokes was recorded as having voted against it. My opinion is that, if this resolution had been put into effect, Stokes would have suffered a pecuniary detriment and he was in the council when this was debated. Further, he actually voted against it.

At a meeting of the council on 11 August 1987 there was a report to the council meeting and I think it is important that I read this out in detail. The report states:

Council at its meeting held 28 July 1987 resolved that in respect to the illegally parked motor vehicle, registered number RZM 961, council's officers no longer issue parking infringement expiation notices but that the offences under the Local Government Act traffic regulations be recorded in such a manner so as to enable council to institute legal proceedings forthwith.

The vehicle in question has been kept under notice by council's traffic inspector and offences under the parking regulations have been noted on the following occasions:

Wednesday 29 July 1987. Offences were recorded at 10.30 a.m., 11.40 a.m., 12.50 p.m, 2 p.m., 3.10 p.m. and 4.25 p.m.

Thursday 30 July 1987. Offences were recorded at 10.28 a.m., 12.40 p.m., 1.55 p.m., 3.20 p.m. and 4.31 p.m.

Friday 31 July 1987. Offences were recorded at 11.46 a.m., 12.58 p.m., 2.24 p.m, 3.36 p.m. and 4.50 p.m.

Monday 3 August 1987. Offences were recorded at 10.25 a.m., 11.38 a.m., 12.55 p.m., 2.06 p.m., 3.15 p.m., and 4.38 p.m.

Tuesday 4 August 1987. Offences were recorded at 11.52 a.m., 1.37 p.m., 2.47 p.m., and 4.02 p.m.,

According to an official 'extract from entry in the Register of Motor Vehicles' issued on 6 August 1987 by the Registrar of Motor Vehicles the vehicle in question is owned by: Jack D. Carmen, Main Road, P.O. Box 4, Moorook, S.A. 5332.

That was referred to the council which subsequently decided not to prosecute this matter but, rather, to seek a written undertaking from Mr Stokes stating that the vehicle would not be returned to the location in breach of the council's Local Government Act parking regulations. The motion further states:

. . . 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.

Following a call for a division on this matter, Stokes was recorded as having voted in favour of that resolution and later on he wrote to the council and offered not to put his car there any more.

As I said earlier, an extract stated that that vehicle had been sold to Stokes. Jack D. Carmen is on the electoral roll of the subdivision of Chaffey as No. 2268 and, as I said, his daughter-in-law said that they had delivered the motor vehicle there. At a subsequent meeting the council decided not to pursue with the Minister of Local Government this matter of conflict of interest. It is not as though Stokes does not understand anything about infringements of traffic by-laws, because he is recorded as having voted in June for the prosecution of certain people who failed to pay their traffic infringement expiation notices.

I now refer to a blatant act of unfairness by this council in the pursuit of councillor Binka, who, it seems to think, might have infringed the pecuniary interest section of the Local Government Act, but it has refused to prosecute Stokes when there would be obvious pecuniary detriment to him if he were prosecuted. If Stokes was prosecuted, or if parking infringement notices had been placed on the motor vehicle as the offences were recorded in that particular time between 29 July and the date in August, Stokes would have been up for a few dollars and he would have suffered a pecuniary detriment as described in the Act. He would have suffered a further penalty, if convicted, of not being able to seek office in local government for seven years. Yet if members read the Messenger *Standard* they will see that the elected council officers have actually actively pursued the prosecution of Binka with the Minister of Local Government. Contrast this with the lack of endeavour in

respect of Stokes. I think that this is a gross dereliction of duty on the part of certain officers of the Corporation of the City of Enfield.

The Hon. JENNIFER CASHMORE (Coles): I raise two matters relating to tourism. The first relates to the City of Adelaide Tourism Study which was released today at the Adelaide College of Technical and Further Education. This tourism study is a major project which was undertaken by final year students at the college who are undertaking the Diploma of Tourism. It highlights the impacting value of tourism to the City of Adelaide. I congratulate the college and the graduating students on the quality of the presentation, on the customary standard of hospitality which they extended to their guests and on their initiative in undertaking a study that is more than just an academic exercise: it will have real value for the tourism industry. The study represents the culmination of the final year of study and it draws on the knowledge and experience gained during the three years of the diploma, particularly in the areas of tourism, marketing and business management.

Needless to say, the most interesting part of the study is the summary and recommendations. The first recommendation is that a management and marketing structure for the city of Adelaide should be established. I think that it is something of an indictment of the industry, and certainly of the State Government, that it takes a group of young students to make a recommendation of this kind, in the light of some years of neglect of any real activity by the Government to try to achieve this aim. At the moment there are at least seven organisations promoting the city of Adelaide, each of them in a different way, which is sometimes conflicting. In fact, the study itself says that, in respect of image, the city of Adelaide is floundering under a variety of promotional images which must be confusing to the potential visitor. Quantitative research shows that with conflicting images Adelaide might not fulfil all the needs of a holiday and so, in a discerning market, it could be perceived as a potential risk destination.

The following organisations are each funded by the State Government to a certain degree: the South Australian Tourism Industry Council, the Adelaide Convention and Visitors Bureau, the Adelaide Convention Centre, the Adelaide City Council itself, 'SA Great', the Adelaide Region of the South Australian Association of Regional Tourism Organisations, and the Casino. To that list, of course, must be added the major hotels, the Hilton, the Hyatt and the Gateway, as well as the other smaller hotels that also conduct interstate campaigns. In addition to the hotels, there are other operators. So, in the field of promoting Adelaide is a whole variety of organisations, each with its own message, sometimes conflicting at that. Also, in terms of bodies that are promoting Adelaide, I should mention the Grand Prix Board.

It is time—in fact it is well past time—that these groups got together, and I believe that the Government has an obligation, and a very influential role to play in relation to this, to ensure that this occurs to provide that we sell Adelaide with a single, coherent, convincing and effective marketing message. At the moment, as the study says, we have a marketing message which embodies a whole series of images. The City of Churches is one, 'Adelaide Alive', in promoting the Grand Prix, is another. Further, there is the Festival City and, of course, the Festival of Arts Promotes Adelaide, and there is the 'Enjoy' image. They are four relatively well-known images, and just in calling them to mind I have introduced two more organisations that promote Adelaide. So, it is clear that it is time that something was done. The Minister of Tourism has ducked the issue fairly consistently. It has been part of the recommendations of the South Australian tourism plan for some years now. It was part of the recommendations of the reorganisation of the Department of Tourism; it involved a recognition that there is a proliferation of bodies and that it is about time something was done to overcome this lack.

I believe that the student coordinators of this project should be congratulated and their names noted. They are: Loretta Martin, Robert Di Ciocco and Sara White. They and their student colleagues have, I believe, thrown out a challenge to the industry, and I think perhaps it is only reasonable for the personal and professional development of the students that the industry should throw out a challenge to the students. The students have said why things should be done; they have not gone the second step in their project to say how things should be done. I believe that is up to the industry to meet with the students and to embark on discussions of this nature.

The second issue that I want to raise concerns the Maritime Museum, which is an enormous asset to South Australia and, of course, is particularly significant to Port Adelaide. In fact, I would say that perhaps it is the pivotal point around which the special tourist attractions of Port Adelaide revolve, and it is certainly a highlight in the heritage precinct of Port Adelaide.

The Hon. D.C. Wotton: Which the previous Liberal Government established.

The Hon. JENNIFER CASHMORE: Yes, and for which the member for Heysen, the former Minister for Environment and Planning, must be given credit. I also give credit to the former member for Port Adelaide and his successor for their consistent efforts in this House in encouraging their colleagues to realise the importance of Port Adelaide as a tourism destination. However, they do not seem to have had much success in convincing their Leader, the Premier, Treasurer and Minister for the Arts, who is responsible for the Maritime Museum, to come to grips with certain basic necessities of that museum. These include opening hours and signage.

Everyone knows that the Tall Ships arrive at Port Adelaide from 22 to 26 December for the bicentennial festivities. Thousands of visitors will go to Port Adelaide, many for the first time for years and some for the first time ever. When people try to find the Maritime Museum—and this is the case right now and has been for the past year—they are met with no information or signage whatsoever to help them. It is absolutely urgent that appropriate signage outside Port Adelaide as well as within Port Adelaide be established so that the Maritime Museum can be readily found by visitors. It is not uncommon for people arriving at the museum to have spent a frustrating hour in search of it and on Thursdays and Fridays to find it closed. So limited is the publicity for this museum that the opening hours are not widely advertised and, of course, the signage is nonexistent.

The Adelaide tourist region has identified the need for major directional signs outside Port Adelaide on Grand Junction Road, on Jenkins Bridge, on Tapleys Hill Road, and at railway bridge on Commercial Road, Port Adelaide. Within the precinct there is a requirement for smaller directional signs that are in keeping with the heritage area. These should have been installed when the museum was opened, which is now more than a year ago. I repeat that it is an indictment of the Premier in failing to take action. It is essential that action be taken as a matter of urgency. If the Government does not act well before the Tall Ships arrive it will find that there will be possibly tens of thousands of disgruntled visitors.

Motion carried.

At 10.9 p.m. the House adjourned until Wednesday 25 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 24 November 1987

QUESTIONS ON NOTICE

STAFFING LEVELS

67. **Mr OLSEN** (on notice) asked the Premier: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of the Premier and Cabinet; Office of the Government Management Board; Treasury Department; State Government Financing Authority; and Department for the Arts.

The Hon. J.C. BANNON: The reply is as follows:

Department	Number of contract employees as at 30 June		
	1985	1986	1987
Premier and Cabinet	26	31	24
Government Management Board	—	—	—
Treasury	—	—	1
State Government Financeing Authority	—	—	—
Arts	1	3	5
Environment and Planning	2	48 (Includes 46 Fee for Services Contractors)	19 (Includes 16 Fee for Services Contractors)
Auditor-General's	—	—	—
Police	—	—	—
SAMFS	1	1	2
E&WS	2	2	2
Attorney-General's	—	2 (Includes 1 Fee for Services Contractor)	2 (Includes 1 Fee for Services Contractor)
Court Services	—	—	—
Electoral	—	—	—
Public and Consumer Affaris	—	—	—
Corporate Affairs Commission	—	—	—
Lands	9 (Includes 7 Fee for Services Contractors)	9 (Includes 7 Fee for Services Contractors)	9 (Includes 7 Fee for Services Contractors)
Woods and Forests	—	—	—
Marine and Harbors	1	1	—
Health Commission	Not available	32	13
Community Welfare	3	3	3
State Development	2	3	5
Ministry of Technology	—	—	—
TAFE	2	2	2
Employment and Training	—	—	5
Transport	1	1	1
Highways	—	—	—
State Transport Authority	12	20	12
Services and Supply	8 (All Fee for Services Contractors)	17 (Includes 15 Fee for Services Contractors)	13 (Includes 11 Fee for Services Contractors)
Mines and Energy	4	4	4
Electricity Trust of South Australia	7	16	4
Pipelines Authority of South Australia	—	1	1
Education	2	4	5
Aboriginal Affairs	—	—	—
Children's Services Office	Not available	215	196
Housing and Construction	1	1	1
South Australian Housing Trust	1	3	3
Labour	1	4	4
Personnel and Industrial Relations	—	—	—
Correctional Services	—	—	—
Tourism	11 (Includes 7 employed on the ASER Project by Ministerial Authority)	13 (Includes 8 employed on the ASER project by Ministerial Authority)	14 (Includes 8 employed on the ASER project by Ministerial Authority)
Local Government	—	—	1
Agriculture	2	4	5
Fisheries	—	—	1
Recreation and Sport	1	1	—

Note: Although Fee for Services Contractors are not strictly employees, as they provide specified services for a fixed fee rather than service under an employment contract, they have been included where the extent of their use is similar to that of an employee.

68. **Mr OLSEN** (on notice) asked the Deputy Premier: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Environment and Planning; Auditor-General's Department; Police Department; South Australian Metropolitan Fire Service; and Engineering and Water Supply Department.

The Hon. D.J. HOPGOOD: [Refer reply to question No. 67.]

69. **Mr OLSEN** (on notice) asked the Minister of Education, representing the Attorney-General: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Attorney-General's Department; Court Services Department; Electoral Department; Department of Public and Consumer Affairs; and Department of the Corporate Affairs Commission.

The Hon. G.J. CRAFTER: [Refer reply to question No. 67.]

70. **Mr OLSEN** (on notice) asked the Minister of Lands: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Lands; Woods and Forests Department; and Department of Marine and Harbors.

The Hon. R.K. ABBOTT: [Refer reply to question No. 67.]

71. **Mr OLSEN** (on notice) asked the Minister of Transport representing the Minister of Health: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following department: Health Commission; Department for Community Welfare.

The Hon. G.F. KENEALLY: [Refer reply to question No. 67.]

72. **Mr OLSEN** (on notice) asked the Minister of State Development: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of State Development; Office of the Ministry of Technology; Department of Technical and Further Education; and Office of Employment and Training.

The Hon. LYNN ARNOLD: [Refer reply to question No. 67.]

73. **Mr OLSEN** (on notice) asked the Minister of Transport: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Transport; Highways Department; State Transport Authority; and Department of Services and Supply.

The Hon G.F. KENEALLY: [Refer reply to question No. 67.]

74. **Mr OLSEN** (on notice) asked the Minister of Mines and Energy: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Mines and Energy; Electricity Trust of South Australia; and Pipelines Authority of South Australia.

The Hon. R.G. PAYNE: [Refer reply to question No. 67.]

75. **Mr OLSEN** (on notice) asked the Minister of Education: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Education Department; Office of Aboriginal Affairs and Children's Services Office.

The Hon. G.J. CRAFTER: [Refer reply to question No. 67.]

76. **Mr OLSEN** (on notice) asked the Minister of Housing and Construction: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Housing and Construction and South Australian Housing Trust:

The Hon. T.H. HEMMINGS: [Refer reply to question No. 67.]

77. **Mr OLSEN** (on notice) asked the Minister of Labour: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Labour; Department of Personnel and Industrial Relations; and Department of Correctional Services.

The Hon. FRANK BLEVINS: [Refer reply to question No. 67.]

78. **Mr OLSEN** (on notice) asked the Minister of Transport representing the Minister of Tourism: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Tourism and Department of Local Government.

The Hon. G.F. KENEALLY: [Refer reply to question No. 67.]

79. **Mr OLSEN** (on notice) asked the Minister of Agriculture: How many people were employed under contract at 30 June 1985, 1986 and 1987 in the following departments: Department of Agriculture; Department of Fisheries; and Department of Recreation and Sport.

The Hon. M.K. MAYES: [Refer reply to question No. 67.]

SACAE

221. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education:

1. Has a PABX system been introduced at SACAE which can monitor calls and, if so, was the system installed and intended to monitor calls made and received by all staff?

2. What was the cost of installation of the PABX system and what is its annual rental?

3. How many operating telephone extensions are there on the system?

The Hon. LYNN ARNOLD: The replies are as follows:

1. Monitoring of individual telephone extensions will not be implemented initially principally through concerns for the privacy of staff. Officers of the college advise that consideration of the introduction of this technology was a major concern of a New South Wales Government Privacy Committee. Furthermore, the college judged that its industrial situation where significant staffing cuts are envisaged, is sufficiently uncertain as to warrant not introducing individual monitoring at this stage. The staff associations have been advised that it will not be introduced for the next 12 months. The college will, however, be monitoring telephone calls on a group basis. Furthermore, the introduction of tie-lines between sites will result in significant savings in local calls.

2. Cost of purchase and installation of equipment is $345 972, with the annual rental of tie-lines between sites being $96 141.

3. 1 420 extensions, across five sites.

233. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: What was the official student capacity for each SACAE campus and what were the actual enrolments at the completion of each term, for each of the past three years?

The Hon. LYNN ARNOLD: I refer to two separate sets of tables, as follows (actual tables too detailed for inclusion in *Hansard*):

1. Extracts from SACAE's 1987 Statistics Handbook (an annual publication).

2. Cross-tabulation analysis of 1985-87 Unit Enrolments by Site.

Explanatory notes are as follow:

Extracts from 1987 SACAE Statistics Handbook

(a) Table 2.3 details the approved CTEC envelope for 1984-87. The CTEC envelope is in EFTS—

Equivalent Full-time Students. Table 2.3 can be compared with Table 5.2 which shows the EFTS enrolments by campus for the years 1984-87.

(b) Table 5.1 shows the total SACAE enrolments in persons for the years 1984-87 by campus. As this table reveals, at least 25 per cent of SACAE students are enrolled as external students. If student capacity is understood to refer to physical facilities available for students on each campus, then this part of question 233 is partially irrelevant.

(c) It must be emphasised that the enrolment figures provided in the Statistics Handbook are for 30 April of each year. These are COMSTATS figures which SACAE is legally required to provide to CTEC.

Cross-tabulation analysis of unit enrolments for 1985-87

(a) Term code reveals the variety of SACAE terms:

- 1-32 = Terms
- M1, M2 = External
- N1-N4 = Nursing Terms
- R1-R3 = External Registration
- V1-V4 = Vacations Courses
- W1-W3 = Workshops
- Y-Y4 = Year Long Unit

N.B. By 1987, the term variations were fewer.

(b) It must be strongly emphasised that these cross-tabulations are for unit enrolments, and for students enrolled for more than one unit. Therefore, these figures cannot be compared with the person or EFTS enrolment figures from the Statistics Handbook.

(c) Statistics from the handbook refer to enrolments in courses for the whole year. Cross-tabulations are for unit enrolments, since only units can run during a term.

Classroom facilities at all sites are used near to maximum capacity at each campus 9.00 a.m.-5.00 p.m. In addition, classes are scheduled on all sites except Salisbury in the period 5.30 p.m.-9.00 p.m. Monday-Thursday. The advent of the nursing program at Salisbury will increase demand for suitable classrooms and a consequent expansion of the academic timetable at that site might therefore be anticipated. In this regard it should be noted that in assessing the space needs associated with the nursing transfer the Tertiary Education Authority of South Australia assumed evening teaching whether or not the institutions/sites had that practice (this would result in the need, ultimately, for night teaching to be adopted).

In addition, increases in Commonwealth funded places will place further demands on facilities at all sites.

238. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education:

1. How many Government funded trips has the present Principal of SACAE made during the past two years and what was the destination, purpose and cost of each trip?

2. Did any of the trips involve a personal or private element and, if so, has the SACAE been reimbursed to the extent of private benefit involved and, if so, to what amount in each case?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The Principal of the SACAE travelled interstate on 13 occasions over the past two years funded by the SACAE. In addition, as a member of the National Energy and Research Development Commission his travel costs to nine meetings were funded by that body. Details are set out below:

Expenditure—Principal's Travel—1986

Total Interstate Travel	10		
Funded by NERDEC		4	
Funded by SACAE		6	@$2 281.50
	10	10	

Date	Place	Accommodation/ Taxis Expenses Reimbursed $
16 January	Canberra—Commonwealth Tertiary Education Commission (CTEC)	
14 February	Melbourne—Meeting Victoria College, Dr Sheehan, Dr Campbell	21.00
18 February	Canberra—Consultation CTEC	17.00
4 March	Canberra—Australian Committee of Directors and Principals (ACDP)	170.20
9 April	Canberra—Meeting National Energy Research Development Commission (NERDEC)	
18 June	Canberra—Meeting NERDEC	
11 July	Melbourne-Brisbane-Canberra (ACDP)	64.35
14-15 July	Meeting/personal (paid $253.66 to Dr Segall)	
21 August	Canberra—Meeting CTEC	32.50
14 September	Canberra—Meeting NERDEC	
7 November	Canberra—Meeting NERDEC	
	Total	$305.05

Expenditure—Principal's Travel—1987

Total Interstate Travel	12		
Funded by NERDEC		5	
Funded by SACAE		7	@$2 384.50
	12	12	

Date	Place	Accommodation/ Taxis Expenses Reimbursed $
16 January	Canberra—Meeting NERDEC	
4 March	Melbourne—Special Meeting ACDP	
12-13 March	Canberra—Meeting ACDP	88.50
20 March	Canberra—Meeting NERDEC	
26 March	Melbourne—Conference 'Improving Teacher Education'	23.70
7 May	Melbourne—Meeting ACDP	
29 May	Sydney—Conference 'Management Planning and Strategies'	61.50

Date	Place	Accommodation/ Taxis Expenses Reimbursed $
18 June	Sydney—Meeting NERDEC	
1 July	Sydney—Meeting ACDP	181.50
28 July	Canberra—Meeting NERDEC	
20 August	Melbourne—Meeting ACDP	
4 September	Canberra—Meeting NERDEC	
		Total
		$355.20

Dr Segall returned from China subsequent to the preparation of the answer to this question. He travelled on 8-28 September accompanied by Dr Greg O'Leary, a recognised and respected sinologist. Costs were:

	$
Air fares and accommodation	4 450
Visas	169
Related expenses	2 269
	$6 888

2. On one occasion, 14-15 July 1986, part of the Principal's interstate travel was for personal purposes. Reimbursement of $253.66, being the cost incurred, was made.

247. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education:

1. How many SACAE staff operate consultancies and how many staff use college time and/or facilities to do so?

2. What recompense, if any, has the college received for such use its resources this year and in each of the past two years?

The Hon. LYNN ARNOLD: The replies are as follows:

1. University practice may be different (more restrictive) than is apparently the case at the college. This may well be the case but if so reflects the fact that autonomous institutions will naturally adopt different managerial practices in a range of areas as a result of their differing histories, negotiations with unions and organisational culture. However, I appreciate that this may well be a matter of concern in a climate requiring increased productivity and public accountability from tertiary institutions. Currently two consultancies at Salisbury Campus are established and approved by the Principal within the terms of Clause 4.3 of College Policy S-9-1 private practice which refers to private work related to the area of competence where college premises or other resources are required.

The policy does not make it mandatory for staff members to notify the college for private consultancies where it is outside the work for which the person is employed and where neither the college name nor the use of college facilities are required. A large percentage of college staff are involved in what could be legitimately called unpaid 'consultancy' work, that is, they are members of Education Department Curriculum Committees, they provide free advice to schools and professional bodies on a range of matters. Such work is considered part of their college duties as professional academics.

2. No recompense has been received by the college from the established consultancies at Salisbury as the only facilities/resources used have been limited to use of office space from time to time.

249. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: How much money has been spent by SACAE since 1 January 1982 on refurbishing offices at Kintore Avenue and for which officers and when in each case?

The Hon. LYNN ARNOLD: The South Australian College of Advanced Education has expended $179 588 in refurbishing offices at Kintore Avenue since 1 January 1982.

The bulk of this amount was expended in establishing central administrative units, such as:

Conversion of classroom space on 1st, 2nd and 3rd floors of the Schulz Building and chemistry laboratory in Hartley Building to provide accommodation for Academic, Finance, Administration and Staffing Secretariats and Computing Room:

	$
Mechanical	8 352
Carpentry	122 861
Electrical	8 713
Floor Finisher	1 975
Removal Expenses	4 000
Appearance Fees	187
	$146 088

There was additional work at Magill as a result of the need to relocate the School of Business. This involved the conversion of classrooms, library, the old Council room to computer rooms, the conversion of teaching space to office space and the alteration of teaching space to a specialised typing room:

	$
Carpentry	15 559
Furniture	8 778
Floor Finisher	2 781
Telephones	2 500
Electrical	3 632
Council Fees	250
	$33 500
Total	($179 588)

DEPARTMENTAL LOSSES

254. **Mr BECKER** (on notice) asked the Premier:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under the Minister's control for the years ended 30 June 1986 and 1987?

2. What value of goods, and which, were recovered during each period?

3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?

4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

The Hon. J.C. BANNON. The replies are as follows:

1985-86

1. The total amount of all items of stock lost, stolen or missing from departments and authorities under my control for this period was $2 007 420. (This includes $2m, worth of art works from Carrick Hill).

2. Goods to the value of $2 005 756 were recovered (including the Carrick Hill Art works).

3. Yes.

4. $377 in cash/cheques was lost or stolen during this period.

1986-87

1. The total amount of all items of stock lost, stolen or missing from departments and authorities under my control for this period was $2 591.

2. Goods to the value of $614 were recovered.
3. Yes.
4. $3 583 in cash/cheques was lost or stolen during this period.

Note: The information provided above excludes the following authorities under my control:
—State Government Insurance Commission.
—State Bank.
—S.A. Lotteries Commission.
—Casino Supervisory Authority.

The information requested relating to these authorities is not readily available from a central source.

255. **Mr BECKER** (on notice) asked the Deputy Premier:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under the Minister's control for the years ended 30 June 1986 and 1987?
2. What value of goods, and which, were recovered during each period?
3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?
4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

The Hon. D.J. HOPGOOD: The replies are as follows:

Department of Environment and Planning:

1. 1985-86—$2 105
   1986-87—$3 190
2. Nil.
3. On all occasions when a loss or theft has been reported by the responsible officer, that officer is required to give all known details surrounding such loss or theft and to ensure that security and accountability is of a reasonable standard.
4. $20 cash.

Engineering and Water Supply Department:

1. 1985-86—$33 247
   1986-87—$48 652
2. 1985-86—tools and equipment to the value of $1 800.
   1986-87—miscellaneous goods to the value of $2 809.
3. It is considered that internal auditing and improved stock control methods have helped to reduce deficiencies and discourage thefts. However, in the case of thefts, these generally are the result of break-ins and therefore internal auditing and stock control do not really apply in these cases.
4. There was only one case of theft of cash or cheques during the 12 months to 30 June 1987. An employee stole 51 cheques worth a total value of $22 436.96. Those cheques were subsequently recovered.

South Australian Police Department:

1. 1985-86—$30 110
   1986-87—$22 485
2. 1985-86—Nil.
   1986-87—Megaphone and a radio transceiver worth $3 820.
3. Each loss is investigated; however, the nature of operational policing is such that it is difficult to overcome the problem, e.g. equipment stolen from police vehicles during arrest situations.

   Audit activities have been supplemented by the creation of a Policy Audit Section. The main objective of this section is to perform inspections and/or audits in all areas of the department with a view to eliminating improper practices.
4. 1985-86—Nil.
   1986-87—$100 cash.

South Australian Metropolitan Fire Service:

1. 1985-86—$5 252.33
   1986-87—$2 784.24
2. 1985-86—Portable radio worth $1 140.
   1986-87—Nil.
3. A high degree of stock control and security have assisted in minimising stock deficiencies.
4. 1985-86—Nil.
   1986-87—$20 cash.

Country Fire Services:

1. 1985-86—$661.
   1986-87—$1 849.
2. Nil.
3. The State Supply Board has been engaged to carry out a review of all aspects of the CFS Board's supply function with a view to upgrading.
4. Nil.

Auditor General's Department:

1. 1985-86—Nil.
   1986-87—Nil.
2. Not Applicable.
3. Not Applicable.
4. Nil.

AUDITOR-GENERAL'S REPORT

289. **Mr OLSEN** (on notice) asked the Premier: In relation to the revelation by the Auditor-General at page (i) of his 1987 report that he has raised with the Premier and Treasurer his concerns about 'the quality of information which has been provided in some instances to support proposals for the investment of funds in public sector programs or projects, and, a growing tendency for some public sector activities to become removed from parliamentary scrutiny', were these matters raised with the Premier and Treasurer in writing and, if so, will the Premier and Treasurer table all relevant correspondence, including his replies to the Auditor-General?

The Hon. J.C. BANNON: The Auditor-General has not specifically raised the matters mentioned as a separate issue. They have been mentioned in passing as part of correspondence on particular subjects. This includes reference in correspondence about the South Australian Timber Corporation. Due to the court proceedings underway on matters concerning their investments, it would not be appropriate to table the correspondence on this matter. On the second area of inquiry, namely 'a growing tendency for some public sector activities to become removed from parliamentary scrutiny', the Auditor-General has raised this matter in his past two annual reports, in specific written inquiry to the Under Treasurer in July 1987 and with me in early September 1987. With respect to the Auditor-General's correspondence, the matter is still under consideration.

COMMUNITY EMPLOYMENT PROGRAM

293. **Mr OLSEN** (on notice) asked the Minister of Employment and Further Education: Following the revelation by the Auditor-General on page 73 of his 1987 report that in July 1987 he reported to the Office of Employment and Training audit findings which disclosed in relation to Community Employment Program projects—

(a) absence or untimely reporting by sponsors on money expended, impaired accountability over funds advanced;
(b) the evaluation of projects and ongoing monitoring procedures, particularly for larger projects, needed to be improved to ensure projects were completed on time within funds provided; and
(c) lack of evidence to support the waiving of sponsor contributions,

will the Minister table the report to the Office by the Auditor-General and any response by the Government to the report?

The Hon. LYNN ARNOLD: CEP was conceived quite deliberately to provide employment to those in the community most disadvantaged with respect to employment. These included the long-term unemployed, women, Aboriginals, persons with disabilities and migrants with English language difficulties. Quite obviously, people from such groups were not the most skilled available and considerable time had to be devoted during the project to the development of useful work skills.

Again, as a matter of deliberate policy a wide range of community groups were encouraged to sponsor projects. In many cases, communtiy groups have no full-time staff and officers of the JCU had to devote considerable time and effort to ensure appropriate levels of management supervision were provided by sponsors. This was not a formal responsibility for JCU staff but one voluntarily adopted by them to ensure the integrity of the program. Patently, it was a role that needed a high level of tact and patience.

Further, many of the individuals involved in those community groups were unfamiliar with the very detailed nature of accountability for public moneys demanded by governments. On the other hand, sponsors have understandably demanded a high degree of freedom from centralised control, allowing them in their view to get on with the job in an unfettered and effective way. JCU staff have had the very sensitive job of balancing the demands of greater autonomy by sponsors with the fulfilment of the accountability requirements of governments. It is only on rare occasions that that balance has not been successfully struck.

Nonetheless, it is a fact that for South Australia, the majority of projects have come in on time and within budget so much so, that variations and legitimate cost increases have largely been met by savings from within the program. An examination of costs undertaken earlier this year showed that overall increases in project costs for the program were running below cpi levels.

At its inception in 1983, JCU the State's administration of CEP, was staffed by nine people. By the end of the 1986-87 financial year, this had risen to 17 and is already reduced by two.

Bearing all the above in mind, the following are the achievements of CEP from its inception to June 1987, which speak for themselves:

—providing employment of an average of 26 weeks to 9 676 persons.

—the amount of funds involved was $145 million—$102 million of program funds and $43 million of sponsor funds.

—1 859 projects have been approved.

The few projects to which the Auditor-General has drawn attention over the years need to be seen in the light of this background.

Please find attached report from Auditor-General and comments from the Office of Employment and Training.

To the Director
Office of Employment and Training

JOB CREATION UNIT
COMMUNITY EMPLOYMENT PROGRAM

An audit review of procedures and projects associated with the Community Employment Program (CEP) has recently been completed.

The audit findings were discussed with the executive officer, Job Creation Unit, and these, with suggested improvements, are included in the attached Appendix A for your information.

However, since the completion of the audit and the discussion on audit findings, a Federal Government decision has been made to no longer support the program. This announcement does have an effect on the audit concerns, in particular those relating to ensuring improved control over new projects. However, I have still included these concerns in this minute for consideration, as they may be relevant should a new employment scheme, similar to CEP, be introduced.

I believe you would also be aware of an 'Efficiency Audit Report' on CEP which was released by the Commonwealth Auditor-General last month. It should be noted that some of the concerns raised in that report support the audit findings detailed in Appendix A. Those of significant concern are:

Item 1—Accountability for advances;

Item 2—Project monitoring.

Your comments on the audit findings and on actions taken or proposed would be appreciated by 21 August 1987.

D.H. Round, Senior Auditor
14 July 1987

APPENDIX A
1986-87 Audit—CEP
Matters of Concern

1. *Accountability for advances*

It was noted that:

- 30 per cent of the sample of completed projects examined by audit were not supported by final claims/audited statements. At the time of preparing this minute, follow-up action has been taken on some of the projects. Those still requiring action are listed in Appendix B;
- a procedure had only recently been introduced to ensure that sponsors have adhered to reporting requirements;
- this procedure provides for the review of all projects since the inception of CEP;
- 1983-84 and 1984-85 projects have been reviewed and a review has commenced of the 1985-86 projects;
- the FOCUS subsidiary ledger system has been modified to monitor project completion requirements.

The findings revealed that there is currently not a complete record of evidence to account for advances and interest earnt on those advances.

Notwithstanding the aforementioned action being taken to provide accountability for advances it is recommended that senior management:

- monitor the progress and the results of the review of 'old' projects; and
- implement a follow-up procedure for 1986-87 projects to ensure final claims/audited statements are received within a reasonable time of expiration of the approved completion date.

2. *Monitoring of Projects*

2.1 *Approval and Progress*

The Commonwealth squarely places the responsibility for adequate financial management and control on the States administering the funds. Although the monitoring process has been the subject of previous audit reports, there was little evidence to suggest that detailed monitoring reviews were being performed with regard to:

- comparison of percentage of project completion to costs to date;
- the possibility of variations being required in the future;
- the completion of all phases of the project in accordance with the original project proposals; and
- project completion within approved time schedules.

It is acknowledged that for the 1986-87 approvals which are sponsored by Government departments, public authorities or school councils the monitoring has been partly addressed by ensuring that the Department of Housing and Construction is involved in the review of project proposals prior to commencement and also monitoring during the life of the project. However, little attempt appears to have been made to improve the monitoring of projects sponsored by community groups.

When considering the value of public funds injected into CEP ($15.9 million in 1986-87) it is essential that appropriate resources are devoted to the monitoring of all projects with thought being given to the four points summarised above.

2.2. *Outstanding Claims*

The CEP guidelines require sponsors to submit various claim details prior to receiving the second and subsequent advances. A register is maintained to ensure these conditions are met. A review of the register indicated that there were a number of projects which had not had their third and fourth advances paid due to non-compliance with the guidelines.

Although correspondence has been forwarded on a timely basis to the sponsors requesting the required documentation from them, it is felt that as a number of these have been outstanding in excess of 12 months, a more direct approach should be adopted to ascertain the current status of the project (i.e. phoning/direct visits), as there is the exposure that a number of these projects may have 'collapsed'.

Examples noted were:

Project	Advance due to be paid	Amount	Advances Paid to 30.4.87	Total Grant
		($)	($)	($)
CE629	July 1985 #3	3 693	7 388	12 312
CE850	Sept. 1985 #4	6 747	60 723	67 470
CS431	Oct. 1985 #4	18 310	159 631	183 108
CJ458	May 1986 #3	22 859	45 718	76 195

3. *Adequacy of the assessment when waiving the sponsor's contribution.*

Due to the small number of approvals in 1986-87 at the time of the audit, the majority of projects examined were those approved in 1985-86. Instances were noted where it was difficult to ascertain the level of assessment of the sponsor's ability to contribute, when a recommendation was made to waiver the contribution, from the levels established by the CEP guidelines, e.g. the assessments were not supported by financial statements, bank account details or funding sources.

Examples noted included:

Project	Sponsor	Grant	Sponsor Contribution	
		$	$	%
CE1001	Assemblies of God	85 312	7 072	8
CE1287	Dutch Community Inc	294 118	9 680	3

It is considered more relevant information should support assessments where all or part of the sponsor's contribution is to be waived.

APPENDIX B

1986-87 Audit—CEP

Accountability for Advances

The following list represents those projects noted by audit which were not supported by the required documentation and were not evidenced as being followed up.

Project	Project Advances at Time of Review $	Comments
CJ467	360 000	—4th claim received 21.11.86—audit certificate yet to be received.
CL546	305 232	—last claim received 12.8.86.
CE1034	173 419	—3rd claim received 29.9.86—no correspondence since.
CE719	130 866	variation requested November 1986—not approved; no correspondence since. Audit certificate not received.
CE400	115 640	—supporting documentation received October 1985; claim forms yet to be received.
CE956	111 953	—audit certificate yet to be received; final claim received 8.4.86.
CE457	45 017	—final advance forwarded 22.1.86; no correspondence since.

TO THE AUDITOR-GENERAL:

1. In your report to me as a result of the audit undertaken on the Job Creation Unit you raised a number of issues of concern to you. Below I give you my response in detail. I would, however, wish to make the general response that the administration of the Community Employment Program has been made as effective as is possible bearing in mind the very considerable staffing constraints under which the Job Creation Unit has had to operate. As well, the CEP Secretariat is a joint operation with the Commonwealth and some of its actions impinge adversely on the operation of the JCU. This is not to say that inadequacies may have occurred but in most instances these had already been noted and corrective action had been initiated. Your report notes this. I now turn to your detailed observations.

2. *Accountability for Advances*

That there were some inadequacies in the accountability for advances is acknowledged. Indeed, that realisation had occurred prior to the commencement of your audit as is noted in your report. Some of the reasons for inadequacies are:

- Lack of staff available to carry out the degree of persistence and follow-up with sponsors to ensure this is effectively done. In previous years your reports have noted the problems flowing from the limitation in staff numbers.
- A significantly increased workload upon State Secretariat officers to accommodate a change to the financial data base by the Commonwealth without any communication to the State Secretariat. This took some months to achieve.
- Most importantly, the advance system imposed by the Commonwealth on the program permits final advances to be made before final documentation is received. Once sponsors have received their total grant, it is extremely difficult to ensure compliance with JCU and program requirements. During the last year, in order to bring home forcibly to sponsors the vital importance of final documentation, a procedure has been adopted with the more dilatory, of threatening legal action or, in respect of Government departments, reporting the matter to yourself. These actions have improved the situation.

As I have noted above, the review you suggested is already in place. Those individual projects listed in your Appendix B have been attended to.

3. *Project Monitoring*

In bringing to my attention your concerns on the adequacy of project monitoring, you raised four issues which I now address.

- *Comparison of percentage of project completion to costs to date.*

With some projects this is possible (i.e. the smaller white collar variety) but not particularly important as there is very little likelihood of cost escalation other than national wage increases. With the larger projects of a construction/renovation nature or landscaping, it is also possible but would require a vast increase in staff resources. It would require at the least, a very sophisticated system of work scheduling and a very detailed breakdown of cost centres (estimates against actual cost and committals).

There have been a number of projects where conditions of grant have been imposed recently on sponsors to provide such information linked to regular site meetings. It has required considerable use of staff resources and has not been particularly successful in containing applications for grant increases.

- *The possibility of variations being required in the future.*

Each grant is accompanied by a set of conditions: some general, some particular to the project in question. These general conditions make reference to what must be done should cost increases occur. This information must, as a matter of prudence and good administration, be given to sponsors. But, in so doing, each sponsor is made aware that variations can be made. To ensure that the tighest control is placed upon variations, a two component strategy is used:

—No percentage 'on cost' is provided in the grant for such matters as workforce productivity, inclement weather, paid sick leave, cpi, increases in material charges (many of which may be said to be inevitable). To gain an increase in funds a formal claim has to be made and it has to be shown that savings cannot be made elsewhere.

—Secondly, no consideration for variation is undertaken until toward the close of the project when final cost estimates are more reliable.

The effect of these two practices is to ensure that variations are kept to a practical minimum.

- *The completion of all phases of the project in accordance with the original project proposal.*

There are some standard methods used here. For example:

(1) Photographic records are kept.

(2) Where the project is research based, copies of the reports produced are standard conditions of grant.

It must be understood that there is not, and never has been, a requirement that project scope be approved (i.e. each specific component of a project be described and formally approved).

What does occur is a detailed budget of approved project budgets forming part of the approval advice. This has been in place for 1986-87 and is an expansion on the process adopted earlier in the program. Where items detailed in applications are disallowed in the assessment process, these are formally deleted in the approval process.

It must be also understood that, as part of the cost variation process, it is not unusual for scope of works to be varied by sponsors (i.e. items are excluded) to reduce cost escalations. In fact this is permitted in areas other than wages components and alteration to wage/non-wage ratios. The reverse sometimes occurs (again sponsor generated).

To ensure all such variations are documented as they occur throughout the life of each project would again require a significant increase in staff resources.

- *Project completion within approved time schedules.*

The only time schedule that requires formal approval for projects is an extension beyond 52 weeks. This has always been the position in South Australia and agreed to by the Commonwealth. It is a local arrangement.

4. *Outstanding Claims*

The more direct approach you suggested (phoning/direct visits) had been adopted some time prior to your report. However, as pointed out earlier, it is a long, slow process.

All of the examples noted were known at the time and action taken prior to the Auditor's report. One project (CE629) is financially complete. Two projects (CJ458 and CS431) are the subject of incorrect audit certificates which have been returned for review. The last project (CE850) had action taken prior to audit to engage chartered accountants to reconstruct records.

5. *Adequacy of the assessment when waiving the sponsor's contribution.*

It has been a standard practice for an extended period to obtain a copy of the last audited financial statement, certificate of incorporation and constitution from all project sponsors and is a checklist item on assessment forms.

In the two instances quoted the checklist item was not completed. Both assessments were completed by the same Commonwealth officer and both had statements relating to the sponsor's ability to contribute the mandatory 10 per cent cash.

In respect of project number CE1001:

> 'The landscaping project represents only a stage of the redevelopment of the old Whyalla Drive-In Theatre site. The church has to utilise its available existing funds and borrow a further $180 000 to complete the building construction stages, and as a result is not in a position to provide a cash contribution at this stage.'

In respect of project number CE1287:

> 'Sponsor's capacity to provide a contribution is limited by existing loans which financed the construction to the community hall on the site.'

Both statements were presented to the CEP Consultative Committee and no questions raised. That the back-up documentation is not in the departmental files as it should be is accepted.

6. In your report you further drew my attention to the findings of the Commonwealth Auditor-General. In responding to your comment above, I believe I have covered what is of relevance in the Commonwealth Auditor-General's report to South Australia.

P.G. Edwards, DIRECTOR

October 1987

EDUCATION DEPARTMENT

296. **Mr OLSEN** (on notice) asked the Premier: Following the revelation by the Auditor-General on page (xiv) of his 1987 report that on 23 June he referred to the Premier, audit's reference and the response of the Education Department to certain matters relating to school transport, will the Premier table the audit reference, the department's response and any further correspondence he has had with the Auditor-General and the Education Department on this matter?

The Hon. J.C. BANNON: I have not had any further correspondence with either the Auditor-General or the Education Department on School Transport. The correspondence was addressed to the Education Department. Any further information should be sought from the Minister of Education.

COSIMO ALVARO AND LUIGI FEDELE

306. **Mr OLSEN** (on notice) asked the Minister of Education representing the Attorney-General: What were the recommendations of the report the Minister sought in relation to Cosimo Alvaro and Luigi Fedele after pleading guilty to trading Indian hemp and what action, if any, has been taken following the report?

The Hon. G.J. CRAFTER: The Crown Prosecutor considered the sentences handed down on Cosimo Alvaro and Luigi Fedele found guilty of having traded in Indian hemp on 25 March 1985. The Crown Prosecutor was of the opinion that the suspended sentences handed down to each man was within the judge's discretion. He considered that appeals would not have been successful in the circumstances.

PUBLIC SERVANTS

309. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What is the status of the Premier's 1984 budget promise to reduce executive and administrative positions in the Public Service and what were the numbers employed (male and female) in these two areas as at 30 June 1984 and 30 June 1987.

The Hon. FRANK BLEVINS: Since August 1984, when the Government announced measures aimed at reducing public sector overheads and cost savings in Government operations, the Budget Savings Co-ordination Committee has been responsible for setting AO/EO ceilings and monitoring departmental compliance. The existence of these ceilings has put broad pressure on the Public Service to reduce overheads by simplifying structures, to reduce classification creep into the AO/EO and equivalent levels and hence limited the growth of AO/EO positions.

The average yearly growth during the Tonkin Government of 1979-82 was 8.6 per cent. Since the introduction of the savings initiative the rate of increase has been dramatically reduced as follows:

1984—10.6 per cent
1985—7.5 per cent
1986—4.6 per cent
1987—1 per cent

	30 June 1984			30 June 1987		
	M	F	T	M	F	T
AO	652	60	712	754	108	862
EO	230	9	239	210	10	220
			951			*1082

*Includes 43 staff of the Children's Services Office.

JAPANESE STUDENTS

332. **Mr S.J. BAKER** (on notice) asked the Minister of State Development and Technology: Has the Government negotiated for any Japanese students to attend South Australian tertiary institutions during 1988 and, if so, what are the arrangements?

The Hon. LYNN ARNOLD: The Government has not negotiated for any Japanese students to attend South Australian tertiary institutions during 1988. However, I have asked each of the institutions to indicate their own situation. These are summarised below.

The University of Adelaide has two Japanese nationals undertaking postgraduate study in 1987; one in anthropology and one in science. In addition one Japanese national, whose parents are working in South Australia, is studying science at the undergraduate level. All are expected to continue in 1988. An offer has also been made for a further postgraduate place in agricultural science but this has yet to be accepted. The university has had preliminary enquiries from three Japanese universities about possible student exchanges and discussion on these is continuing. No full-fee paying students have been admitted from Japan and none are expected in 1988. The university did not participate in a recent Austrade mission to Korea and Japan.

The Flinders University of South Australia is presently negotiating with three potential higher degree candidates: two in social sciences and one in earth sciences. If enrolments eventuate the candidates will be private students and required to pay the overseas student charge. Roseworthy Agricultural College does not expect any Japanese students in 1988. The South Australian College of Advanced Education has not negotiated for full-fee paying Japanese students to attend in 1988. It is, however, attempting to offer

a course in its Graduate Diploma in Interpreting and Translating in Japanese for 1988. Funding has been sought for this from the Asian Studies Council and the Japanese Foundation.

At the South Australian Institute of Technology some 70-80 Japanese students per annum enrol in ten-week intensive English language courses. These programs will continue in 1988. Continuing education subjects have been undertaken at the Institute this year by a Japanese business executive concurrently becoming acquainted with Australian business. The institute expects two or three more Japanese executives to attend similar programs in 1988 and will continue to investigate further developments in this area. The Department of Technical and Further Education does not expect any Japanese students in 1988.

SCHOOL CLASSROOMS

335. **Mr S.J. BAKER** (on notice) asked the Minister of State Development and Technology: How far advanced is the Ellyard investigation into the potential for utilising unused school classrooms for leasing to small business?

The Hon. LYNN ARNOLD: While the Government has been actively developing a program with the aim of establishing a number of small business incubators, or work spaces in South Australia, progress on the proposal which aimed to utilise under-used school classrooms for this purpose has been much slower than expected. The reason for this is because the Education Department has had some difficulty in identifying appropriate school spaces in locations suitable for business and which can be dedicated for this new use. Changing enrolment trends have also complicated the issue. However, it is hoped that the Government will be able to make announcements about a small business incubator program very soon, and this will include a component which utilises under-used school classroom spaces for the purpose.

PERFORMANCE AGREEMENTS

349. **Mr OLSEN** (on notice) asked the Minister of Labour: Which two departments were involved during 1986-87 in developing 'performance agreements' in accordance with the Program Description for the Government Management Board outlined in page 45 of the 1986-87 Program Estimates, have those agreements been finalised and, if so, what are they and how many other departments now have performance agreements?

The Hon. FRANK BLEVINS: The Premier has provided the following response:

The 1986-87 program estimates for the Office of the Government Management Board state that the Office would 'work with at least two departments to develop performance agreements and provide advice to other agencies preparing agreements.'

In the event the office developed sample performance agreements with four quite diverse departments, namely: the Department for Community Welfare, the Department of Services and Supply, the Department of Personnel and Industrial Relations and the Ministry of Technology. These agreements were samples only and did not necessarily contain the matters which the Ministers concerned would actually have chosen to cover. They were developed to form the basis for the introduction to departments of a pro-forma agreement and a set of guidelines for implementation. The Chairman, Government Management Board then introduced the concept to all Ministers and Chief Executive Officers.

Early in the year I indicated to Ministers that the first full year of operation of performance agreements would be 1987-88 but that, in order to gain experience with the process, performance agreements should be drawn up for the remainder of 1986-87. Performance agreements are intended to be a private set of undertakings and as such are a mechanism by which Ministers and Chief Executive Officers ensure that policy objectives and administrative requirements are mutually understood. They are not intended to be another means of making Ministers publicly accountable and I am not, therefore, prepared to indicate their contents in individual cases. I am able to advise, however, that the concept was embraced to my statisfaction by Ministers in the 1986-87 pilot phase; and most of the 1987-88 performance agreements have been finalised or are at an advanced stage of preparation.

STATE BUDGET

350. **Mr OLSEN** (on notice) asked the Premier: What action has been taken to implement the recommendation in Report Number 2 of the Review of Government Financial Management Arrangements that to increase overall understanding by Government agencies of the mechanics of the Budget process:

(a) Treasury should document the process in the form of a Standard Operating Procedure which is updated and distributed to agencies annually;

(b) a representative group of agency managers should meet twice yearly (immediately following the Budget and immediately prior to the next Budget) to discuss the steps in the process;

(c) some agency staff should spend some time in the Treasury Department and some Treasury Staff should spend time in agencies for personal development?

The Hon. J.C. BANNON: The replies are as follows:

(a) The budget process is fully documented in Treasury budget circulars which are distributed to agencies. Basic documentation of standard operating procedure for the recurrent budget is in preparation.

(b) Current budget procedures provide for this input by agencies.

(c) Opportunities for interchange of staff between Treasury and agencies are taken as they arise. In 1986-87 there were secondments into Treasury and from Treasury to other agencies. The need for such interchange of course can be affected if, as in recent years, there is a reasonable flow of officers on appointment into and out of Treasury.

351. **Mr OLSEN** (on notice) asked the Premier: Following the recommendations in Report Number 9 of the Review of Government Financial Management Arrangements, that all agencies should develop strategic plans which receive Ministerial approval prior to the commencement of Budget preparation and are available to Cabinet in assessing priorities for each financial year, was such a plan made available by all agencies to Cabinet before it was approved in the 1987-88 Budget and, if so, will the Premier arrange to have those plans tabled?

The Hon. J.C. BANNON: A number of agencies have developed strategic plans and all agencies are now required to have established clear statements of on-going objectives and programs. These statements are required to be approved by Ministers individually and are approved prior to the

finalisation of the budget in Cabinet and appear in the Program Estimates. Agency annual reports provide an additional reference source.

GOVERNMENT ADVISORY BODY

352. **Mr OLSEN** (on notice) asked the Premier: What action has been taken to implement the recommendation in Report Number 8 of the Review of Government Financial Management Arrangements. that 'consideration be given to establishing a special body . . . to advise the Government on broad economic, financial, accounting and reporting issues of general or common relevance to the operation of State public utilities and business undertakings and their financial relationships with Government'?

The Hon. J.C. BANNON: The committee recognised that, while such a body could bring a focus of informed and objective analysis to bear it could also duplicate efforts being made in other areas. Accordingly it recommended the body as a short-term measure while recognising that, in the longer term, responsibility for these matters should reside in Treasury.

The Government has established a group of this nature to address some of the issues associated with asset management raised by the Public Accounts Committee. It is possible that similar such groups could be formed in the future to consider similar issues. However, now that major tasks such as the implementation of the treasury accounting system and the introduction of the Public Finance and Audit Act have been completed, it is to be expected that Treasury will be able to address these issues more directly. This would, of course, be done in close consultation with the relevant public utilities and the Government Management Board.

FINANCIAL ARRANGEMENTS

353. **Mr OLSEN** (on notice) asked the Premier: What action has been taken to implement the recommendations in Report Number 2 of the Review of Government Financial Management Arrangements that—

(a) 'Treasury should monitor the effectiveness of the Victorian Government's development of forward estimates, in particular, the ability of the system to introduce greater certainty in the budgeting for recurrent activities';

(b) a group should be appointed comprising the Under Treasurer, the Commissioner for Public Employment, the Auditor-General, two other departmental heads and two people from organisations outside the State public sector, 'to provide leadership and to promote practicable improvements in public seector financial management'; and

(c) 'Treasury should be assigned central agency responsibility for the resource allocation and monitoring function'?

The Hon. J.C. BANNON: The replies are as follows:

(a) Treasury is continuing to monitor the effectiveness of the Victorian Government's development of forward estimates. Treasury also monitors developments in budgeting in all states. The major difference between Victorian and South Australian practice in relation to preparation of forward estimates is that Victorian agencies are required to prepare estimates of their recurrent expenditure two and three years hence, whereas in South Australia, which also followed this approach some years ago, Treasury prepares the forward estimates.

(b) The report of the review committee is not convincing about the need for such a group nor at all specific about its responsibilities. The Government has not abandoned the idea of establishing a group with broadly defined responsibilities for improving public sector financial management but sees its first priority as ensuring that Treasury has the capacity to provide the guidance and advice which the review committee saw as an important function of that department. The Government Management Board also has a role in this area.

(c) Treasury has central agency responsibility for the resource allocation and monitoring function.

DIRECTOR OF HOUSING

359. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. Why was the position of Director of Housing publicly advertised with a salary of $54 038 per annum?

2. Does this advertisement breach Government guidelines for jobs not to be advertised outside the Public Service and, if so, why was the advertisement placed?

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

1. It is normal practice when advertising externally to state the salary level of the position.

2. The position of Director of Housing was first advertised in the Department of Personnel and Industrial Relations Notice of Vacancies dated 24 June 1987. This advertisement only attracted a small field of applicants and it was subsequently determined that only the successful applicant, Mr Greg Black, met the requirements of the position. The unexpected resignation of Mr Black necessitated recalling of the position. Due to the poor response of the initial call and the lack of people within the Public Service with expertise in the housing arena, the Commissioner for Public Employment granted approval to advertise the position externally. The advertisement was placed in accordance with Government guidelines.

STATE BANK

360. **Mr BECKER** (on notice) asked the Premier:

1. How many branches and agencies of the State Bank have now been closed since the merger with the Savings Bank of South Australia and why?

2. How many agents does the bank now have located at retail outlets and how do these numbers compare with those at the time of the merger?

3. What is the bank's policy of agents at retail outlets and are agency arrangements being withdrawn and, if so, why?

The Hon. J.C. BANNON: The replies are as follows:

1. 29 branches

Twenty-three of the branches closed were in areas where both of the former banks had established branches. As dual representation was not warranted, it was essential to merge branches in these areas. Five country branches were closed, each of which had shown a gradual decline in the volume of business transacted over recent years. Research in each case indicated that the position was unlikely to improve in the foreseeable future. While it was no longer feasible to maintain a

full branch at each of these locations, officer-manned agencies have continued to function providing a full range of the bank's services, but with some reduction in banking hours.

The remaining branch, at Leigh Creek, was closed following submission of an unsuccessful tender to the Electricity Trust of South Australia. Eight new branches have been opened since the merger.

189 private agencies

Since the merger, the bank has embarked on a deliberate policy of rationalisation of private agencies. Where the amount of business transacted did not warrant retention, the agencies have been closed on a progressive basis. However, private agencies have been established in selected areas where customer support requirements justify the service. Thirty-four new private agencies have been opened since the merger.

2. 520 private agencies at time of merger.

365 private agencies at present.

3. See answer to question 1.

The bank's long-term strategy is to provide a far better standard of service to customers by means of plastic cards and automated tellers' machines (ATMs). Since the merger, the number of ATMs in the bank's network has been increased from 26 to 58. The network of ATMs is operative on a twenty-four hour basis, seven days a week and offers customers a far greater range of transactions than is available through private agencies.

HAHNDORF SUPPLEMENTARY DEVELOPMENT PLAN

367. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning:

1. What stage has been reached in determining the final presentation of the Hahndorf Supplementary Development Plan?

2. Is that plan to be further extended on an interim basis, or is it intended that it will be completed for gazettal on the due date?

3. If the plan is to be gazetted on the due date, will the anomalies that currently exist in the plan be rectified?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. The Advisory Committee on Planning has conducted a public hearing on the Hahndorf Supplementary Development Plan and has presented me with its report on the plan. I have made alterations to the draft plan in accordance with the recommendations of the advisory committee.

2. It is intended that the plan will receive final authorisation before its interim authorisation period ends.

3. The anomalies in the draft plan have been identified by the advisory committee and have been rectified. In particular, new zoning maps have been prepared in order to clarify the boundaries of all zones.

CAPE JERVIS CROWN LAND

377. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Lands:

1. What are the terms and conditions of the Crown land lease on the foreshore of Cape Jervis, held or proposed to be held by Mr M. Hill, acting for Cape Jervis Development Pty Ltd?

2. Does the Government intend to sell any part of the leased land to Mr Hill and, if so, on what terms?

3. Is it the Government's policy to call tenders for sale or lease of Crown land in prime locations and, if not, why not?

The Hon. R.K. ABBOTT: The replies are as follows:

1. The conditions of the licence are to allow Mr Hill a right to occupy two adjoining parcels of section 317 hundred of Waitpinga for commercial development purposes under annual licence conditions and to enable the planning and licensing aspects of his proposal to be fully tested.

2. Should Mr Hill be successful in obtaining all approvals to develop the land and erect permanent improvements to the satisfaction of the Minister, consideration will be given to the sale of the land at its then current market valuation.

3. Each individual application is treated on its merits.

CAPE JERVIS JETTY

379. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Marine:

1. Is Cape Jervis the third busiest port in South Australia and, if so, does the Department of Marine and Harbors see any need for preserving open space around the Cape Jervis jetty?

2. Has the department been consulted about the location adjacent to the jetty of the proposed hotel/motel/shopping complex and, if so, is the department satisfied that the location is appropriate?

The Hon. R.K. ABBOTT: The replies are as follows:

1. It is assumed that the criteria taken for establishing Cape Jervis as the third busiest port in South Australia is the number of vessel visits. That being the case, it probably runs equal second with Penneshaw. The Department of Marine and Harbors has requested the Department of Lands to reserve an area for its use which it considers will be sufficient for access and works associated with maintaining the present marine structures.

2. Yes. The department has advised the appropriate planning authorities that it would not object, provided certain nominated conditions were adhered to in order to avoid any interference to departmental operations.

Dr RAMSEY

383. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: Is Dr Ramsey currently a contributor to the South Australian Superannuation Fund and, if so, on what basis is he permitted to continue as a contributor and can other employees of SACAE who are offered positions with the Federal Government have similar arrangements made to allow them to contribute to the fund and, if not, why not?

The Hon. LYNN ARNOLD: No. See response to Question on Notice No. 384.

SOUTH AUSTRALIAN SUPERANNUATION FUND

384. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: Are persons who are not employed by the State Government or statutory authorities permitted to become or remain contributors to the South Australian Superannuation Fund and, if not, why not?

The Hon. LYNN ARNOLD: No. The Superannuation Act 1974 precludes persons who are not employees as variously defined from becoming or remaining as contributors to the South Australian Superannuation Scheme. There is no mechanism within the Act to permit other than employees, as defined, to join or remain in the scheme.

Dr RAMSEY

385. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: Did Dr Ramsey receive any payment in lieu of long service leave prior to 18 September 1984 and, if so:

(a) on what grounds was he entitled to the payment at the date it was authorised and paid;

(b) when was the payment authorised;

(c) what was the amount paid; and

(d) did SACAE lose any interest on this sum as a result of it being paid prematurely and, if so, how much?

The Hon. LYNN ARNOLD: Yes, and:

(a) Dr Ramsey's last day of duty was 29 June 1984 and he was accordingly paid his long service leave entitlements on termination;

(b) the payment was made pursuant to the following resolution of the college council made on 19 June 1984: 'that council accept Dr Ramsey's resignation as Principal with regret';

(c) $55 445.40; and

(d) the premise of the question appears to be incorrect.

AIRLINE OPERATIONS

387. **Mr BECKER** (on notice) asked the Minister of Transport:

1. Will the Government legislate to allow Australian Airlines to operate on intrastate air routes and, if so, when and, if not, why not?

2. Has the Minister received a report of the May committee review of the two airline agreement and, if so, when and what action has the Minister taken since receiving the report and, if none, why not?

The Hon. G.F. KENEALLY: In relation to the first part of the question, the South Australian Government has maintained a consistent policy of not denying access to any operator wishing to engage in intrastate airline operations; providing of course that safety requirements (under Commonwealth control) are met. This policy extends to Australian Airlines, formerly operating as Trans Australia Airlines (TAA). Because Australian Airlines is a Commonwealth instrumentality, it has generally been considered (for constitutional reasons) necessary for States to legislate to enable Australian Airlines to operate intrastate airline routes within their jurisdiction. To date only two States, Queensland and Tasmania, have legislated accordingly.

An extensive search of the files indicates that no request has ever been forthcoming from either the Commonwealth or Australian Airlines (even when operating as TAA) for the airline to operate on intrastate routes within South Australia. It appears that TAA (and now Australian) has been content to develop links with commuter airlines to feed into their trunk routes. On a number of occasions in the past it appears that the State has initiated moves to encourage TAA to operate on the State's intrastate airline routes; the last approach being made by the then Premier (Mr Don Dunstan) in October 1972—these initiatives being either rejected or lapsing due to an apparent lack of interest shown by TAA. There is no evidence of any further specific correspondence on this matter since 1977. Prior to 1979 the State also had to convince the Commonwealth that the introduction of TAA services would be viable, given that the Commonwealth was at that time considered to have control over the State's intrastate aviation operations.

The issue was recently raised at an address given by Senator Gareth Evans, Minister for Transport and Communication, to the National Press Club, Canberra, on 8 October 1987. In answer to a question on the matter, Senator Evans indicated some surprise that only Queensland and Tasmania had legislated accordingly and not other States, including South Australia. It was apparent from the Senator's reply that he considered the actions of the NSW and WA Governments critical in this matter. Senator Evans suggested that there was no obvious reason why Australian Airlines should be excluded, and that he would express that opinion to the NSW and WA Governments if the opportunity arose and it becomes relevant to do so. The Senator is keen to see Australian Airlines take advantage of any acquisitions that may shortly arise in NSW and WA. I have written to Senator Evans, placing the matter in context and offering my assistance in relation to any request made by Australian Airlines to operate intrastate airline services within South Australia.

In relation to the second part of the question, I have received a copy of the report of the Independent Review of Economic Regulation of Domestic Aviation, commonly known as the Two Airline Policy (TAP) Review and sometimes referenced as the May Review. The report was released by the then Commonwealth Minister for Aviation (Peter Morris) on 7 January 1987. I made a response in relation to the report in the House earlier this year (12 February 1987). In my response I stated that the Department of Transport was then undertaking an analysis of the report, with a view to determining the possible contents and appropriateness of any further submission to the Commonwealth by the Government.

In March this year I wrote to the then Minister for Aviation (Mr Peter Morris) providing the State Government's response to the review. It was to this letter that the Premier made reference in his response (8 October 1987) to the announcement of the Commonwealth's intention to terminate the 35-year-old two airline policy in October 1990. In my letter I welcomed the review's findings to the extent that options were identified for increasing the level of competitiveness within the Australian airline industry. The Commonwealth was urged to ensure that any market rigidities or restraints were adequately dealt with. It is important to note that the review did not make any recommendations concerning the appropriate form of regulation.

SACAE PRINCIPAL

388. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: Further to the answers to Question on Notice No. 172, did the first Principal of SACAE apply for leave of absence on 29 June 1984 and on that date had he not tendered his resignation to the college council or President?

The Hon. LYNN ARNOLD: Leave of absence was granted until the resolution of superannuation issues, and on 4 December 1984 the resignation of the first Principal was accepted, retrospective to 29 June 1984.

SAGASCO AND SAOG MERGER

392. **Mr OLSEN** (on notice) asked the Minister of State Development and Technology: Will the Minister table correspondence between Dominguez Barry Samuel Montagu Limited and the Department of State Development in which DBSM made a declaration of interest relating to the pro-

posed merger of the South Australian Gas Company and the South Australian Oil and Gas Corporation?

The Hon. LYNN ARNOLD: The declaration of interests referred to in the question took place on several occasions as follows:

(1) At an informal meeting early in March with the General Manager of Sagasco.

(2) In a letter dated 5 March 1987 from a Director of DBSM, Mr Stephen Higgs, addressed to the Director of State Development and Technology.

(3) This letter of 5 March 1987 was circulated to the Chairman of Sagasco and SAOG by the Director, immediately upon receipt.

(4) At the first meeting to occur between representatives of DBSM and the Chairman of Sagasco the matter was raised verbally by Mr Stephen Higgs and discussed fully with the Chairman.

I will arrange for the correspondence to be tabled.

TAFE DEVELOPMENT EXPENDITURE

398. **Hon. D.C. WOTTON** (on notice) asked the Minister of Employment and Further Education:

1. How much Government funding has been expended in upgrading the Ethelton and Grange campuses of the Port Adelaide College of TAFE and relocating the headquarters to the McLaren Parade site?

2. Is it intended that the Wharf Shed No. 2 site and the Customs House site be redeveloped and become part of the Port Adelaide College of TAFE and, if so, when, at what cost and how is such expenditure justified given the close proximity of Croydon Park and Regency Park colleges?

3. When is it anticipated that work will commence on the new Hills College of TAFE?

4. Does the proposed capital works planned for Millicent have a higher priority than the proposed new Hills college and, if so, why?

The Hon. LYNN ARNOLD: The replies are as follows:

1. Between 1985 and 1987 approximately $132 000 has been spent upgrading Ethelton campus and $174 000 has been spent upgrading Grange campus. Approximately $1.2m was spent relocating Port Adelaide headquarters to the McLaren Parade site (purchase of property $170 900—State funded, cost of upgrade $1 043 000—Commonwealth funded).

2. In 1983 the main campus of the Port Adelaide College of TAFE was established at McLaren Parade, within the Port Adelaide Heritage Precinct. A strategy has recently been endorsed for the proposed redevelopment of the college within this heritage precinct, which capitalises on the re-use of existing building stock.

The Government has been instrumental in promoting industrial, commercial and residential development in the Port Adelaide region in recognition of its considerable economic importance to South Australia. The redevelopment of the Port Adelaide College of TAFE has been predicated both on the demand for skills training in the existing and planned future local economy and on the social need for access programs within its catchment.

Currently an investigation is being carried out to determine more precisely the demand for TAFE courses in the region. Also included in the study is the interaction of Port Adelaide, Regency and Croydon Park colleges. It is known that both Regency and Croydon colleges are under pressure for space already and providing further facilities at Port Adelaide is one option of providing some relief at these campuses. Options for expansion at Port Adelaide are being considered and include Wharf Shed No. 2 and the Customs House sites; however, planning has not advanced to the stage of identifying the extent of redevelopment required, the cost or the timing. These factors will become clearer when the demand for TAFE study for Port Adelaide has been completed.

3. Construction work on the Hills college of TAFE could commence during the 1988-89 financial year, if sufficient capital works funding is made available. To reduce funding provision pressures, consideration will be given to construct the college in two stages over two financial years.

4. Both the Hills and Millicent projects are seen as being important to each region respectively, and have been included on the five year capital program for TAFE. The current plan shows Millicent with an earlier start date, mainly due to the lower cost, hence the ability to construct it at a time when State budgets are small. Priorities are reconsidered each year as part of the budgetary process which commences on December of each year.

OVERSEAS TRAVEL

402. **Mr OLSEN** (on notice) asked the Premier: Why was the Review of Overseas Travel for Government Employees undertaken by the Department of the Premier and Cabinet during 1986-87, what were the conclusions of the review and what action is the Government taking as a result?

The Hon. J.C. BANNON: Some aspects of overseas travel for Government employees were examined by officers of the Department of the Premier and Cabinet and DPIR recently. Issues included the effectiveness of current arrangements and means of achieving greater value to Government from travel undertaken. Specific administrative details already altered are the development of a new travel proposal form and up-date of the travel guidelines. Further issues are still under consideration.

STATE EMERGENCY EQUIPMENT

425. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Emergency Services: Will the Minister give an assurance that under section 9 (6) of the State Emergency Service Act 1987 equipment and other assets funded by local government and the local community will be vested in the local government authority concerned in the event of the dissolution of a unit and, if not, will the Minister amend the Act to achieve this purpose?

The Hon. D.J. HOPGOOD: Funding for equipment and other assets provided to SES units comes from a number of sources apart from local government. The Commonwealth and State Governments, either directly or through subsidies, provide a considerable amount of that funding. In addition, local units are frequently supported by local fundraising efforts in their respective communities.

For this reason it was deemed correct that in the event of the winding up of a unit the appropriate person to decide on the disposal of the property would be the Minister of Emergency Services. However, prior to the disposal of any equipment or other assets funded by local government, appropriate consultation with local government authorities takes place. In view of this undertaking it is not considered necessary to amend the Act.

CREDIT UNIONS

429. **Mr M.J. EVANS** (on notice) asked the Minister of Education, representing the Attorney-General:

1. How many of the credit unions registered under the former Act and thereby automatically deemed to be registered under the current Act are no longer trading?

2. Is any action contemplated to revoke the registration of any defunct credit union which has not traded for a substantial period of time and in which there are no active members and, if not, why not?

The Hon. G.J. CRAFTER: There are no credit unions registered under the Act which are no longer trading.

HOUSING TRUST

431. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What are the reasons for the difference between the statement on page 15 of the Financial Statement of the Premier and Treasurer of 27 August 1987, '... the capital program will support an addition of 2 100 to the stock of public housing' and the statement on page 42 of the capital works program, 'The Housing Trust's program will seek to achieve 1 500 commencements, 1 992 completions and 135 purchases or conversions of housing units in the financial year"?

The Hon. T.H. HEMMINGS: It is anticipated that the 1987-88 capital program will provide 2 127 additions to stock, comprising 1 992 building completions and 135 purchases and conversions. However, due to delays in building work, for a variety of reasons, the actual number of addtions to stock is expected to reach 2 100.

A variation of 20 or 30 units in building completions will have very little effect on capital expenditure since all contracts at 30 June 1988 will be design and tender, where payments for work are made progressively to builders during the course of the contract.

HOUSING AND CONSTRUCTION PROPERTIES

432. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Where were the proceeds of the sale of surplus real estate properties of the Department of Housing and Construction deposited for the financial year ended 30 June 1987?

The Hon. T.H. HEMMINGS: Proceeds of the sale of surplus real estate properties of the Department of Housing and Construction are deposited as Capital Receipts—Other Government Buildings.

RESIDENTS COMMITTEES

434. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. How many residents committees have now been formed by the South Australian Housing Trust following removal of Resident Tenancy Officers and where have they been formed?

2. How many trust tenants are members of each committee, how frequently do they meet and what is their budget?

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

1. On 26 June 1987, 12 Housing Services Officers Grade III (flats) (colloquially known as Resident Officers) were redeployed by the South Australian Housing Trust. These officers were located in four different operational regions of the Housing Trust. The details are set out below:

Metro South Region:

There were four Resident Officers in this region. No residents' committees have been formed since 26 June. However, seven such groups were formed some time before the redeployment of the Resident Officers.

Central Region:

There was one Resident Officer in this region, responsible for five different flat groups. No residents' committees have been formed since 26 June.

Inner Metro Region:

There were five Resident Officers in this region, responsible for five major flat groups and several smaller ones. No resident committees have been formed since 26 June.

Metro North East Region:

There were two Resident Officers in this region. One tenant management group has been formed since 26 June (River Street, Marden). It should be noted that tenant management groups are not formed by the South Australian Housing Trust as suggested by the question, but in fact formed by tenants who are interested in participating in the management of their housing estates. Tenancy Liaison Officers based in the trust's regional offices play a facilitating role in the establishment of these groups and provide assistance once the groups are formed. Tenancy Liaison Officers are currently contacting residents in the Central and Inner Metro Regions to determine whether there is a willingness to establish any such group.

2. The only resident committee formed since 26 June 1987 is in the Metro North East Region at River Street, Marden. There are nine members of the committee, all of whom are trust tenants. While the newly formed committee is currently meeting on an infrequent basis, it plans to meet monthly. The committee has no budget allocation.

YOUTH HOUSING INQUIRY

435. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What is the cost of implementation of the Youth Housing Inquiry recommendations and when will they be implemented?

2. What is the reason for the delay in presenting the Youth Housing Inquiry Report to Parliament?

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

1. The report of the Youth Housing Inquiry was submitted to me in early November 1987 and is being considered at the present time. Due to the nature of the recommendations contained in the report, many of which will take several years to implement, it is not possible to calculate the aggregate costs of their implementation. It is anticipated that many of the recommendations will be implemented over time.

2. The report of the Youth Housing Inquiry which is entitled Beyond Tent City was publicly released on 10 November 1987. A copy was forwarded to the Opposition spokesman, Mr Heini Becker.

RENT RELIEF SCHEME

436. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What action will be taken to contain expansion of the Rent Relief Scheme as indicated in 1986-87 specific targets review of the scheme?

The Hon. T.H. HEMMINGS: The budgeted expenditure for rent relief for the 1987-88 financial year is $6.669 million which is $0.401 million (5.7 per cent) less than actual expenditure on the scheme in 1986-87 ($7.07 million). At 30 June 1987, 8 720 households were in receipt of rent relief with the average value of assistance standing at $15.98 per week. Currently, the pool of recipients has dropped to 7 547 and the average level of assistance fallen to $15.48 per week, continuing a steady decline since September 1985 (when it peaked at $20.02 per week).

The recent review of 1987-88 budget estimates indicated that there would only be minimal growth in the pool of recipients this year (to about 8 900 at 30 June 1988) but on

present indications it now appears unlikely that even this predicted growth will occur. Further, increases in pension and benefit rates in December 1987 and again in May/June 1988 will tend to push the average level of assistance lower than its current rate. Therefore, it is anticipated that these factors will contain expenditure on rent relief within the already reduced budget for 1987-88.

RENTAL HOUSING

437. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What continuing action has been undertaken by the South Australian Housing Trust to encourage further local government, community and private participation in the provision of rental housing?

2. What joint ventures were undertaken by the trust in the past financial year with local government, community and private enterprise; what was the number of rental units of accommodation provided; and at what capital cost?

3. How many rental units of accommodation were provided for disabled groups in the past financial year and at what locations?

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

1. In the current economic environment, where public expenditure programs are restricted, the trust is well aware of the need to work closely with the community so that, by combining resources, more housing can be developed than would otherwise have been possible. The trust therefore actively pursues joint ventures with local government bodies, hospitals, church groups, voluntary care associations, service clubs and other community groups to meet some of the housing needs of the broader community. The introduction of the Local Government and Community Housing Program (LGCHP) in the 1984 Commonwealth State Housing Agreement has provided further incentive for councils and communities to take a positive and active role in the provision of housing. Although not directly administered by the trust, funds available through the LGCHP have been utilised by recipient organisations in joint ventures with the trust.

The steady expansion of the Housing Cooperative Program also provides opportunities for groups of individuals and caring organisations in the community to be involved in the provision of housing. The program, which features a very high degree of tenant involvement in the management of each cooperative, brings together private finance from banks and building societies and subsidies from the trust to purchase or build housing. The trust also encourages non-government organisations with an interest in meeting housing needs, to lease dwellings through the Community Tenancy Scheme for a range of accommodation uses such as, shelters and refuges, group homes, half-way houses, hostels and respite care centres. These services are important elements in the community's support networks and reduce the pressures on the trust for priority allocations.

2. The trust completed 28 joint venture projects involving 14 councils and 17 church and community groups in 1986-87. These projects provided a total of 265 rental units, at a total capital cost of approximately $11.6 million.

3. During 1986-87, the trust made 35 dwellings available through the Community Tenancy Scheme to groups assisting the disabled. Of this number, 24 involved intellectually disabled people, seven involved physically disabled people and four were provided to organisations assisting people with mental illnesses. These properties were located in the following suburbs or towns:

Albert Park	Ingle Farm (2)	Oaklands Park
Bedford Park	Loxton	Renmark
Forestville	Marion (2)	Richmond
Gilles Plains (2)	Mile End (2)	Seacombe Gardens
Glandore (2)	Moonta (2)	Seaton (2)
Goodwood (2)	Morphettville (2)	Tanunda
Greenacres	Mt. Gambier	Windsor Gardens (2)
Hahndorf (2)	Northfield	Woodville Park

GOVERNMENT PROPERTIES

438. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What Government properties vacant at 30 June 1987 are still vacant and why?

2. How much rent has been forgone on each property and what action is being taken to let such properties?

The Hon. T.H. HEMMINGS: Of the properties held in the name of the Minister of Public Works, three were vacant at 30 June 1987. Details on these properties, together with the reasons they are unoccupied, the forgone rent and proposed action to let the properties, are set out below.

1. 203-207 North Terrace, Adelaide

This property was purchased in January 1987 for the proposed Art Gallery Touring Exhibition Centre, and is awaiting redevelopment. Negotiations with private developers have been conducted with the view to a mix of private/Government development of this site. The buildings in their present state are considered unsuitable for lease.

2. Tram Barn, Angas Street, Adelaide

The future use of this bulding is currently under review. The available accommodation is of a very low standard and would require considerable work before it could be used as offices on a long-term basis. A portion of the administration building is currently being used for storage. The balance of the property is considered suitable only for interim car parking and negotiations are proceeding to lease the area for this purpose.

The estimated rental forgone for the period in which the property has been held in the name of the Minister of Public Works (*viz.* 1.7.87-31.10.87) is $88 000.

3. Netley, Administration Building, Marion Road

A portion of this building has only recently been vacated and is now available for lease. This fact has been circularised to all Government departments to determine whether there is a need for the space. No further action can be taken until each department has responded to the circular.

The estimated rental forgone since the area was vacated (*viz.* 1.7.87-31.10.87) is $24 900.

CARAVAN DWELLERS

439. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What research has the Minister's policy committee conducted into the permanent parking needs of caravan dwellers and has consideration been given to establishing permanent caravan parks and, if not, why not?

The Hon. T.H. HEMMINGS: The Housing Advisory Council has not conducted any reasearch into the permanent parking needs of caravan dwellers. The issue has, however, been considered by both a national joint local government, planning and housing officials working group and, in South Australia, a working party convened by the Minister of Local Government.

The State Government has allocated $7 000 to the City of Salisbury as part of the International Year of Shelter for the Homeless program. This study will examine potential locations; design criteria layout schedules; issues of tenure

and models of park management for 'mobile home' parks (rather than caravan parks) with a view to creating more housing stock, provide greater housing diversity and allow more affordable housing options in the Salisbury area.

Although some households choose to adopt a caravan park lifestyle, it is not generally a preferred accommodation alternative and the establishment of separate, permanent parks is not being considered by the Government. There are a number of tourist parks which accommodate permanent residents. Length of stay is generally determined by park operators although local council by-laws may apply. In addition, some 'mobile home' parks have been developed privately, e.g. Woodcroft Park near Morphett Vale East.

CHILD-CARE CENTRES

440. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. Why and where is the Department of Housing and Construction experiencing difficulty in acquiring sites for child-care centres which resulted in a shortfall of $1 214 000 from a budget estimate of $4 500 000?

2. Have all properties now been acquired and, if not, why not?

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

1. The Children's Services Office has the responsibility for identifying site locations within the local council areas nominated to receive child-care centres. Difficulties were experienced in locating and securing suitable sites in the metropolitan built up areas and, since design and documentation could not proceed until the sites were secured, completion of some projects was delayed thereby resulting in a shortfall in expenditure. Site selection requires extensive consultation between the Children's Services Office, the local community and local council and this process significantly delays site acquisition.

2. All site selections required for the 1987-88 Child-Care Program have now been made, with the exception of one in the Salisbury council area. Approval has been granted for four centres to commence on site, while the acquisition of 11 sites are in various stages of negotiation. It is anticipated that the budgetted level of expenditure on child care-centres would be achieved in 1987-88.

CAPITAL RECEIPTS

442. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Why was there a $472 000 shortfall in estimates of capital receipts of the past financial year from an estimated $10 095 000?

The Hon. T.H. HEMMINGS: The shortfall in capital receipts of $472 000 is due to the fact that proceeds from the sale of surplus properties failed to realise the forecast amounts. Two factors contributed to this deficit, *viz.:* prevailing market conditions which resulted in lower prices being paid for some properties than predicted; and changes in Government policies which resulted in the deferment of certain sales or the withdrawal from sale of other properties.

HISTORIC BUILDINGS CONSERVATION PROGRAM

443. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: In view of the heritage aspect of the restoration program, has a public appeal for finance and assistance been considered to keep it going and, if not, will such a proposal be considered?

The Hon. T.H. HEMMINGS: The Historic Buildings Conservation Program was initially established to respond to an urgent need to repair and make safe the exterior of some of the Government's more significant heritage buildings. A comprehensive program of works has now been instigated to prevent further deterioration of those specific buildings and several other important assets throughout the State. The program of $1 000 000 per year is expected to continue for six years (until 1993) after which a smaller amount will be required to continue a reasonable ongoing maintenance program for the exterior of those buildings. Consideration has been given to conducting public appeals for finance and assistance, but since an uncertain time frame and reliance upon an unpredictable source of funds would seriously affect the continuity of the programmed works, the matter has not been pursued.

IRRIGATION EQUIPMENT TESTING STATION

444. **Mr BECKER** (on notice) asked the Minister of Agriculture: Why were four South Australian companies with wide experience in the field of establishing an irrigation equipment testing station not considered for tender?

The Hon. M.K. MAYES: Public tenders were called by the Minister of Agriculture for a feasibility study for a development plan for establishing an Australian irrigation equipment testing facility. The advertisement was placed in the *Advertiser* of 16 March 1987, and the attention of some firms was drawn to this call by letter. Six tenders received included four from South Australian firms. All tenders were considered. VIPAC Pty Ltd was recommended for acceptance.

HOUSING TRUST RENT

445. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What did the review of the South Australian Housing Trust's rent structure reveal and what action has followed the review?

The Hon. T.H. HEMMINGS: The review of the trust's rent structure revealed that there was a significant gap between the rents received by the trust and the costs of the rental operation. The review addressed both the costs of the rental operation and the rental structure. The trust has initiated a number of actions to reduce costs and increase efficiency and these include increasing tenants' financial responsibility for damage to trust properties and improving the standardisation of maintenance works.

At the same time the necessity of increasing rental revenue has been addressed through:

- a series of four increases in the full rents payable for trust dwelling as follows:
  - — February 1987, 5 per cent
  - — August 1987, 5 per cent plus 12 months CPI
  - — February 1988, 5 per cent
  - — August 1988, 5 per cent plus 12 months CPI
- a 1 per cent increase in the proportion of income which low income tenants (who cannot afford full rents) pay in rent—this increase was offset for families with children by the introduction of a concession, which reduces assessable income by $5 for each dependent child;
- rents payable in respect to other members of tenants' households earning an income have been increased; and
- additional rental increases were applied to tenancies in metropolitan fringe areas which had previously benefitted from country concessions.

All of these changes to the rental structure were fully explained in press statements in October 1986 and each trust tenant received a brochure, setting out the changes and reasons for the increase, two months prior to the first increment taking effect.

446. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What was the rent formula set down in the 1984 Commonwealth-State Housing Agreement and are such terms and conditions still in force and, if not, why not?

2. Will there be annual increases in all South Australian Housing Trust rents from now on or will rents be frozen prior to the next State election?

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

1. The Second Schedule of the Housing Assistance Act 1984 describes the cost rent formula:

The following formula is to be used to determine real cost rents for public rental accommodation. States are to charge rents at least equal to those resulting from the use of this formula. The formula is not to be applied to the costs of individual dwellings but rather to the total cost pool of the rental stock. In allocating the total cost rent pool to individual tenancies, States will have regard to variation in housing standards and locations within the constraints of available administrative arrangements for assessing these variations.

1. Recovery of operating expenses

The costs to be recovered in this area are ordinarily listed in the rental accounts of State housing authorities as yearly expenditure items. These include:

(a) administration;
(b) rates;
(c) insurance;
(d) specific operating expenses associated with particular types of units;
(e) annual maintenance;
(f) yearly allowance for vacancies;
(g) leasing expenses related to land and dwellings;
(h) operating expenses of community facilities;
(i) any other operating costs agreed between Federal and State Housing Ministers.

2. Interest Charges

Interest payable on loan funds invested in public rental housing.

3. Depreciation

(i) depreciation rate is to reflect a life of between 40-75 years of the capital improvements on the land;
(ii) the value of capital improvements will be based on the estimated current capital improved value;
(iii) the minimum annual depreciation rate will be not less than the rate resulting from a term of 75 years.

This formula remains in force, although it was agreed at the 1987 Housing Ministers Conference that the current provisions be subject to comprehensive evaluation.

2. As announced in October 1986, there will be two rent increases implemented during 1988—a 5 per cent increase in February 1988 and a 5 per cent plus inflation increase in July 1988. No decision has been made regarding rent increases beyond 1988 although any future increases are expected to be in line with the cost rent formula requirements.

447. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Will the Government reimburse the South Australian Housing Trust the $2 700 000 lost in rental income during the period of the 1985 rent freeze and, if not, why not?

The Hon. T.H. HEMMINGS: In 1985 the State Government decided for reasons of social justice to impose a rent freeze on Housing Trust rental accommodation. The estimated cost of rent foregone by the trust as a result of the freeze was $2.7 million. Appropriate funding is provided each year within the Consolidated Account to enable the trust to maintain its services. Consequently, there is no need to reimburse the trust for rent foregone as a result of the freeze.

LOW INTEREST FINANCE

449. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: What avenues of low interest finance has the Government sought to help South Australians purchase their own homes, and in particular present South Australian Housing Trust tenants and, if none, why not?

The Hon. T.H. HEMMINGS: This Government has actively encouraged private financiers, such as banks and building societies, to offer commercially based low start loans to enable lower income households to move into home ownership. Information on South Australian loans provided to me by the Australian Bankers Association indicates that these loans are not popular.

This Government supports the direct provision of low interest finance to low income home purchasers through three schemes under the HOME (Home Ownership Made Easier) program. The largest of these schemes is the HOME concessional loan scheme administered through the State Bank. The Housing Trust administers the HOME rental purchase scheme and HOME refinancing. In total $115 million is expected to be lent under these three programs this financial year. Broadly speaking these schemes assist households with:

- incomes equal to or less than average weekly earnings;
- households with small initial deposits;
- households receiving HOME guarantee mortgage relief assistance over an extended period;
- custodial parents who wish to retain their marital home.

Trust tenants are able to purchase their house using low interest HOME concessional loan finance through the HOME rental purchase scheme. It is expected that 2 500 households will be assisted under these schemes this financial year.

Funds for these programs are provided by this State without Federal Government support. Funds must be provided through SAFA which constantly seeks the lowest priced funds available. Numerous borrowings occur but none are 'earmarked' for housing funds. Specific fund raising for housing is under review, but currently the terms are not as good as other funding methods.

RAMSAY TRUST

450. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Does the Government propose to reconsider another scheme similar to the Ramsay Trust and, if not, why not?

The Hon. T.H. HEMMINGS: The Government is not currently considering any schemes similar to the Ramsay Trust. At this time, there appears to be no advantage in raising finance for housing as was proposed by the Ramsay Trust.

HOUSING TRUST SECURITY

453. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What is the South Australian Housing Trust policy on providing security screen doors?

2. If security screen doors are fitted to trust houses, are the keys given to the tenants and, if not, why not?

3. Has any legal action been taken against the trust or threatened due to a fire and subsequent damage because of a locked security door?

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

1. The trust does not currently provide security screen doors. Instead 'barrier' screen doors, made of lightweight materials, are fitted to trust properties. These doors have a snib lock arrangement which is not key operated.

2. Prior to July 1987, some full security screen doors were fitted to trust houses through its maintenance programs. These doors have a keyed locking device and keys have been given to tenants.

3. To date no legal action has been taken against the trust because of fire and subsequent damage because of a locked security door.

CRISIS ACCOMMODATION PROGRAM

462. **Mr BECKER** (on notice) asked the Minister of Housing and Construction: Why has the Crisis Accommodation Program built up a reserve fund of $1 997 000?

The Hon. T.H. HEMMINGS: The Crisis Accommodation Program was introduced in the 1984 Commonwealth State Housing Agreement and specifically provides capital grants to purchase, upgrade, construct or lease accommodation to assist people in crisis. This housing may be provided in association with other support services funded through the Supported Accommodation Assistance Program, which is administered by the Department for Community Welfare.

Funding for the Crisis Accommodation Program is determined annually and decisions on allocations are made jointly by State and Federal Housing Ministers after considering recommendations on individual projects from the Interdepartmental Committee of State and Commonwealth officers. In the past three financial years funds totalling $3.508 million have been allocated under the program to a wide range of projects. At the end of June 1987 $1.997 million had not been spent. However, these funds are fully committed. The money is clearly not a 'reserve fund' and will be progressively utilised.

It is inevitable that there will be some carryover of Crisis Accommodation Program funds from year to year because of the processes involved. Once program priorities have been established and individual submissions carefully examined, implementation of the work can proceed. This process comprises development of detailed plans and costings; obtaining the relevant planning and building approvals and the calling of tenders. There is also a requirement to consult with the trust. Therefore, it is difficult to spend all funds in any given financial year. However, funds are committed for specific projects and released in the form of progress payments or on completion of the work.

HOUSING TRUST COUNTRY MAINTENANCE

467. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What action has the South Australian Housing Trust taken to reduce waiting lists for maintenance work in country areas?

2. What is the total amount for maintenance allocated to each country region this year and how does this amount compare with the previous two years?

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

1. The trust does not have waiting lists for on-going maintenance work in country areas, other than specific capital programs, such as the provision of exterior concrete, which are dependent on the availability of capital funds.

2. Regional rental house maintenance budgets for trust country regions for the period, 1985-86 to 1987-88 are as follows:

	1987-88	1986-87	1985-86
	$	$	$
Northern Region	3.0m	2.76m	2.6m
Eyre Region	5.7m	6.3m	6.0m
South East Region	2.1m	1.8m	1.75m
Sub total	10.8m	10.8	10.3m
Central Region	10.9m	10.8m	9.8m
Southern and Riverland	3.2m	2.7m	2.2m
Total	24.9m	24.3m	22.3m

Note: Central and Southern and Riverland Regions have significant numbers of metropolitan area stock.

WATER AND SEWERAGE RATES

468. **Mr S.J. BAKER** (on notice) asked the Minister of Water Resources: Further to the answer to Question on Notice No. 278, what is the approximate percentage of the $26.1m outstanding on water and sewer bills at 2 September 1987 which related to debts of greater than three months?

The Hon. D.J. HOPGOOD: The information in the format requested is not readily available and would cost a significant amount to obtain. However, the statement that the total outstanding balance at 2 September 1987 was $26 119 528 and that this includes a high percentage of current charges raised in less than three months was based on the fact that approximately 90 per cent of the first quarter water and sewer rates had been billed but only approximately 40 per cent of these accounts had reached the due date for payment. On 30 September 1987 the week before the billing of the second quarter rates the total outstanding was reduced to $9 521 337.

On 4 November 1987 approximately half-way through billing the second quarter rates, plus the newly introduced biannual billing of additional water rates, the total outstanding was $28 452 311.

DEPARTMENTAL RESOURCES

470. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: Which departments, other than the Education Department, have demonstrated an inability to shift resources from low priority to high priority as reported on Page 5 of the 1986-87 Report of the Commissioner for Public Employment?

The Hon. FRANK BLEVINS: With the introduction of restrictions on external recruitment for the public sector, the capacity to transfer employees from low to high priority areas has increased. All departments, including the Education Department, are cooperating to achieve the objectives of the restrictions on recruitment.

The reference to the Education Department by the Commissioner for Public Employment in his annual report relates to that department's approach to the identification of redeployees. As the report states, there are now workable arrangements in place.