HOUSE OF ASSEMBLY

Thursday 24 March 1988

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

SEED CERTIFICATION

Mr MEIER (Goyder): I move:

That in the opinion of this House the Minister of Agriculture should immediately reverse the decision of the Department of Agriculture where it seeks full cost recovery for the certification of seeds and in its stead amend the Government charges so that at least 25 per cent of the cost of seed certification is borne by the Government for the common good, thereby avoiding potential harm to the small seeds industry.

This is one motion that I wish I did not have to move, because it comes at a time when the rural industry has been through a depressed state and still is depressed in many areas. Rural industry needs every incentive it can get and the Government, particularly the Labor Government since it came to power, has literally been living off the sheep's back. Even Messrs Hawke and Keating would recognise that.

The small seeds certification program goes back quite some time in South Australia and has developed a very good reputation. In fact, our certification procedures are such that virtually anyone can rest assured that, because of the certification carried out, they are getting top quality seed. Surely the Government should be wanting to do everything it can to continue to promote such top quality in a rural product.

I would like to draw the attention of members to the situation that arises in the barley and wheat industries around the world generally. About two years ago we saw how the wheat and barley prices started to drop to uncomfortably low levels. Australia certainly had reason to be concerned. In particular, we saw the United States selling its wheat and some of its barley at bedrock prices. I know many of the statements that came from our rural producers and organisations, let alone from the Government (I think the Government sent representatives to seek United States reconsideration—

The SPEAKER: Order! I ask the member for Goyder to resume his seat for a moment. Since we have had private members' time at this time of the day it has always been the practice that the first four or five minutes involves a fairly substantial amount of consultation between members from both sides so that they can establish who is going to speak and when. It would be more conducive to the orderly conduct of the House if there was not quite so much standing around in the gangways in contravention of Standing Orders. The honourable member for Goyder.

Mr MEIER: Thank you, Mr Speaker, for your intervention because, as I said at the outset, this is an important issue and I would hope that Government members would take a little more interest in it than they have been doing. Certainly, your reminder to them was very timely. As I was saying, about two years ago when the wheat and barley industries received a severe blow from the United States, among other countries, we were worried about the continuing falling prices. However, the situation has stabilised since that time and one area in which Australia and South Australia has come out on top is the control and high quality of our grains.

That has come about only after many years of close cooperation with the industry as a whole. It has meant that we can provide a product to any country in the world according to its required specifications. That is much more than America can do, certainly with its wheat and barley, and we should aim to keep that hold on the market. As a result, the prospect for the future, while not promising a boom, at least looks somewhat promising and I hope that overseas prices will not further deteriorate, although the value of our dollar comes into that as well.

As to certification of small seeds, in the past the Government has subsidised or contributed most of the cost for the certification of small seeds. Some time ago the Government indicated that it felt that because the industry was picking up and becoming more profitable and because more farmers were entering it, it wanted to achieve full cost recovery. The industry sat down and talked with the Department of Agriculture about the proposals. It appeared that a compromise had been reached whereby the growers would be prepared to contribute 75 per cent of the cost of seed certification.

I remind members that this Government came to power some years ago under many promises, most of which have been broken. One promise was that it would always consult with the industry and would not take decisions willy-nilly on its own. Here we see a clear case of the Government's having made a decision, despite the fact that the industry said, 'Look, we will compromise and come up to 75 per cent.' The Government said, 'No, we want you to pay the full cost of certification of seed.' I seek leave to have inserted in *Hansard* two schedules without my reading them. The first, 'Seed Certification Fees', shows the fee from 1 October 1986 at 67 per cent and the second schedule, 'Certification of Seed Fees', is from 1 October 1987 to 30 September 1988.

The DEPUTY SPEAKER: Can the honourable member assure me that the tables are of a purely statistical nature?

Mr MEIER: Yes, Sir.

Leave granted.

	SEED CERTIFICATION FEES	Current Fee $ (from 1.10.86	67% Fee $
*Pre-sowing inspection for pedigree crops	Per hectare	1.45	2.35
	Maximum fee	72.00	116.65
	Minimum fee	14.50	23.50
*Field inspection for certification	Per hectare	1.45	2.35
	Maximum fee	—	—
	Minimum fee	14.50	23.50
*Field inspection for registration	Per field	14.50	23.50
	Maximum fee per property	72.00	116.65
*Fees for late applications to inspect fields	—	Double above fees	Double above fees
*Herbage and vegetable seeds—fees for sampling, sealing and analysis of seed.	Minimum fee for any service	14.50	23.50
	Certified per sack: 25 kg net wt or less	0.40	0.65
	Over 25 kg net wt	0.70	1.15
	Pre-basic/basic per sack: 25 kg net wt or less	0.80	1.30
	Over 25 kg net wt	1.45	2.35
*Field crop seeds—fees for sampling, sealing and analysis of seed.	Minimum fee for any service	10.50	17.00
	Certified per sack	0.25	0.40
	Certified bulk per line.	15.25	24.70
	Pre-basic/basic per sack	0.45	0.75
	Pre-basic/basic bulk per line	30.00	48.60

SEED TESTING FEES

	Current Fee ($) (from 24.1.85)	67% Fee ($)
*Purity analysis only	7.75	10.50
*Germination analysis only	7.75	10.50
*Purity and germination analysis	14.50	20.00
*Moisture content	12.25	16.50
*Weed seed count only	7.75	10.50
*Tetrazolium test for seed viability	30.00	35.00
*Issue of International Certificate with analysis	15.25	20.50
*Issue of International Certificate without analysis	7.75	10.50
*Sampling of sealing fee for other than South Australian certified seed (per pack)	0.15	0.20
Maximum charge	15.25	20.50
Minimum charge	7.75	10.50
*Analysis of a seed mixture; purity analysis for percentage of each component	17.50	23.00
Germination analysis for each component	7.75	10.50
*Issue of duplicate certificate (each)	1.50	2.00

SCHEDULE OF SEED CERTIFICATION FEES FOR 1987-88

Herbage, Field Crop and Vegetable Seeds		Effective from 1.10.87 to 30.9.88 $
Pre-sowing inspection for pedigree crops	Per hectare	2.95
	Maximum Fee	146.30
	Minimum fee	29.45
Field inspection for certification	Per hectare	2.95
	Maximum fee	—
	Minimum fee	29.45
Field inspection for registration	Per field	29.45
	Maximum fee per property	146.30
Fees for late applications to inspect fields		Double above fees
Herbage and vegetable seeds—fees for sampling, sealing and analysis of seed	Minimum fee for any service	29.45
	Certified per sack:	
	25 kg net wt or less	0.80
	Over 25 kg net wt.	1.40
	Pre-basic/basic per sack:	
	25 kg net wt or less	1.60
	Over 25 kg net wt	2.95
Field crop seeds—fees for sampling, sealing and analysis of seed	Minimum fee for any service	21.35
	Certified per sack	0.55
	Certified bulk per line	31.00
	Pre-basic/basic per sack	0.90
	Pre-basic/basic bulk per line	61.00
Seed analytical sticker—OECD seed and non-certified seed.	1—50 sacks	8.10
	51—100 sacks	10.15
	101—150 sacks	13.70
	151—200 sacks	16.80
	201—300 sacks	25.40
	301—400 sacks	33.50

*Anticipated from 1 July 1986.

Mr MEIER: Time will not permit me to go through all the details, but I am sure that when members look at these tables they will see the implications of the increased charges. As to the first charge of presowing inspection for pedigree crops, listed on a per hectare basis and showing a maximum and minimum fee, the per hectare fee was originally $1.45. It then increased to $2.35 as a result of the Government's first move. It now stands at $2.95 and it is predicted that it will go higher than that.

If I went through virtually all the fees, over a two year period there has been a virtual doubling of those fees. This year the Premier has said quite often that he will keep fee increases to CPI levels. If that were the case, instead of a 100 per cent increase, there would have been a 16 per cent increase. That demonstrates how the Government regards the rural sector. It could not care less about it. It is happy to hit the rural sector with a higher charge just to ensure that Government coffers are topped up.

I would have thought that the Adelaide by-election, and certainly the New South Wales elections, would have taught this Government a lesson: it cannot continue to charge excessive fees if it wants to retain the confidence of the people. Perhaps it is not necessary for me to say that it has lost the confidence of the people, and that will be demonstrated very quickly. I appreciate that this Government has another two years in office before an election must be called, but I am concerned that the small seeds growers of this State should not be further disadvantaged during that two year period.

Surely members would know that, as a result of the depressed state of the rural industry, many rural producers and so many farmers have been forced to diversify. Those farmers who perhaps grew barley, wheat and peas and also perhaps ran a few sheep over the past year have come out of it quite reasonably, because the wool and meat prices have been buoyant, and prices for peas and beans have also been very heartening. It is only logical that more farmers should look at the small seeds also. I know that quite a few farmers in my electorate have certification to sell seeds which have been properly inspected and, therefore, farmers buying from them can easily recognise and be assured of the best possible quality.

Why should the Government continue to go ahead with its desire for 100 per cent cost recovery? As mentioned in my motion, I think we need to keep in mind that at least 25 per cent of the costs of seed certification should be borne by the Government for the common good, because this industry also looks promising and it is for the good of all South Australians. I think that city people are only now beginning to realise once again that, if the rural sector suffers a significant setback, then that effect flows on to the city in due course and the people in Adelaide felt that a few weeks ago.

I trust that the Minister of Agriculture will give an undertaking to this House that he has reconsidered the situation and that he will not go higher than 75 per cent of the cost recovery. We should be aware that the Minister or the department asked the seed cleaners to collect the new fees. However, the seed cleaners rejected that request (and I can well understand why), so now the farmer is being billed directly for increasing costs. The General Manager of the South Australian Seed Growers Co-op indicated that, for many farmers, the cost could be about $2 300. That is not an insignificant amount which suddenly has been thrust upon them. Could members imagine the outcry from any city dweller who was subjected to an increased charge, say, for water services, electricity or whatever, of about $2 300? It would force the Government to reconsider the matter immediately and I am sure that, as a result, the Government would at least halve that increase.

I am well aware that private members' time is just about running out. I would have liked to refer to a few articles such as the *Farmer and Stockowner* publication and to refer to aspects of the small seed situation generally, but I will not do that. I urge this House to support the motion and the Government to reconsider a very untimely move, just at a stage when the rural industry is looking for some form of help and assistance from the Government. It is not looking at having another charge levied upon it. I urge all members of the House to support this motion.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

SNAPPER FISHERY

The Hon. P.B. ARNOLD (Chaffey): I move:

That the regulations under the Fisheries Act 1982 relating to snapper, made on 14 January and laid on the table of this House on 9 February 1988, be disallowed.

I have moved this motion for a very clear reason. Section 20 under Part 3, Division 1, Objectives, of the Act provides:

In the administration of this Act the Minister and the Chairman shall have as their principal objectives:

(a) ensuring through proper conservation and management measures, that the living resources of the waters to which this Act applies are not endangered or over exploited;

and

(b) achieving the optimum utilisation and equitable distribution of those resources.

Really, that is precisely what we are talking about in relation to this motion. Is the Minister achieving the optimum utilisation and equitable distribution of those resources? We have two main competing interests in the fisheries of South Australia—the professional fishing interests and the recreational fishing interests. That is precisely what section 20 of the Act relates to. The recreational fishing interests made representations to the Subordinate Legislation Committee. I will refer to some of the comments made by that body and, also, I will refer to the position presented by the South Australian Fishing Industry Council Incorporated to try to present a balanced view of the position from both the recreational and the professional fishing points of view of the snapper fishing industry in South Australia. The submission presented by the South Australian Recreational Fishing Advisory Council to the Subordinate Legislation Committee stated:

We have been aware for some time that the snapper fishery required an effort reduction to maintain its viability and we have commended the Minister for the speed with which he has acted to introduce new regulations following the release of the latest report of the state of the snapper fishery in June 1987; however, the regulations gazetted by him on 14 January 1988 do not distribute the available resource between the competing sectors with the equity which existed previously; and it is this aspect to which we take exception. These regulations not only contravene the Fisheries Act 1982, but also are inconsistent with the management objectives under which the Department of Fisheries operates.

The submission goes on to highlight the position of the Recreational Fishing Advisory Council in South Australia. Towards the end of its submission it states:

SARFAC again draws your attention to the concept that the greater value accrues to the community when a fishery is developed and managed to recreational advantage rather than to commercial.

It has currently gained wide acceptance amongst enlightened fisheries managements throughout the world. In South Australia our fisheries have consistently been managed to commercial advantage. Whilst we are not pressing for a recreational bias in the fishery at this time, that does seem an appropriate time to insist on the return of the equity that existed in the sharing arrangement prior to the introduction of snapper bag limits.

SARFAC trusts that the case presented above will move you to recommend that the fisheries regulations be amended as follows:

21.(1) Delete '400' and insert '300'

66. (1) Delete subclauses *(c)* and *(d)*.

In addition SARFAC seeks to have subclauses 66 (1) *(a)* and 66 (1) *(b)* struck out and the recently stricken clause 64A reinstated.

The council pursues this direction only to regain parity in the sharing arrangement, however, and it would be prepared to withdraw this last claim on the guarantee of the Minister that the commercial sector will be restricted to landing limits equal to 60 per cent of the 1986-87 landings as determined from catch and effort returned to the Department of Fisheries.

That is a brief summary of the position put in by the South Australian Recreational Fishery Advisory Council. On the other hand, the South Australian Fishing Industry Council, representing the professional fishing industry, in a letter to me dated 2 December 1987 made the following comments:

THE SOUTH AUSTRALIAN SNAPPER FISHERY

1. As you would know, Cabinet is in the midst of resolving the snapper issue. Below are the points on which we argued the case. I note that we also hold major reservations about the practicality of quotas on net catch, but for strategic reasons have not pushed the point. I note also that the issue and solutions have had long exposure in Western Australia. Again we are failing to learn from their mistakes.

The criteria:

2. We fully concede that there is a problem with the snapper stock in Spencer Gulf. However, the solution must meet two criteria:

(a) The adjustment burden must be equally shared between the recreational and commercial sector, and within that, the line and net permit holders.

At this point, both the professional and the recreational interests totally agree on the point that the adjustment burden must be equally shared between both the recreational and commercial sectors. It then really falls fairly and squarely into the lap of the Minister and the department to make sure that that occurs, because that is a requirement of the Fisheries Act. The letter continues:

(b) We must not return to the 'Dark Ages' mentality in fishing by restricting efficient catching methods. No other State has thought seriously about doing that in marine waters.

The facts:

3. The background facts are:

(a) The Government has solemnly committed that 'there will be no further netting closures implemented before 1988-89' when a full review will take place (page 3 of 'Sharing South Australia's Fish Resources'). That paper goes on to say that 'future proposals for netting closures will be based on accredited biological, economic, and sociological data . . .'

(b) The department is just about to commence an expensive year long study on the relative efficiency of various methods of fishing. This is all part of the review process which should be finalised before any substantial resource reallocations are made.

(c) Some of the same people who are asking for a netting ban in Upper Spencer Gulf are promoting the expansion of net use on the threatened Lakes and Coorong mulloway resource.

4. The specific facts are:

(a) The commercial sector, who rely on fishing for their living, is reducing in numbers.

It goes on to quote the figures for 1984-85 indicating their catch. In 1984-85 the catch was 471 tonnes; in 1985-86 it was 455 tonnes; in 1986-87 it was 405 tonnes. I will now move to the recommendations made by SAFIC, which read as follows:

From the facts, SAFIC has recommended the following to achieve the twin aims of controlling the effort and equitably sharing the adjustment burden:

(a) That the minimum length be raised to the Western Australian level of 38 cm in one change only, and that every attempt be made to lift Victoria to the same level.

(b) That if the number of hooks has to be restricted then it be to 600 for operators without a net permit and 550 for operators with a permit. That there be no longlining for snapper anywhere in the State in November, December and January.

(c) That if quotas on net take are introduced, then it be just for 1988-89, until the full review is completed, and

— they be allocated individual transferable quotas at their 1986-87 catch level;

— and that they have the choice of fishing the quota in a limited period or not operating under quota (but not being able to fish in that limited period).

(d) That the recreational bag limit be changed to five small snapper and two large to bring it into line with Western Australia. The alternative is to have a boat limit of 10 small and three large snapper. The limits would apply to all South Australia.

(e) That recreational fishermen be required to bring in their fish whole. This would affect only the 'shamateur' who

is taking large numbers of fish, not for personal consumption.

That is the view put by the professional interest, the South Australian Fishing Industry Council Incorporated. However, contrary to that I refer to a letter and discussion that I had with the council of the City of Port Augusta only a week ago. This letter addressed to me sets out its position and, dated 21 March 1988, it reads:

I refer to our discussion on the 18th instant concerning the 'snapper fishery', and in particular to its relevance in Northern Spencer Gulf, and confirm my verbal advice that the netting of such fish in this area is not supported by council. Advice available to us, indicates that during the past three years, (1984 to 1987), the snapper fishery in Northern Spencer Gulf has gone from stable to a decline in the abundance of large fish. Further advice indicates that 'there exists the possibility that Spencer Gulf snapper comprise a distinct population'.

It is also known that the Northern Spencer Gulf net fishermen are the most successful snapper netters in South Australia. They net is shallow water and net whole schools of snapper. They also know the exact time when the schools will appear, and they therefore have the potential to catch the entire State quota of 20 tonnes within a few days. (on past experience, the catches by the Northern Spencer Gulf net fishermen of snapper certainly well exceed the limit which will apply in the regulations). We therefore believe that if the Spencer Gulf snapper are a separate population as it appears, and as their members are declining in Northern Spencer Gulf because of the high net catch rate, it would be more prudent to extend the ban on the netting of snapper in the area, not reduce the regulations, given that it is quite feasible for the entire State quota to be caught locally, which would achieve no reduction in effort on a declining stock.

So, that is the view held by the City of Port Augusta, and I believe it is consistent with the view held by the cities of Whyalla and Port Pirie. This brings me to comments made to the Subordinate Legislation Committee by the South Australian Anglers Association, as follows:

In our opinion the new snapper regulations will fail in their stated management objectives, namely, the long term biological stability of the snapper stock and the equitable distribution of this stock between all competing sectors, as any reduction in the catch by the recreational sector will merely be absorbed by the increased commercial catch.

In conclusion, the associated stated:

Recreational anglers find it easier to accept restrictions on over-exploited fisheries provided the restrictions are (1) supported by sound and accurate biological fact and research, (2) applied equitably to all competing sectors in the fishery, and (3) are negotiated in a fair and open manner. It is considered that the Government has failed to fulfil its obligations under section 20b of the Fisheries Act and, subsequently, this association calls on it to repeal the reduced bag limits and boat limits which were recently imposed on recreational anglers.

The thrust of the submissions to the Subordinate Legislation Committee concerning snapper regulations is that the Government and the department are not complying with the Fisheries Act. I believe that there are ample grounds for Parliament to decide that the regulations should go back to the department and that there should be further consultation and study undertaken to determine the full extent of the decline of the resource.

The Opposition certainly supports the view of the Government that there has been a decline in the resource and that appropriate action must be taken, but the Act clearly states that it must be done on a fair and equitable basis between the competing interests, that is, those in the commercial sector and those in the recreational sector. For those reasons the Opposition believes that the regulations should be disallowed.

Mr GREGORY (Florey): The Government is opposed to the disallowance of these regulations. In listening to the member for Chaffey I was reminded of a story that I was told at one time of a woodcutter applying for a job at Mount Gambier. Instead of having a chain saw he had a great big bladed axe, and he was explaining to the foreman of the woodcutting gang just how quickly he could cut down trees; the foreman asked him where he last worked, to which he replied 'The Sahara forest.' The foreman said, 'There is no forest there, it is a desert,' and the woodcutter said, 'I know but it was a forest when I started!' That is precisely the attitude that has been expressed by members opposite. They do not seem to care that we continue to exploit this resource that we have in this State.

In the past few years in South Australia there has been a lot of argument with people in the fishing industry on how we should ensure that we preserve the resources for further exploitation in future so that our grandchildren and great grandchildren can enjoy eating snapper, crayfish, prawns, and scale fish from the South Australian fisheries. The arguments put by the member for Chaffey were exactly the same arguments put forward by people with fishing interests when the Government banned net fishing in the Angas Inlet around the Torrens and Garden Islands. Over-exploitation and effort is occurring in these industries, and we cannot continue to say, 'Keep on doing it, it will be all right.' Everyone who is asked about this says that they do not take out many fish and that it will be all right, but the reality is that, if this continues to occur, the same situation will prevail as in the case of the Sahara forest—there will be nothing left to catch.

This problem is not unique to South Australia or even to Australia. The best example of unregulated and uncontrolled fisheries is that of the west coast of America, where tuna fishermen are now invading island States in the Pacific in an attempt to get tuna so that they can stay in fish and earn a living. They are using the full resources of America to force small countries—in some cases of only 5 000 to 15 000 people—into accepting their economic will.

I believe that this most sort after resource ought to be preserved, and the only way to do it is to continue with these regulations. If we do not do so we will go backwards. No matter what members opposite say, if we disallow the regulations we will simply hasten the day when there will be no snapper in South Australian fish shops; people will not be able to buy snapper because they will have gone. Members opposite say that it is okay and that everything is all right, but throughout the world there has been a devastation of some species due to man's lack of concern to preserve those species.

They are a renewable resource but they must be harvested effectively to ensure that stocks are not reduced below a recoverable level. That is what these regulations seek to do. I venture to say that in four or five years time—when members will still be in Opposition—they would be in here whingeing and whining about having regulations to ensure that our fisheries remain viable. I urge the House to defeat the motion.

Mr LEWIS (Murray-Mallee): In two minutes let me just say that, notwithstanding the attitude expressed by the member for Florey, I do not think that these regulations are in any way likely to address the problem to which he has referred. He knows as well as I do that it is the Japanese long-liners who are ruining our fishery out in Commonwealth waters. This is about as sensible as the ALP's saying that it favours private enterprise while taxing it out of existence.

Mr Gregory interjecting:

Mr LEWIS: To be serious about conserving a species of this kind that is already under pressure, it requires a two pronged approach, not only regulation of effort (but this kind of approach to regulate effort in the State fisheries will not work), but also a regulation of effort in relation to

species in fisheries in continental waters. The way that we can regulate the effort in that part of the waters under the direct control and responsibility of the State is not to impose these kinds of blanket bans related to calendar months or other periods of time but simply to determine the number of species—that is, involving individual counting, from one upwards—that can be taken. The most effective way to do that is to sell tags.

We would then not only derive revenue from the sale of tags to enable the fishery to be managed and proper research to be undertaken but also we would have a clear means of identifying whether any one fish, be it a crustacean or a vertebrate, has been taken illegally—because the moment it is taken it must be measured and, if it complies with minimum measurement requirements, one would simply stick a tag into it, through the base of the dorsel fin if it is a vertebrate fish or through the back of the carapace if it is a crustacean.

The idea is to restrict the number of tags for sale for each of the fish in the fishery so that one then knows precisely how many fish one is taking each year, and by the number of tags made available for sale to either professional or amateur fishermen, one can then determine how many will be taken in subsequent years. The Government should get its act together and examine the scientific evidence which indicates that the approach it is taking in relation to this matter is not working. It should go about introducing something of the kind that I have suggested.

The Hon. P.B. ARNOLD (Chaffey): I fully support the remarks made by the member for Murray-Mallee. They make a hell of a lot more sense than the comments made by the member for Florey. Unfortunately, we see this time and time again from Government members: whatever any Government department puts down, the Government blindly accepts it as being absolute gospel. Of course, that is absolute rubbish. There are many other authorities and people apart from the Department of Fisheries who can make a very positive contribution. All wisdom does not lie in the department. Practical experience out there on the water and local knowledge certainly have a great deal to contribute. Unfortunately, this information is brushed to one side time and time again by this Labor Government and that is a great tragedy.

No-one on this side, for one instant, supports an irresponsible approach or a depletion or destruction of any of the resources in South Australia—whether it be fisheries, the water resources, or any other resource which belongs to this State and its people. The Opposition fully supports a reduction in effort. We are saying that what the Government has brought down in the regulations that are currently before the House will not reduce the effort, it will merely shift the taking of that resource from one section of the community to another.

The Act clearly states that the Minister and the Director have a clear responsibility to ensure that that resource is evenly shared by the competing interests. The Government is totally failing to do that. There needs to be a reduction of effort, but it needs to apply across the board. For the reasons that we have given, the Opposition strongly moves for disallowance of these regulations.

Motion negatived.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 3 March. Page 3290).

Mr BLACKER (Flinders): On 3 December the member for Victoria introduced a private member's Bill to amend the Local Government Act to attempt to bring about a change to the voting system presently available to councils for the election of their councillors. I commend the member for Victoria for bringing this Bill to the House. I think those of us who were involved in the debate in 1984 realise that it was inevitable that a Bill of this kind would come forward some time in the not too distant future. There have been only one or two council elections since that time, but invariably anomalies have arisen. It has become patently obvious that inconsistencies occur in the voting system that is presently in the Act and that it is therefore necessary for some changes to be made.

The Local Government Act provides that councils can use two voting systems. The councils can determine which system they will use. One of the systems is the proportional representation system, and is not amended by this Bill. The other system is a preferential system, which is the correct term for the voting system, although the counting system is quite unacceptable. This Bill addresses that point. As I said, I believe that the member for Victoria should be commended for bringing this Bill to the House, and I trust that commonsense will prevail in the debate on this Bill and that hopefully some changes will be made.

We could talk about possibilities and theoretical options that could occur, but this has already happened; I believe that the District Council of Millicent has already had the experience where a minority candidate has been elected, not because of the voting system itself but because of the manner in which the votes are counted. That is the point that needs to be stressed quite clearly. It was not that the voters did not give their clear indication: it involved the manner in which the votes were counted.

To that end, I think it is necessary that I relate again to the House the example used by the member for Victoria which is purely theoretical but which highlights the stupidity of the Act as it stands. I think that 'stupidity' is the word to describe a situation where this sort of situation can arise. I refer to the case where there are six candidates to fill three vacancies. This is where the problem arises; if there was only one candidate the system would be perfectly okay.

The DEPUTY SPEAKER: I ask members who are now standing to take their seats. Some of them have their backs to the Chair, and I ask them to show courtesy to the speaker.

Mr BLACKER: I wish to relate to the House a case where there are six candidates to fill three vacancies. That situation can occur, and indeed it has occurred on many occasions. In this theoretical example I will nominate the candidates as A, B, C, D, E and F. Candidates A, B and C have the support of 98 per cent of the voters. That can easily happen where there are three sitting candidates with three unknown candidates entering into the contest. The three popular candidates attract 98 per cent of the vote with the other three being able to attract only 2 per cent collectively.

Under that scenario one would assume that candidates A, B and C, who collectively have 98 per cent of the vote, would automatically be elected. However, the Local Government Act as it stands need not allow for that to occur. Say, for argument's sake, that the 98 per cent who supported candidates A, B and C vote one for A, two for B and three for C: the voting parcel would be 98 per cent votes for A, no votes for B and no votes for C. Therefore, the second and third candidates preferred by the people would not have been elected. If the remaining two votes are cast, one for F and one for E, the parcel of votes is as follows: 98 per cent for A, none for B, none for C, none for D, 1 per cent for E and 1 per cent for F. Under the present system,

A, E and F would be elected although 98 per cent of the voters did not want E and F.

The chances of that occurring may be remote, but it is a possibility. Those of us who have watched local government elections would know of situations where there are strong popular votes, but where outside contenders come into the contest, as a result of which large variations in the support for members often occur.

It is wrong for this Government or Parliament to allow that sort of anomaly to occur within the voting system. I can only add my full support to the member for Victoria in what he is endeavouring to do. I trust that this House will likewise give him support. From the point of view of the constituents or electors, the problem is not in the voting system: it is the manner in which the votes are counted. It is wrong that councillors are elected without the popular vote of the people, and I am concerned that the present system allows that to happen.

In 1984 when the original debate was before the House, several questions were raised about the validity of the Act, how it could occur and how it would occur in practice. Although questions were asked, they were not satisfactorily answered. The then Minister for Local Government (Hon. Gavin Keneally) admitted that there were some concerns about the system and that it might not be truly representative. However, I was quite disturbed when the member for Price, when responding to the member for Victoria, made a number of allegations about the system. I am concerned about the initial comment of the member for Price, as follows:

> The Government is aware of, and understands, the concerns which prompted the introduction of the Bill.

If the Government is aware of, and shares, the concerns which prompted the introduction of this Bill, surely it would turn about and support the Bill introduced by the member for Victoria. That is the problem. I guess we are getting back to the situation of whether the Government seriously understands the problem, whether it is genuine about it, or whether it will have the courage to allow the member for Victoria the right to be able to have a private member's Bill succeed in this House to correct an anomaly that we all know and understand exists in the present system. Or, will the Government introduce its own Bill to do exactly the same thing?

Those of us who have been in this House for a number of years know full well that that is usually what happens. However, that does not matter. The member for Victoria raised the matter, and he should be given credit for this issue. The challenge will now be to the Government in relation to whether it will be seen as supporting something that it knows is blatantly wrong. If the Government continues in that vein, then let it be on its head, because the mistake has been made and has been brought to this House for correction. It is now up to the Government to recognise that situation and facilitate the passage of this Bill to ensure that the mistake is corrected before the next local government elections which are, after all, only a couple of months away.

I do not wish to go on further because I think the point has been made. I regret that the comments of the member for Price when responding to the member for Victoria do not answer the problems that the Bill addresses.

In fact, the more one reads the member for Price's comments, the more confusing the issue becomes because, although a lot of comments are made, very few actually relate to the practical application of the Bill. The Bill is relatively short. It is designed to correct an anomaly in a voting system. It is a democratic Bill. It aims to put democracy back into local government. It aims to be fair and honest to ensure that the candidates who have the preferred vote of the majority of people are the ones elected.

As it presently stands, the system almost guarantees that candidates in a multi candidate contest requiring multi elected members need not be the most favoured candidates to be elected. That is of great concern to me and I trust that the House will support the member for Victoria in these endeavours.

Mr OSWALD secured the adjournment of the debate.

FEDERAL GOVERNMENT ECONOMIC RECORD

Adjourned debate on motion of Mr Meier:

That this House congratulates the former Labor Prime Minister, Gough Whitlam, for condemning the present Hawke Government for its abysmal economic record and thanks Mr Whitlam for pointing out that Treasurer Keating has got it wrong and should stop making his scathing criticisms.

(Continued from 3 March. Page 3290.)

Mr GREGORY (Florey): When watching and listening to the member for Goyder when this motion was debated in the House last on 3 March, I was amazed. It has taken 13 years for Gough Whitlam to be elevated from a pariah to a saint. I wondered what the member for Goyder's views were round about November 1975 when he was beavering around in a school teaching children about Gough Whitlam and whether he really thought to himself that he would be in Parliament 13 years later extolling the views of Gough Whitlam. At the moment, members of the Liberal Party are vilifying Bob Hawke. I wonder how long it will take after Bob Hawke retires before they elevate him to sainthood.

I well recall as a young union official driving around South Australia from employer to employer and listening to the ABC broadcasts of Parliament, hearing these knowledgeable members of the Liberal National Country Party coalition denigrating Labor members of Parliament on the basis that Ben Chifley would not have done this or Ben Chifley would not have done that, and yet every one of those hastened Ben Chifley to his grave. There was no let-up at all. He was a person who, with Curtin, pulled Australia out of the fire in the Second World War.

The whole basis of the attack by the member for Goyder, on what seemed to me to be a baleful of newspaper cuttings, was the economic record of the Hawke Government. I think the House would be very pleased to hear some actual facts, something that members opposite at times are very short on. In February 1978, approximately five years before the election of the Hawke Government, full-time workers in Australia were counted by the Bureau of Statistics at 5 099 900. Transposed to actual people at work, it becomes 5 985 700. Five years later, in February 1983, one month before the election of the Hawke Government, the full-time equivalent of workers had risen by the magnificent total of 82 300. Transposed to actual people in work, it is 6 172 200, an increase of 186 500.

Five years after that, after this catastrophe of the Hawke Government, which has done nothing for Australia, there were an extra 642 800 full-time equivalent workers: not bad for five years of mismanagement. If that is mismanagement, how many more millions would we have at work if we were doing as good a job as they wanted us to do? Then we look at what was happening with the actual numbers. They had crept up, very slowly, of course, to 7 145 000. Following a little arithmetic, that comes out at 973 100, a small insignificant amount of people!

Then we look at the economic record of what happened at that time. The deficit in 1977-78, five years before the election of the Hawke Government, was about $3 333 million. There is a lot of conjecture about what the deficit would have been in 1983 if the Howard-Fraser combination had been re-elected, but there does not seem to be much dispute about using the figure $9 billion. But what do we have in 1988—a deficit of $27 million. It is projected that there will even be a surplus.

In my humble opinion that illustrates that the Labor Government in Canberra has been doing a very good job. We do not need to look at newspaper cuttings and then try to elevate into sainthood a person whom members opposite have vilified for years, and then demonstrate that we have been doing no good. I am of the view that every one of those 973 100 people that have gained employment since the election of the Hawke Government, and the full-time equivalent of 642 800 people, are very thankful persons, and they hope that the Liberal Opposition with its voodoo economics pinched from Reagan never ever get elected.

Mr MEIER (Goyder): It interests me that of the many contributions given in this House by the member for Florey, that was one of the briefest.

Mr D.S. Baker: Will it be good enough to get him into the ministry?

Mr MEIER: No, it will not be good enough to get him into the ministry. In fact, I think he will be relegated further to the backbench after that contribution. I half expected that the member for Florey might try to come up with something that would counter the motion, but what did we hear from him? About two or three sentences and a little bit of padding in between, with something about 642 000 people now having jobs that would not have had them. What a fictitious figure from the point of view that he well knows that the unemployment rate has not improved as such. While it might move one or two points up or down, the Hawke Government has not made an impression at all. Members opposite simply use facts and figures from so-called created jobs that last for a little while and then disappear. Even the member for Florey was not at all convincing in this respect.

I remember some years ago when Fraser was in power and Hawke must have been President of the ACTU, and Hawke said how Australia's unemployed would top the one million mark within a year or so. It certainly never occurred during that time. It never got close to it. Mr Hawke was proved wrong time after time. I have taken real heart from what the member for Florey had to say because it is quite clear to me that Mr Whitlam's comments certainly need to be applauded from the point of view that he has condemned the present Hawke Government for its abysmal economic record. Certainly we must thank Mr Whitlam for pointing out that Treasurer Keating has got it wrong and should stop making his smart arse comments.

Let us look at the growth of Australia's international debt under Labor. The member for Florey cited a few figures but this summarises the position of where Hawke and Keating have taken Australia. In 1982, under Fraser, Australia's international debt was $24.178 billion. It then increased steadily to 1987, reaching $104.514 billion. It is a pity that the graph cannot be incorporated into *Hansard* because it shows how rapidly the debt has increased. The current figure is about $120 billion. Even Hawke himself has admitted that he has got it wrong. In Monday's *Advertiser*, straight after the New South Wales election, the first paragraph read:

> The Prime Minister, Mr Hawke, has bowed to the need for a change in style and policies in the wake of Labor's mauling in the Super Saturday election across four States.

Further the article stated that Mr Hawke realises that Labor has been on the wrong track. In yesterday's *News*, I think it was, a magnificent cartoon showed Keating looking at Hawke after Hawke had moved a motion to get back to grassroots level. As Keating commented—

Members interjecting:

Mr MEIER: They do not like to hear it. Keating interpreted it to mean that Hawke wants to be put out to pasture. That is where Hawke will go, and the sooner the better. Unfortunately, Mr Keating, the most arrogant fellow the country has seen, will not help Australia. Whitlam's period was very, very bad but Hawke's time has been disastrous for this country.

Members interjecting:

Mr MEIER: It is a pity that members on the other side of the Chamber do not appreciate the truth of the matter. They do not regard the election results as an indication that the people are dissatisfied. They have ignored the small people—the backbone of this country—yet they get up in here and make comments that completely belittle the former supporters of the Labor Government, who are turning to the Liberal Party in droves. For once, Whitlam must be complimented and congratulated on recognising that Hawke has made a huge mess of the economy, although Whitlam made a big mess of it while he was in office. I am sure that all members will support this motion.

Motion negatived.

HOUSING TRUST RENTS

Adjourned debate on motion of Mr Meier:

That this House urges the South Australian Housing Trust to reassess the method by which rents are assessed for persons on a service pension whereby child allowances are taken into consideration by the trust, thereby forcing the service pensioners' child or children to pay a share of the rent.

(Continued from 25 February. Page 3115.)

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I oppose the motion. However, I do not want the member for Goyder to run away with the idea that the Government considers his motion, which he argued totally inadequately, is so important that the responsible Minister should speak to it. I happen to be on frontbench duty and it is an opportune moment for me to describe to the House and educate the member for Goyder about how frivolous this motion really is. Members have just heard the member for Goyder respond to comments made by my colleague the member for Florey on the previous motion. It is rather sad, because the member for Goyder is generally a likeable fellow. He is obviously concerned for his constituents. Occasionally we see a bit of the redneck appear, but that is usually the case with country members. He plays his part in the House, looks after his constituents and generally takes a minor role in Parliament. The problem is that, like many members opposite, the member for Goyder works on the maxim that the more you talk, the more important and knowledgeable you are seen to be, and it is a disease that is shared by the member for Mitcham.

Members interjecting:

The Hon. T.H. HEMMINGS: My goodness, Mr Speaker! I knew I had power!

The SPEAKER: Order! Members should restrict their comments to the motions and Bills before the House and not worry about the unpaid light 'Bill'.

The Hon. T.H. HEMMINGS: It was suggested when the lights failed that it was divine intervention. I think that it was a message from above to the member for Goyder that

he is on the wrong track. The member for Goyder has fallen into the trap that the member for Mitcham, the member for Hanson and the member for Chaffey have also fallen into. They put up motions time and time again. The member for Chaffey then spends 20 minutes reading letters from constituents; the member for Goyder reads newspaper articles; and the member for Hanson reads fairy tales. The member for Mitcham reads everything because he is the instant expert. However, I give credit to the member for Light, because he always does his own thing and does it well.

That is the problem faced by the member for Goyder. He is desperate to be noticed by his Leader so he moves a rash of motions in the House. The problem with going down that track is that one needs to know the subject well, and the member for Goyder does not know anything about this subject. In a previous debate the member for Florey made a joke about the forest in the Sahara. I will not make a joke but quote the old adage that a little knowledge is dangerous and no knowledge at all is a catastrophe. That is what has happened to the member for Goyder. Desperate to be seen as one who knows all about the subjects that come before the House, he steps in where angels fear to tread and makes a fool of himself.

When the rhetoric and padding is stripped away, this motion is based on two letters, one that I as Minister wrote to the honourable member in response to a request concerning a particular constituent. He also read out the constitutent's letter, in full. He dangled the suggestion before the House that he had other letters but would not waste time. The rest of his speech was pure rhetoric. The honourable member failed to understand a straightforward letter, which was sent by my office over my signature and which clearly explained his constituent's situation. More importantly, although he said that his constituent requested him to do so, the honourable member was prepared to name the constituent, detail his circumstances, cite his children's names and their ages, and reveal their income, so all the people of Moonta would know Mr Cunningham's business. I find that rather distasteful.

One of the beauties of the South Australian Housing Trust as a statutory authority is that even the Minister can be denied information regarding particular tenants. I am allowed access to certain information but, to respect the privacy of constituents, the trust quite correctly does not divulge that sort of information.

Mr S.J. Baker interjecting:

The Hon. T.H. HEMMINGS: Our much travelled member, the member for Mitcham, does not give a damn about privacy. As I said, a simple telephone call to my office or to the South Australian Housing Trust would have given the member for Goyder enough information, even though he failed to understand my letter. It is rather interesting to note that the member for Hanson is being briefed by the member for Goyder. I suppose that is to give him enough information to have an input into this debate and again make a fool of himself.

Mr Becker interjecting:

The SPEAKER: Order! The contribution by the member for Hanson while he was out of his seat is highly out of order and any repetition will not be tolerated.

Members interjecting:

The SPEAKER: Order! Could the member for Hanson please resume his seat. The honourable member for Hanson was being treated with some tolerance but nevertheless was being rebuked by the Chair for threatening another member across the Chamber by way of interjection when not in his seat. For the honourable member for Hanson to then act in defiance of the Chair is behaviour which cannot be tolerated. Any further action of that nature will result in his being instantly named.

Mr BECKER: On a point of order, Mr Speaker, I take exception to some of the assertions that you have just made. The Minister, as has been his wont in this House ever since I have been the shadow Minister of Housing—

The SPEAKER: Order! The honourable member for Hanson can only take a point of order.

Mr BECKER: The point of order is that I object to the Minister of Housing's continual untruthful statements against me.

The SPEAKER: Order! That is not a point of order.

Mr BECKER: I am entitled to argue in rebuttal.

The SPEAKER: Order! The honourable member is attempting to make debating points and not a point of order. The honourable Minister of Housing and Construction.

The Hon. T.H. HEMMINGS: The member for Goyder has urged the House to vote on this motion. That is the only part of his speech with which I agree: let us vote on it this morning and get it out of the way. It is irrelevant, so let us not waste any more of Parliament's time on it. However, before we do that, I will explain the situation to the member for Goyder, to his colleagues and to all those other people who may be fearful, as a result of the member for Goyder's contribution, about those people receiving veterans affairs pension. The income level of Housing Trust tenants eligible for reduced rents is set according to a formula applied irrespective of the source of the low income. In plain language that means that, regardless of whether the tenant is on a low income, receiving an unemployment benefit, a supporting parent benefit, a veterans affairs pension or any other type of statutory pension or benefit, the formula is exactly the same.

As an example, I refer to Mr Cunningham, who is receiving a veterans affairs pension. In that case the member for Goyder is trying to argue that that pension takes into account how many children the pensioner has. Therefore, logically, if Mr Cunningham had three or four children he would receive more in his pension. So if you follow it down that logical path, in relation to the proportion of the unemployment, sickness or supporting parent benefit which is applicable to children we would not charge rent. If the member for Goyder is so concerned about this, why is he not arguing that unemployed people in his electorate should not have that proportion of the pension which is applicable to children assessed as rental income?

The member for Goyder is arguing on a purely emotional basis. All members of this House would understand and would have sympathy for any person who has served this country and as a result is receiving a disability or service pension. However, if the member for Goyder knew his subject and what the whole pension scheme was about, he would know that every pension has a basic formula. A single person receiving a benefit has a certain proportion which is their pension; a married couple with no children is in another area; and there are other areas according to how many children a pensioner has, be it one, two or three. They are all basically the same.

The member for Goyder is putting forward an emotional argument to the effect that, if you are receiving a veterans affairs pension, you should have some form of cocooning which does not assess any proportion paid in respect of your children. That will just not work. That could have been explained calmly and logically to the member for Goyder—four or five times if necessary—if he had telephoned my office or the South Australian Housing Trust, or even the Veterans Affairs Department. We would all

have given him the same answer and we could have sent him pamphlets to help explain the situation. I suggest that, when Mr Cunningham visited the member for Goyder and understandably wanted to know why his family allowance for his two children was not being assessed, the member for Goyder should have—if he was aware of the situation—explained it to him.

However, if he was not aware of it, he could have telephoned my office, the SAHT or whatever. After obtaining the information he could have then relayed it to Mr Cunningham. However, the member for Goyder tried to create an issue and, as a result, we heard a lot of rhetoric about Labor being a high taxing Government, and so on—all the things that the member for Florey quite correctly described as newspaper padding. If the member for Goyder wants to take up a case—and I will support him in this—let him write to the Premier of Queensland, where his Party is in power.

Mr Meier interjecting:

The Hon. T.H. HEMMINGS: The Conservatives. We see no difference between the Nationals and the Liberals. If the member for Goyder is concerned about the situation in Queensland, I will back him and write a supporting letter, because in that State family allowance is part of assessable income. That is totally incorrect and totally improper. If the member for Goyder wants to put forward a case in this Parliament, all members on this side will support him and we will then notify the Queensland Government that we object to its attitude. I advise the member for Goyder and members opposite to accept that they have got it wrong, concede defeat gracefully and support the Government in opposing the motion.

Mr MEIER (Goyder): What a dismal performance by the Minister! Only this morning I read in the *Farmer and Stockowner* journal an article by Consensus which indicated that three Ministers were going to leave the front bench: Hon. Roy Abbott, Minister of Lands and Minister of Marine; Hon. Ron Payne, Minister of Mines and Energy; and Hon. Gavin Keneally, Minister of Transport. I hope that another Minister will be included in that group and that it will certainly be the Minister of Housing and Construction—

Mr FERGUSON: I raise a point of order, and I am most reluctant to do this. The honourable member does not appear to be speaking to the motion that is before us. I ask you, Mr Speaker, to rule that he return to the motion we are discussing.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I do not need all the advice I am receiving. The honourable member for Goyder certainly had not linked his initial remarks with the motion and in that sense the point raised by the honourable member for Henley Beach is entirely valid. However, the Chair did sense that he was about to do so. The honourable member for Goyder.

Mr MEIER: It is a pity that the honourable member who raised the point of order does not seem to appreciate that sometimes it takes a sentence or two to link the remarks with the matter in hand.

Mr Ferguson: I beg your pardon!

Mr MEIER: I will accept the apology. The Minister of Housing and Construction should not be a Minister any more in light of his reply to me. It highlighted how this Labor Government is treating the children of this State. If children living in trust houses are receiving a supplement they will be taxed on it, and then they will have to pay rent on it. This is a new event in Australia in that children are now being hit by the Labor Government as well. I wonder whether the Labor Party would like to lower the voting age. I would welcome that, because the children would certainly tell this Labor Government what they think of it.

The Minister has his facts wrong in so many places. He said something to the effect of my constituent, Mr Cunningham, coming to see me. I remind the Minister that Mr Cunningham is in a wheelchair. He is a partial quadriplegic and is on a service pension. He would not be able to come and see me under normal circumstances, so I went to see him. Certainly, he had contacted me on this. One of the key issues is that I am not talking about the general area of allowances and supplements. In fact, the Minister asked why am I not saying that the unemployed, who receive supplements, also receive exemptions for their children. I am happy to take up that matter as an issue, but I think I should direct my comments to this matter.

Mr Cunningham does not have the opportunity to work. In fact, he is fortunate to have a little movement in his hands—enough to be able to rest something on the table but not firm enough to hold anything. That is a key factor—he does not have the option of being able to increase his income. However, his two children, aged five years and one year—I may have been wrong in their ages in the initial *Hansard* debate—will now pay rent for the Housing Trust home that he is renting. Why should children have to pay rent on the income that they are receiving in the form of an allowance? It is hypocritical situation. Hawke, at the last Federal election, said that he would bring in this family allowance supplement—this is the children's supplement, the one he advocated would help get rid of poverty—but he taxed it at the same time. What a way in which to operate! It is unbelievable.

I am sure that the people of Australia, and certainly the people of South Australia, are seeing through the Hawke Government's bifocal glasses—he says one thing and does another. This situation is despicable and hypocritical, and voting at elections will continue to show that. The Minister reprimanded me for mentioning Mr Cunningham's name. That shows again how the Labor Government has lost touch with the people. It does not want to deal with individuals; it wants a very broad policy, with no exceptions anywhere. The point of my motion is that there are exceptions that obviously are causing hurt to people. That is what it is all about. Mr Cunningham's letter, dated 27 January 1988, states:

> But the main attention to the House must be child poverty. Family allowance supplement should be exempt from assessable income as is family allowance by the South Australian Housing Trust, as the supplement is only an extension of the existing family allowance. But the supplement is being called by DVA 'child allowance', therefore making it an easy target for the SAHT to claim it as assessable income when they assess rents six monthly. The Hawke Government's new family allowance supplement is not being paid to my family as stated by the legislation, also it is assessable income to the very Government who claim it as exempt and tax free.

That is the key to the whole issue, and I am sorry that the Minister was not able to see through it. I realise that he is a signatory to the Commonwealth-State Housing Agreement and that perhaps his hands are tied, but surely State Ministers are there to say that they will look after the people of their State better than other States.

The Minister brings in a furphy about another Party in Queensland which he hinted was the Party of which I am a member. I inform the Minister that the National Party is in power in Queensland and that it has been for some years. It used to have a Premier named Sir Joh Bjelke-Petersen; now the Premier is Mr Ahern, I believe. The Liberal Party is not in power in Queensland although certainly it will be in the future.

Let us get our facts straight in all the areas we are talking about. In this case we are showing not only that Hawke has been hypocritical and has misled the people of Australia but that this Government is perpetuating the sins of the Hawke Government and is making sure that families that need the extra income are not getting it and that children are being assessed for Housing Trust rents. I would never have believed that I would be living in a State—especially in a State run by a Labor Government which used to say that it represented the average person—where that would occur, but it is. Of course, that is now history and the people of this State are realising more and more that the Liberal Party can represent the community from the grass roots level right through. I urge all members to support the motion.

The House divided on the motion:

Ayes (16)—Messrs Allison, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier (teller), Olsen, Oswald, and Wotton.

Noes (27)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings (teller), Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 11 for the Noes.

Motion thus negatived.

ARRIVAL AND DEPARTURE TAXES

Adjourned debate on motion of Mr Meier:

That this House calls on the Government to immediately urge the Federal Government to remove the arrival and departure taxes on tourists into and out of South Australia (and by implication the rest of Australia) because of the untold damage it is causing to this State's tourist industry.

(Continued from 25 February Page 3120.)

Mr FERGUSON (Henley Beach): I move:

Leave out all words after 'House' and insert:

1. Congratulates the Federal government on its excellent performance in increasing international tourism to Australia by 91 per cent over the past five years.

2. Commends the Federal Government on the swift action it took in establishing a task force to review collection difficulties associated with the arrival and departure taxes imposed on tourists flying into Australia.

34. Urges the Federal Government to review its arrival/departure tax policy and its impact on tourism so that, if necessary, appropriate adjustments may be incorporated in the May economic statement.

I read the speech of the member for Goyder very carefully and believe it needs some correction. It is not true that only third world countries have departure and arrival taxes. Canada, Denmark, Finland, Ireland, Italy, New Zealand, Norway, Spain, Sweden and the United States of America all impose taxes on their own citizens and visitors leaving those countries. The United States also imposes—

Mr Lewis interjecting:

Mr FERGUSON: If the honourable member can contain himself, I am coming to that situation now. The United States also imposes an arrival tax, which takes two forms: first, an arrival tax built into the cost of the air ticket (which the honourable member probably did not even know about)—

Mr Lewis interjecting:

Mr FERGUSON:—and, secondly—

Mr Lewis interjecting:

Mr FERGUSON: I am having difficulty getting the point over, Mr Speaker. Secondly, a customs charge is levied on arrival, except for passengers—

Mr Lewis interjecting:

The SPEAKER: Order! The member for Newland has a point of order.

Ms GAYLER: The interjections by a member opposite are making it very difficult for me to hear.

The SPEAKER: The Chair was about to draw the member for Murray-Mallee's attention to the fact that he was behaving in a somewhat disorderly fashion. He will be able, if he has not already done so, to contribute to the debate in the normal manner. The member for Henley Beach.

Mr FERGUSON: Thank you, Sir, for your protection. The United States of America has a customs charge levied on arrival, except for passengers from Canada and Mexico. The $5 fee levied on passengers arriving in Australia is not absorbed into consolidated revenue as suggested by the member for Goyder, but is allocated towards administering the immigration and customs services of the country. In South Australia there is no evidence of an outcry or registerable complaint, either from visitors or from the industry, about the arrival tax, although expressions of mild disquiet have been made by some international visitors sponsored by Tourism South Australia. It is true, however,

Members interjecting:

The SPEAKER: Order! The member for Henley Beach obviously has a most appreciative audience among members opposite. I am sure he will have no difficulty continuing.

Mr FERGUSON: Thank you, Mr Speaker. It is true, however, that considerable opposition has been registered by national tourism organisations, in particular the Australian Travel Industry Association and representatives of the airlines, and it has been principally through their representations that the Federal Minister of Tourism (Senator Graham Richardson) has agreed to assemble a task force to review collection difficulties.

But the main issue seems to be not the level or the style of tax proposed but rather its method of collection, and this will be the main area to be reviewed by the task force. In the process of examining departure and arrival taxes which are by no means new, it is important to keep in perspective the development of tourism in this country. The Federal Government's record of increasing international visitors into Australia, particularly under the former Minister, John Brown, has been nothing short of spectacular.

In the past five years visitor numbers into Australia have increased by 91 per cent. Forecasts of increases for the next years are equally impressive. The Australian Tourist Commission, now known as Tourism Australia, predicts that by 1992 visitor arrivals to Australia will increase to 3.330 million in that year, which represents an 83 per cent increase over 1987 visitor arrivals.

When the Federal Labor Government came to power in 1982, visitor arrivals in Australia were well below one million per annum. This year international visitors will exceed two million. The former Liberal Government gave scant attention to tourism and the annual budget allocated to the Austalian Tourist Commission was a meagre $8.8 million in its last year of office. The last Federal budget allocated a record $33.6 million to the Australian Tourist Commission for the promotion of international tourism.

The money has to come from somewhere, and the logical form of revenue raising for this purpose—the precedent set by other tourism mature countries—is through the tourism tax means: a user pays system. The Federal Government has allocated a departure and arrival tax as the most appro-

priate means for Australia, and it would seem that the main defect in the process that they have implemented is the method of collection. I am sure that members would realise that when they pay a hotel bill in overseas countries they also pay a tourism tax on top of that bill.

Rather than condemning an innovative Government in raising revenue to finance international tourism marketing development, this House should be congratulating it on the record of its achievements in tourism. However, tourism taxation policy should be constantly under review. I congratulate the Federal Government for acting so promptly to form a task force to review the collection difficulties that have arisen. Such a review is timely since the new tax has now been in operation for three months. But I urge the Federal Government to broaden its review to include a review of the impact of the airport tax on tourism and, if necessary, include appropriate adjustments in the May economic statement.

Mr LEWIS (Murray-Mallee): Whilst the member for Henley Beach's sonorous tones may sound authoritative, an examination of his remarks shows that they are pretty wide of the mark. In the first instance, the tax to which he refers as being collected in other countries and in this country simply goes into general revenue. So does this tax. It is piffle to say that it goes into tourism and development. It is as wise and as accurate as saying that the money from the Lotteries Commission goes into the Hospitals Fund. It simply means that the revenue derived from this source reduces the amount allocated from general revenue to top up the bucket to the required water mark to ensure that there are sufficient funds there.

It is nonsense to argue that it is earmarked for a specific purpose. If it were to be so, it would be put into a dedicated trust fund from which funds could only be withdrawn for that explicit purpose. That is not the case, it never has been, and there is no proposal for it to be so, either in this country or in the other countries listed by the honourable member. He suggested that some of those countries were not Third World countries, but in fact many of the countries he mentioned were Third World countries.

One would not deny that Mexico was a third world country. The mess made of the Mexican economy on a per capita basis is exceeded only in the case of Australia, New Zealand and a couple of other comparable countries. We certainly live beyond our means and do so by virtue of the fact that the world at large acknowledges the vast natural resources at our disposal which it is hoped will get us out of that problem at some future time. It is not only overseas lenders who hope that that will be possible but also the current Labor Government, and it is a pity that the general public does not understand the mess that we are getting into as a consequence of this Labor Government's economic policies, one of which is this very tax.

The honourable member also suggested that there is a departure and an arrival tax in all those countries on the list that he read to the House, but there is not, and he knows that that is the truth. There is not a departure and an arrival tax in those other countries to which he referred: there may be one or the other, but not both.

The next matter on which I wish to disabuse the House and correct the mistaken information given by the member for Henley Beach is the statement that this tax is an arrival tax. That is piffle. It is not an arrival tax: the tax is paid at the point of departure. I can tell the honourable member that three weeks ago tomorrow when I left this country I paid the so-called immigration tax at the time I left and not at the time I returned, since there are no means by which it can be collected on return. The regrettable thing, of course, is that the honourable member also misled the Chamber when he said that when we pay our bills overseas, whether it is at a hotel or anywhere else, a tourism tax is added to the bill. Again, that is piffle.

The rate of the tax and the reason for its being levied is as a consumption tax for the purpose of raising general revenue, which is different to the situation in Australia in that those countries rely upon consumption taxes as the major or principal contributor to their sources of revenue instead of income taxes.

Mr Ferguson: Is that true in every country?

Mr LEWIS: I did not say that: I said 'in the majority', and you should listen more carefully. The member for Henley Beach seeks to misrepresent the remarks I made to rectify the mistaken impression he gave all of us if we were perhaps foolish enough to believe him. Given the limited time at my disposal to speak to this amendment, I will not attempt to adjourn the matter further, except to say that, from my certain knowledge, had this Government been on the ball (and given the strength of the German and Japanese economies in particular and their increases during the past six years against the Australian and American economies) our increase in overseas visitors in general should have been much greater than 91 per cent. It is ridiculous to argue that the Fraser Government was in some way responsible for not doing something earlier, because our currency *vis-a-vis* the mark and yen still made it too expensive for overseas people to holiday in Australia.

The Hon. H. Allison interjecting:

Mr LEWIS: Indeed, our bananas are much cheaper since Mr Keating has been Treasurer. Our currency has fallen substantially against the currencies of other countries from which our principal visitors have come and our currency needs to fall further. I am amazed that in recent days foreign currency manipulations have resulted in an escalation of the Australian dollar against the American dollar by more than 4c. It has astonished me that the Reserve Bank and the Federal Treasury have allowed that to happen. That has not been allowed to happen for the benefit of Australia.

The Hon. H. Allison interjecting:

Mr LEWIS: You're not wrong: it's not the bent end of the banana but the rough end of the pineapple that we are getting. In comparable dollar terms, if the amount of money that was then being spent by the Fraser Government was all calculated in 1988 Australian dollar terms, it was greater than the $8.8 million actually spent. The $30 million-odd spent by the Federal Government last year did not of itself result in the doubling of the number of visitors coming to Australia during that period. The most significant factor contributing to the increased number of tourists coming to this country is the favourable disparity in terms of trade between our currency and theirs, particularly those of West Germany and Japan. The increase should have been greater than 91 per cent and the projections should be higher than is now the case. They would be higher if we deregulated our labour market in Australia.

Finally, I do not agree with the watered down soft option approach taken by the member for Henley Beach; rather, I support the proposition put by the member for Goyder in his original motion in that, to do less than castigate the Federal Government in the way that the member for Goyder has by directly alluding to its inadequacies, it would allow the Federal Government to think that we are foolish enough to believe that it has done all it can to ensure the most rapid expansion of this most valuable industry. That is not the case. It is doing much less than it could. In the

course of developing this industry, it is spending its money in less effective ways than could be the case.

If the member for Henley Beach were fair dinkum about the need to develop tourism not only in Australia but also in this State, he would have castigated the Federal Government for failing to ensure that South Australia receives a fair slice of the market of visitors coming to Australia, when compared with the Eastern States. He said nothing about that. Our fair share of those visitors would be about 8 or 10 per cent. In order to show visitors that what we have here is a unique part of Australia, we should have more international direct flights and, at the taxpayers' expense, more tourist brochures should be printed which feature South Australia as a part of the total package.

We receive something less than 2 per cent and that is less than one-fifth of what we ought to get. He said nothing about that. This Government has done nothing to ensure that the Federal Government provides an equitable situation for South Australia. Labor Senators have not drawn to the attention of the Federal Government the necessity to redress that imbalance. It is easily the most significant, immediate and prospective growth industry which will provide opportunities for expansion of our employment base in this State, but this Government has done nothing about it and it allows the Federal Government to do likewise.

Mr S.G. EVANS secured the adjournment of the debate.

[*Sitting suspended from 1 to 2 p.m.*]

PETITION: CHILD ABUSE

A petition signed by 76 residents of South Australia praying that the House urge the Government to review practices and increased penalties in the prosecution of child abuse cases was presented by Mr Blacker.

Petition received.

PETITION: NURSING HOMES

A petition signed by 51 residents of South Australia praying that the House urge the Government to oppose plans by the Commonwealth Government to reduce staffing hours for nursing homes was presented by Mr Meier.

Petition received.

PETITION: NET FISHING BAN

A petition signed by 609 residents of South Australia praying that the House urge the Government to close the bay of Stansbury to all net fishing was presented by Mr Meier.

Petition received.

MINISTERIAL STATEMENT: MINISTERS' INTERESTS

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. J.C. BANNON: Yesterday in the House the Leader of the Opposition asked me a question concerning Ministers' interests to which I have, in fact, replied as a reply to a question without notice, which is being tabled and which will be distributed. On reflection, I believe that it would also be appropriate for me to make it as a statement so that it is before the House. The answer has been supplied to the Leader and is in the following terms in response to the specific question that he put.

There are generally acceptable rules which have been followed by this Government which conform to the practice of all previous Governments in South Australia and other jurisdictions in Australia. They are not in writing. As far as I am aware, only the Government of the Commonwealth has written rules governing such procedures. These are outlined in the Federal Government Cabinet Handbook. The procedures established in this State for Ministers to declare their interests to the Premier and the Cabinet follow well-established practice in previous South Australian Governments and that which operates in other Australian States.

All members of Parliament, including Ministers, are subject to the provisions of the Members of Parliament (Disclosure of Interests) Bill, which requires a full declaration to be provided concerning their interests and those of their immediate families. This declaration is made annually. This legislation was introduced by this Government over the objections of some members opposite.

It is normal practice that a Minister will declare his/her private interests on any item under Cabinet discussion. It is also a decision for Cabinet as to whether this precludes the Minister from taking further part in the discussion. Any interest so declared is not recorded in the formal Cabinet decision unless that interest is deemed sufficient to warrant it being noted on the Cabinet document concerned.

Members interjecting

The SPEAKER: Order! To avoid duplication, this matter will be listed as a ministerial statement rather than as a reply to a question.

QUESTION TIME

MINISTERIAL OFFICERS

Mr OLSEN: Does the Premier hold his Ministers accountable and responsible for any material circulated to the media by their ministerial officers in the course of their ministerial duties?

The Hon. J.C. BANNON: Not necessarily, no.

ACCOMMODATION GRANTS

Mr DUIGAN: Can the Minister of Housing and Construction say what encouragement is being provided to local government to become involved in the provision of accommodation for needy groups? In the Adelaide electorate, the Adelaide City Council has received several grants over the past few years from the Federal and State Governments to help with the provision of low cost rental accommodation for homeless people and for elderly people, including the recently opened Albert Edwards Court. Given the excellent facilities in the city that will result from these grants, it would seem beneficial if other councils were able to pursue similar options.

The Hon. T.H. HEMMINGS: I thank the honourable member for his question. The Government certainly is keen to have local government involved in helping to meet the needs for housing for special groups in their areas, particularly the aged, youth and single people. To this end the State Government joined with the Hawke Federal Government to introduce the local government and community housing program in 1984. Under that program the Adelaide

City Council has received five grants, totalling $448 000, over the past three years. This money is contributing to the provision of two facilities that will help house homeless people, and it will also help to fund further housing feasibility studies.

I point out to the House that the two facilities that I have mentioned are both joint ventures with the South Australian Housing Trust, which continues to play a catalyst role in the provision of inner city accommodation for needy people. I think it is only right and proper for me to advise the House and the community, and especially the Adelaide City Council, that the local government community housing program is an essential part of the Commonwealth-State Housing Agreement, which agreement the Liberal Party at both State and Federal levels is dedicated to throw out the window. In response to the honourable member's question about whether other local government areas will be a part of this very important program, I remind the House that if ever a Liberal Government were to take office either Federally or at the State level this program to help the needy would be completely obliterated from the scene.

In the current financial year $1 million is being provided to this State by the Federal Government under the program. That $1 million will be allocated to worthy projects put forward by local councils and community groups. Since the introduction of the local government and community housing program, 16 councils in South Australia have benefited from grants which have enabled them to investigate potential housing projects or actually to develop facilities. The State Government certainly will continue to encourage councils to take advantage of this program and to emulate the involvement of the Adelaide City Council.

NEW AGE SPIRITUALIST MISSION

The Hon. E.R. GOLDSWORTHY: Will the Minister of Agriculture say whether his press secretary has circulated material with the intention of smearing the New Age Spiritualist Mission? The Opposition has information that the Minister's press secretary has circulated material to the media, including extracts from a publication called 'New Age News'. This material includes promotion of a workshop on 'extended sexual orgasm' and offers to introduce participants to 'the 24 minute continuous orgasm'. The Minister's press secretary has represented this material to the media as being a publication of the New Age Spiritualist Mission whose proposals to build a church in the street in which the Minister lives have been actively opposed by the Minister. The New Age Spiritualist Mission is a small church group whose religious views are similar to those of the Quakers. This mission has no association whatsoever with the material circulated by the Minister's press secretary.

The Hon. M.K. MAYES: I am aware of the allegations that the Deputy Leader has referred to today. I deny any suggestion that I authorised that. There are no situations where I have been involved in authorising such material to be distributed—and I make that quite clear, so that members of the House know the situation at this point of time.

MOTORCYCLISTS

Ms GAYLER: Will the Minister of Transport amend the Motor Vehicles Act to prevent people who do not hold an appropriate driver's licence from buying a motorcycle? Will he also amend it to oblige motorcycle sales staff to see the driver's licence before allowing a person to test-drive motorcycles? This morning's *Advertiser* reports the tragic case of an 18-year-old man from my electorate who test-rode a motorcycle without the appropriate endorsement on his driver's licence. Next day the lad was killed on the way home from buying a motorcycle. In his consideration of this matter, the Coroner pointed out that any amendments to the existing laws should be considered by the Parliament.

The Hon. G.F. KENEALLY: I am aware of the tragic accident and the Coroner's comments. I have asked my departmental officers to provide for me a full report of the circumstances surrounding the accident and on the substantive matters raised by the Coroner. It should be a matter of concern to us all that, according to figures provided to me, approximately 30 per cent of motorcycle fatalities in South Australia involve unlicensed riders. It is quite clear that a considerable problem exists. I am not in a position to say whether or not it is a feasible solution that motorcyclists should be licensed before they are able to purchase a motorcycle.

Mr S.G. Evans interjecting:

The Hon. G.F. KENEALLY: A number of problems come readily to mind and, as the member for Davenport has said, people are likely to ride their friends' motorcycles. There is also a problem whether, if they happen to lose their licence, they will be able to continue to own a motorcycle. Unlicensed young riders are being killed on our roads. As the Minister responsible for road safety, I take this matter seriously. I have called for a report. When the report and its recommendations are available to me, they will be considered, and I am happy to discuss those recommendations with the honourable member in due course.

All members agree that everything that can be done should be done to ensure that our young people in South Australia do not continue to kill themselves at this rate, and action should be taken to ensure that people riding motorcycles are licensed. One way to assist in ensuring that that is the case is the photographic licence system. If a person is stopped by the police and given 24 hours to produce a licence, the possibility exists that that person will produce a friend's licence the next day, and that must be stopped as well. It must be ensured that people who ride motorcycles are trained and competent, and are the people whom the licences say they should be.

NEW AGE SPIRITUALIST MISSION

The Hon. JENNIFER CASHMORE: Notwithstanding the claims by the Minister of Agriculture a few moments ago that he knew nothing about the material designed to smear the New Age Spiritualist Mission, which is in direct conflict with the Minister's acknowledgement on the *7.30 Report* last week that he had seen the material, does he accept responsibility for the action of his press secretary in circulating to the media material intended to smear the New Age Spiritualist Mission?

The Hon. M.K. MAYES: As usual, the member for Coles is inaccurate. I said that I did not authorise any material to be released.

Members interjecting:

The Hon. M.K. MAYES: If the member will bear with me, I will correct the record. Some documents were presented to me—if they are the documents referred to by the honourable member and the Deputy Leader—on the spot during the interview with Miss Willcox from the ABC. I did not have any knowledge of where she got those documents or where they came from. Mr Speaker, I am endeavouring to give a direct answer.

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader to order and ask him to give the Minister an opportunity to reply to the House. The honourable Minister.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I caution the Deputy Leader of the Opposition because, in continuing with the line of action for which he has just been reprimanded, he is, in effect, defying the Chair. The honourable Minister.

The Hon. M.K. MAYES: My answer today is, I believe, completely in line with my response on the *7.30 Report* of the previous week. I am quite confident in repeating my earlier statement in response to the question from the Deputy Leader, namely, that I did not authorise any documents. I leave it at that.

ELECTROSTATIC PRECIPITATORS

Mr ROBERTSON: Will the Minister of Mines and Energy advise whether it is proposed to equip new coal fired power stations in South Australia with electrostatic precipitators to control the emission of fly ash? In the CSIRO journal, *Ecos*, Volume 53, published in the spring of last year, it was stated that modern precipitators can remove up to 99 per cent of fly ash in the gaseous effluent from power stations. That same article went on to say that one of the major problems in the design of electrostatic precipitators is knowing how big to make the precipitators to match the demands of the power stations; it varies, according to the article, depending on the type and amount of coal used.

It appears, according to the article, that recent research at the CSIRO Division of Fossil Fuels in Melbourne by Dr Edmund Potter and colleagues has indicated that the size of the precipitator relates very closely to the amount of silicon, aluminium and iron in the fly ash. In light of those findings, will the Minister undertake to install precipitators on Adelaide power stations?

The Hon. R.G. PAYNE: I thank the honourable member for his question. It would be known to members of the House that electrostatic precipitators have been virtually standard equipment world wide for many years for the collection of fly ash from coal fired boilers. In more recent years, bag filters have come into common use where the coal ash has properties which make it more difficult to collect electrostatically, as in parts of New South Wales. It should be noted that bag filters are more expensive to maintain.

Basically, an electrostatic precipitator is a device for removing small solid particles from a gas stream using electrostatic forces. The particles are given an electric charge at some tens of thousands of volts DC and then collected by attracting them to oppositely charged collecting plates. The plates are periodically shaken to allow the collected dust to fall into a hopper for removal.

The honourable member referred to the situation in South Australia. The Electricity Trust first installed electrostatic precipitators on all boilers at the Playford B station which were commissioned from 1960 to 1964. They were retro fitted to the Playford A boilers in 1976 to replace ineffective cyclone-type dust collectors. The first two units at the Northern Power Station have electrostatic precipitators, as will unit three when built. ETSA has advised me that there has been no difficulty in achieving the desired performance with electrostatic precipitators on Leigh Creek coal ash. The first unit at Playford tested at 99.64 per cent efficiency, which I think members will agree is not too bad, while the first unit at the Northern Power Station gave 99.91 per cent efficiency, seemingly in line with the sorts of efficiencies mentioned by the honourable member in his question.

In summary, electrostatic precipitators have proved to be an economic and effective technology to meet emission requirements for boilers burning Leigh Creek coal. Finally, it will surprise most members to note that the precipitators at the Northern Power Station removed 335 000 tonnes of ash last year: 75 000 tonnes of this was sold to Adelaide Brighton Cement for use as a cement additive and the remaining 260 000 tonnes was sent to the ash disposal areas.

MINISTERIAL OFFICERS

The Hon. B.C. EASTICK: When did the Minister of Agriculture first become aware that his press secretary had circulated material to smear the New Age Spiritualist Mission and what action has he taken over this scandalous misuse of his ministerial office? There is mounting evidence that a deliberate and disgusting smear campaign has been waged against this mission for some weeks—

The SPEAKER: Order! The Chair is of the view that the honourable member is debating the question and leave is withdrawn. The honourable Minister.

Members interjecting:

The SPEAKER: Order! The remark from the Leader of the Opposition was contempt of the Chair and the follow up remark from the member for Light was additional contempt of the Chair.

Members interjecting:

The SPEAKER: Order! We are dealing with a situation where there is being pursued a line of questioning that may lead to strong views being expressed on either side of the House. In those circumstances the Chair has been trying to apply a firm hand over the past 10 minutes not in the interests of either side of the Chamber but in the interests of decorum and orderly procedure. The honourable member for Light asked a question on a simple factual matter and it was probable that no explanation was required because the question itself was so straightforward. Then, in the course of giving an explanation, with leave of the House and of the Chair, the honourable member for Light began to enter into the area of controversy by making statements that were semantically loaded. On that basis the Chair has withdrawn leave for the explanation. Leave has not been withdrawn for the question. The question is before the House and can now be replied to by the honourable Minister. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, on what grounds and on what words used by the member for Light did you rule that he was commenting? The fact is that the honourable member asked a clear question, but nonetheless that question could have been made far clearer had the explanation been allowed to proceed. I know there is clear evidence that the Minister knew: (that is how I know) and the House should know, too.

The SPEAKER: Order! The honourable Deputy Leader will resume his seat. I do not uphold the point of order.

The Hon. E.R. Goldsworthy: Mr Speaker, with respect, I have not finished it.

The SPEAKER: Order! The Chair has heard enough to be convinced that there is no point of order.

Members interjecting:

The SPEAKER: The honourable Minister.

The Hon. M.K. MAYES: I recall that about a week ago a journalist made the allegation that has been referred to me by the honourable member today. That was, I think, when I first became aware of it.

ONKAPARINGA GORGE

Ms LENEHAN: Will the Minister for Environment and Planning say what plans, if any, he has for the Onkaparinga Gorge? Mr Speaker, with your leave and the concurrence of the House, I seek leave to explain my question. I have—

Members interjecting:

Ms LENEHAN: Well, it does have an explanation. I have recently—

Members interjecting:

The SPEAKER: Order! The Chair overheard the 'out of order' interjection from the honourable member for Morphett. The Chair has attempted to apply the rules in an even-handed manner. If the explanation being proceeded with by the honourable member for Mawson was in contravention of the general direction that the Chair has given that explanations should not be excessive in length or superfluous, then the Chair will accordingly respond towards any infringement in that way by the honourable member for Mawson. However, at the time I was consulting with the Clerk on another matter and did not hear sufficient detail to do so. If the explanation continues in such a way that it is out of order, it will be ruled out of order.

Ms LENEHAN: Thank you, Mr Speaker. I did not give my explanation. I was seeking leave to give my explanation. My explanation is that I have been contacted by a number of my constituents who are hikers and walkers and who are concerned to know whether the Gorge will be used for further recreational purposes. I have also been contacted by the Noarlunga council, which has expressed concern about the future use of the Onkaparinga Gorge.

The Hon. D.J. HOPGOOD: I think I can indicate that the Gorge is unlikely to be utilised for intensive recreation and that walking and hiking would seem to be an appropriate future use of the Gorge. Over the years a good deal of the Gorge has lost its vegetation cover mainly as a result of grazing activity prior to the time that the area came into public ownership under the old State Planning Authority arrangements. I would like to see a revegetation program occurring there. I believe that a friends group has been formed which will probably be very interested in joining with the rangers to get some revegetation and, as management plans are developed, we will be able to set out walking paths, and the like, which will assist not only the serious hiker, who usually needs very little assistance, but also the person who largely has a casual interest. There will be no intensive development. I am well aware of the City of Noarlunga's interest in the whole area, and my officers are having further negotiations with it.

NEW AGE SPIRITUALIST MISSION

The Hon. B.C. EASTICK: My question is directed to the Minister of Agriculture. On the occasion that he was interviewed on 16 March by Jacquelyne Willcox, a reporter from the ABC, does he accept that she said:

> Whilst I have been researching this story, I have been quite frankly amazed by the numbers of phone calls I have received offering tit-bits of gossip which are supposed to reflect badly on the church and then came this—it's a brochure offering workshops on personal development and handling money problems. Now, whatever you think about those sorts of courses, the church claims it has got nothing to do with them.

The ensuing dialogue is as follows:

> Interviewer—Have you seen this before?
> Mayes—No, nothing to do with what we are raising as an issue.
> Interviewer—You've never seen this before?
> Mayes—Those papers, I don't recognise those papers. I recognise the advertisement.
> Interviewer—Would you like to have a look at them?
> Mayes—I'd like to have a look closely. I've seen this one. That's a copy of the press release.
> Interviewer—Have you seen these papers before?
> Mayes—Yes, I've seen a photocopy of that.
> Interviewer—What do you know about that?
> Mayes—I know nothing about it.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. M.K. MAYES: I would have to check the transcript, but it sounds reasonably accurate.

DEPARTMENT OF HOUSING AND CONSTRUCTION

Mr RANN: My question is directed to the Minister of Housing and Construction. What success has been achieved by the Department of Housing and Construction in reaching real efficiencies and cost reductions on construction projects? Following a major restructuring of the Public Buildings Department, which had been criticised over its productivity and efficiency compared the private sector, the Department of Housing and Construction was established in April 1985.

The Hon. T.H. HEMMINGS: I thank the honourable member for his question, but I would have appreciated some advance notice so that I perhaps could have obtained more information on this matter. Members will be aware that, when this Government decided to restructure the old Public Buildings Department in April 1985, headlines appeared in newspapers, stories were presented on television and endless accusations came from members opposite that the Public Buildings Department was an inefficient and costly organisation.

I am pleased to say—and I draw on memory for this—that some of the areas where we have achieved significant results have proved that the Department of Housing and Construction is doing an extremely good job. I cannot recall one negative story that has appeared about the Department of Housing and Construction. Just picking up some of the points the honourable member has raised, I deal with the cost differential on construction projects. That cost has been reduced by approximately 30 per cent since 1985. In 1985 the cost differential attached to construction work undertaken by the department's work force was 40 per cent. This was reduced progressively to 20 per cent by June 1987, and the current cost differential is about 12 per cent.

I place on record my congratulations to the workers in the Department of Housing and Construction. In relation to improved work practices, the average number of maintenance jobs per tradesman per day has been increased from four to seven. By increasing the number of maintenance service vans and allowing tradesmen to start on site rather than from depots, an average of seven maintenance jobs are completed each day per tradesman, compared with four jobs per day per tradesman in 1985.

There has been a reduction of about 30 per cent in the backlog of maintenance. As at the end of the 1985-86 financial year, the backlog of maintenance work on departmentally maintained assets was estimated at $15.5 million. Through better performance and practices, the backlog has been reduced to approximately $9.5 million. A comparison of Department of Housing and Construction budgets with employee numbers shows that we have a very good story to tell. Using general measures, productivity has generally increased by 30 per cent across the board.

Since 1985 the number of employees in the department has been reduced by 11 per cent, but over the same period the department's operating budgets, recurrent, capital and reimbursement, have increased by 20 per cent. If I were

chairman of a board in the private sector standing up in front of the shareholders and giving a report like that, the *Financial Review* would be interviewing me and saying, 'Mr Hemmings, you have achieved the impossible.' I think that the ultimate compliment to the Department of Housing and Construction, involving both GME Act employees and my blue collar work force, was when the member for Hanson at the last Budget Estimates Committee said, 'I've got no real questions about housing and construction because they are doing a bloody good job.'

MINISTERIAL RESPONSIBILITIES

Mr OLSEN: Whom does the Premier hold responsible for the use of a ministerial office to smear a church group? Does he hold the Minister responsible and what action does he intend to take?

The Hon. J.C. BANNON: This matter was only brought to my attention this morning by a member of the media saying that a reporter—not the individual to whom I spoke—had been provided, by a member of the Minister of Agriculture's staff, with what he described as leaked documents in relation to this matter. I found this somewhat surprising, I guess, on two counts. First, I am not sure what 'leaked documents' meant in that context. Background information and so on is often supplied by ministerial staff members. Indeed, the Leader of the Opposition's staff, I am sure, also provides all that sort of information on a constant basis. I did not know the nature of this material and, obviously, only subsequently (when I spoke to the Minister of Agriculture on the matter today) did I discover what apparently was being talked about. As has already been elicited in questions, it is certain material relating to this particular church which was—

Members interjecting:

The Hon. J.C. BANNON: —certain material alleged to relate to the church—I thank you for the correction—which apparently was supplied by the Minister's press secretary to at least one (if not more) person in the media. That is the position as I understand it. The Minister has advised me that this material was not in fact issued, released, or in any other ways distributed with his authorisation. He has confirmed that in the House today. I thought it was interesting that indeed members of the Opposition tried to relate two quite separate things, which are, first, knowledge of whatever kind of the existence of such material and, secondly, an authorisation of its distribution. The Minister has answered both those questions directly and truthfully, and I would have thought that the attempt by the Opposition to suggest that the two things are the same simply defies logic.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I realise that it is a very useful part of the process of attempting to cast all sorts of aspersions and sinister connotations on a matter of dispute. But I would say again that as I understand it what the Minister has said is that he was aware at least in some way of that material—'Yes' he answered that, which was a second question, and in relation to the question on authorisation of its release or distribution by any member of the staff he said that no, he did not do so.

TELEPHONE ORDER GOODS

Mr De LAINE: My question is directed to the Minister of Education, representing the Minister of Consumer Affairs in another place. Will the Minister consider introducing regulations for strict guidelines for charitable organisations raising money by telephoning citizens and offering various products for sale? Recently a constituent of mine received a telephone call from an organisation offering goods for a set price, with the money to go towards the work of that organisation. The caller was far from polite and bombastic to the point of harassment when the constituent declined the offer. A week or so later the goods arrived, followed by another telephone call demanding payment.

The Hon. G.J. CRAFTER: I thank the honourable member for raising this issue. I know that it is of concern to many people in the community that they are solicited to purchase goods or participate in one scheme or another by way of the medium of the telephone. There are problems for the State in this area because the area of telecommunications is controlled by the Commonwealth Government. However, I will refer the matter to my colleague to see what action can be taken at the State level or jointly between the Commonwealth and the State in respect of this problem.

MINISTERIAL OFFICERS

Mr OSWALD: My question is directed to the Premier. What action is the Government to take against the press secretary?

The Hon. J.C. BANNON: As I am presently advised, it is not a matter for the Government to take action against the press secretary. Obviously it is a matter as between the Minister and his press secretary, because the Minister—

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is for the Minister to determine, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. Jennifer Cashmore interjecting:

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

RECYCLED GLASS

Mr ROBERTSON: Is the Minister for Environment and Planning aware of a paper that was published in the May 1987 issue of 'Waste Disposal and Waste Management in Australia', in which Mr Bill Gravlee, of Smorgon Consolidated Industries, suggested that 'the glass packaging industry can use all the recycled glass that can be recovered'? I am informed that the production of domestic soda ash in Australia is protected by a 10 per cent tariff barrier, while in America soda ash for its glass industry is dug out of the ground. It has been put to me that were it not for the protection afforded by both distance and the 10 per cent tariff the soda ash industry may in fact not be viable in Australia. In the light of Mr Gravlee's statement that if more cullet were available the recycled component of new glass in Australia could rise from its present 30 per cent to almost 100 per cent, thereby obviating the need to produce approximately 650 000 tonnes of new glass per year in this country, I ask whether any consideration has been given to promoting the increased use of recycled glass?

The Hon. D.J. HOPGOOD: Mr Gravlee's paper was delivered in Adelaide. I am advised that the problem with the calculation is that it assumes that 100 per cent of cullet is reusable. That is not the case; a figure of 75 per cent would appear to be a more reasonable basis for calculations.

As a result, the 650 000 metric tonnes to which he referred would have to be written down fairly significantly. The important point that must be made, which is well known to the honourable member, and probably all members, is that this State has a bottle recycling system which tends to reduce the amount of glass that must come back as cullet because the glass is recycled in its finished form as part of a beverage container. This is a very successful system and has been in operation for more than 10 years. Interestingly enough, it has never been picked up by Governments elsewhere in Australia, despite their knowing of its success.

I do not know whether the former Minister on the other side of the Chamber (the member for Heysen) would want to confirm, as I have heard said by the other States—and they may have said the same thing to him in his time as Minister—that they are not so sure that they want to pick it up but they are quite happy that South Australia should continue with the legislation and they would be dismayed if it was dropped here. In other words, South Australia is the wolf with which the Governments in the Eastern States frighten the life out of the packaging industry: if the industry does not do the right thing, the South Australian system will be introduced. That is not of great assistance to us. We would prefer that some of the other States joined with us in the scheme. However, the point must be made that, in the light of this, and the fact that recovery of glass in the Eastern States can be as low as 25 per cent, for them to pick up their act in the cullet area would have a much greater effect than the reasonably marginal effect that it would have on the successful system that is in place in this State.

MINISTERIAL OFFICERS

The Hon. E.R. GOLDSWORTHY: What action will the Minister of Agriculture take against his press secretary following his smear campaign against the New Age Spiritualist Mission?

The Hon. M.K. MAYES: I will investigate the allegations and take appropriate action.

ADELAIDE PRIZE FOR INNOVATION

Mr RANN: Does the Minister of State Development and Technology endorse the proposal of the South Australian Institute of Technology to seek sponsorship for a national prize for innovation? The South Australian Institute of Technology will celebrate its centenary in 1989 and it hopes to celebrate its central involvement in industrial and technological development in this State by establishing a biennial Adelaide prize for innovation. The institute intends that such a prize be of national status and that the winner will receive a substantial monetary award for an outstanding contribution to industrial innovation in Australia.

The Hon. LYNN ARNOLD: I have been kept well posted on the thinking of the centenary celebration committee of the Institute of Technology, by both the member for Briggs and Dr Peter Ellyard. It has been with considerable interest that I have noticed the suggestion for an Adelaide prize. The honourable member made reference to the fact that it was proposed to be a biennial national prize for innovation. I believe that the institute is looking further than that and will try to place it on the international register. By so doing, it realises that a significant cash amount must be given biennially.

The concept is a very exciting one. It certainly would be a proposal to bring interest to South Australia to add on to the innovative climate we are developing in this State and related to an international climate. It certainly would encourage people here to be aware of innovations elsewhere in the world.

The point I made earlier was that such a prize, which would have to be backed up by a foundation, trust or something sponsored by the Institute of Technology, would have to rely overwhelmingly on private sector support for its funding. Essentially, Commonwealth funds available to the institute for its educational and research programs must go to those educational and research programs. Likewise, the possibility of State Government funding will have to be quite limited, especially when considering the size of the amount needed for this fund. Corporate sponsorship would be the key to its ultimate success.

I have indicated, however, that if significant response is received from the corporate and private sectors to fund this, certainly the Government will look favourably at putting in State Government moneys to complement funds found from other sources. Private sector support would be critical, first, to validate its interest, success and utility to the private sector and, secondly, simply to provide enough cash flow to make the prize very attractive for international entrants to consider entering submissions for the innovation prize. The idea of naming it the 'Adelaide prize' is to give it a name that will quickly achieve some recognition in the international arena so that people will think of Adelaide as the focus for innovation. That needs to be put against the background that we want to see South Australia as a State, including all other parts beyond Adelaide, as also being in the innovative climate. It would not be as marketable in the international sense to talk about the 'South Australian prize for innovation' as it would the 'Adelaide prize'.

I commend the centenary celebration committee of the Institute of Technology for this and indicate my strong support for the concept and for the moves it is making to seek private sector sponsorship. I reiterate that, if it is successful in getting it, we will be looking favourably at further support in a more tangible way.

NEW AGE SPIRITUALIST MISSION

Mr S.J. BAKER: Will the Premier instruct the Attorney-General to investigate the legal implications of conduct by the office of the Minister of Agriculture in its attempts to smear the New Age Spiritualist Mission by making defamatory and false representations about the aims and activities of this church group?

The Hon. J.C. BANNON: I am not sure, on the facts I have at the moment, that the allegations were made directly by this individual. It does appear that certain material was circulated. I am not sure of its status, but obviously I am happy to discuss it with my colleague.

UNLEY PROPERTY

The Hon. D.C. WOTTON: Did the Minister for Environment and Planning, as Minister administering the Planning Act, take to Cabinet the submission recommending that the Government invoke section 50 of the Planning Act to block development of the New Age Mission property in Palmerston Road, Unley, or not?

The Hon. D.J. HOPGOOD: Yes, Sir.

MOTORCYCLISTS

Mr HAMILTON: Will the Minister of Transport have discussions with the—

Members interjecting:

The SPEAKER: Order! The honourable member for Albert Park has the call.

Mr HAMILTON: Will the Minister of Transport have discussions with the relevant road safety authorities, police and the Motorcycle Riders Association about the non-wearing of protective clothing and use of unsafe equipment by some motorcyclists? It was recently brought to my attention that some motorcyclists (and I do not say that they are members of the Motorcycle Riders Association) wear thongs or sandshoes in lieu of ankle protection boots, do not wear protective gloves, allegedly wear helmets that do not conform to Australian design rules and, further, place spare helmets on parts of the motorcycle, making them potentially dangerous for future wearers as it damages the interior of such helmets. Further, it was put to me that practices such as I have outlined have the potential to increase the risk of serious injury or cause death to such persons.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. All members would notice from time to time that some motorcycle riders seem to be less than adequately attired for the task that they are undertaking. Any motorcyclist who rides a motorcycle wearing thongs or sandshoes and not the appropriate footwear would be foolish indeed and would certainly run the risk of serious injury. Helmets are mandatory over certain speed limits and motorcycle riders should wear helmets of approved safety standards. It is certainly the intention of the Motorcycle Riders Association in South Australia to encourage all of its members in regard to safe riding procedures and it is also apparent that members of that association dress themselves appropriately for riding motorcycles. I am certainly happy to talk with the road safety authorities, the police, and the Motorcycle Riders Association about those riders who seem to be less than appropriately concerned about their own well-being.

It is a matter of concern to me that members of the community believe that, if they put themselves at risk in a motoring accident, it is a victimless crime. Well, I suppose that to some extent it is, but the community at large, through hospitalisation, through insurance, and through many other avenues, pays for the recklessness of a few. Only within the past couple of days, I have had the opportunity to make a speech in which I was indeed critical of a small group of irresponsible drivers and riders in South Australia. Motorcycle riders are no more irresponsible than are motorists, but motorcycle riders have less protection if involved in a crash. So, for their own well-being they should be at least as careful as, and I suggest more careful than, drivers. The point raised by the honourable member is valid and I will take it up with the authorities to see what is the best course of action that the Government can take to encourage people to be more sensible.

My final point is appropriate. There seems to be in the community a feeling that ultimately the responsibility rests with Government or Government authorities to ensure safe practices on the road, but the ultimate responsibility rests with the drivers and the riders, the motorists and the motorcyclists themselves. That is where the ultimate responsibility lies and, if people feel that they can cop out and say that the Government is ultimately responsible for their behaviour, they are very wrong indeed. They are responsible for their own behaviour; they are responsible for their own safety; and they are doubly responsible to ensure that their behaviour does not put motorists or other road users at risk.

CENTRE FOR MANUFACTURING

Mr KLUNDER: Can the Minister of State Development and Technology inform the House of the progress made by the Centre for Manufacturing as the centre is now coming towards the end of its first year of operation? At a recent school council annual general meeting in my electorate the guest speaker was an officer from the Centre for Manufacturing. After he had finished speaking, a number of people present indicated to me that they had not been aware of the work and the quality of work at the centre. I ask the Minister to give the House further information regarding the centre's activities.

The Hon. LYNN ARNOLD: I am very happy to provide some details to the honourable member. The South Australian Centre for Manufacturing is considered to be the most successful of its type anywhere in Australia. I remind members that it is a Government supported centre which assists the development of small and medium sized manufacturing enterprises in South Australia. It gives them information about how they can access, in a useful way, technological developments and information on management systems and other systems of manufacturing process. It is based on similar examples overseas, for example, the Fraunhoffer Institute in Germany, the PERA Institute in the United Kingdom, the Industrial Technology Institute in Michigan and the Ontario Technology Institute, the latter two being Canadian institutions. The centre is the best of its kind in Australia. Other States are now following our lead.

The number of inquiries received by the centre attests to just how useful the centre is. It was opened only nine months ago by John Button and by the Premier of South Australia, John Bannon. Since that time, 100 consultancy projects have been entered into by the Centre for Manufacturing and this is a record for any centre of its type in Australia. In addition to those 100 programs, where substantial assistance has been offered, a further 1 500 inquiries have been handled by the centre in its role as a one-stop shop for companies needing help, whether it be financial, planning design or technological.

As another tribute to its success, I can identify the General Electric offsets program. Members may know that, in the change to offsets arrangements, a number of overseas companies have been encouraged to work with educational or support institutions in Australia to help acquit their offsets obligations. The Centre for Manufacturing in South Australia was chosen by General Electric to be the place where that company would acquit its offsets obligations for the recent sale of aircraft engines to Australia. That $15 million program will be of significant benefit to South Australia. The South Australian Centre for Manufacturing won that program in competition with other interests from other parts of Australia.

A number of other support mechanisms for industry are choosing to locate at the Centre for Manufacturing, because they understand that people come to the centre for the one-stop shop kind of support for manufacturing industry. For example, the Standards Association recently moved its South Australian office to the centre and I recently opened that office. The Industrial Design Council has also moved to the centre. Both those bodies are located in what I think is called the multiplier module. A number of other computer hardware and software companies have located their facilities down there and, by so doing, they add into the significant support that is given to industry.

All of that has been done on a relatively modest budgetary allocation from the State Government. Compared to some of the centres which are now being developed interstate and which are much larger, the staff and budget allocations for the centre are small and the efficiency of this unit has shown itself in company inquiries from both clients who wish to use the services and from other companies which wish to work with the centre to help manufacturing industry develop in this State. We can be justly proud of the work of John Cambridge and his team at the Centre for Manufacturing at Manufacturing Park, Woodville.

UNLEY PROPERTY

The Hon. JENNIFER CASHMORE: My question is directed to the Minister of Agriculture. When the Minister bid for the property at 36 to 38 Palmerston Road, Unley, was he bidding for himself, or was he bidding for a group of friends and, if so, is he aware that a group of people said to be friends of the Minister attempted to again procure the property on 18 February shortly before the invoking of section 50 of the Planning Act and then again on 6 March after the invoking of section 50?

The Hon. M.K. MAYES: When I attended that auction I was bidding personally on behalf of my family. I am aware that residents have been interested in making offers of negotiation with the church. I am not aware of the detail, but I am certain that residents have been involved in discussions. I understand that, in the next day or two, discussions are to take place between a group of residents and the church on the issue of the church development and I am sure that that issue will rise again.

Members interjecting:

The SPEAKER: Order!

IMPORTED CEMENT

Mr PETERSON: Can the Minister of State Development and Technology provide a current report on the dumping of imported cement in Australia? Last week in this House the Minister responded to a question by expressing some concern over the dumping of cement. Many Adelaide Brighton Cement employees who live in the electorate of Semaphore are concerned for their future, and on their behalf I request any current information on the situation.

The Hon. LYNN ARNOLD: I do not have any further information since I answered the question last week. The matter is still being pursued. The State Government's stance has not changed, and we will do everything within our legal powers to protect the local cement industry against unfair competition from overseas. We would not wish, as I indicated previously, to see what has been a very efficient cement industry in this State undermined by plants in countries overseas which are producing at only the marginal cost of production. In other words, they do not have to acquit in their sale of units the capital cost of establishing those facilities, which is clearly an unfair competitive element against cement in this country. We have already indicated in regard to those proposals that we have very stringent conditions which would have to be met before we would give access to wharf facilities, for example.

Those stringent conditions are of such a nature as to ensure that the productive capacity of the industry in South Australia would not be undermined. I will get an update to see whether there have been any further discussions over the past day or two of which I am not aware, but we will do everything within our legal practical power to stop what is likely to happen in Victoria and Western Australia occurring here in South Australia.

UNLEY PROPERTY

Mr OLSEN: In view of the Minister of Agriculture's role in opposing a development in the street in which he lives by the New Age Spiritualist Mission which has included initiating a Cabinet decision which the Premier has admitted was a mistake; having his electorate secretary collect signatures for a petition against the development and inviting the public to write to his electorate office registering their opposition; saying as recently as last night on Channel 7 news, 'I'm not in favour of the church being there'; and confirmation in today's *News* that the Minister's press secretary did distribute false material, does the Premier seriously expect the public to believe that the Minister of Agriculture had nothing to do with the attempts by the Minister's office to smear this small church group?

The Hon. J.C. BANNON: That is a very deliberately loaded question and one which attempts to pull together a number of strands. I am glad that the Leader was left enough time to draw those strands together in the House to pose the question in that way. I reject the innuendo involved. I think that, whatever mistakes have been made in the course of this issue—and I readily concede that we have to look at procedures and make sure that this sort of thing does not occur again—the vital thing is whether or not some form of bad faith, corruption or other element has been involved.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Despite the chivvying of the member for Coles—whom I find an extraordinary person to raise this question of conflict of interest and declaration of interest when I recall that it was she who refused, in fact, to comply in relation to statements of—

Members interjecting:

The Hon. J.C. BANNON: Yes, now she can. And I raise that—

The Hon. Jennifer Cashmore interjecting:

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

The Hon. J.C. BANNON: I will not proceed with that particular issue.

Members interjecting:

The SPEAKER: Order! I call the House to order.

The Hon. J.C. BANNON: I find the honourable member's reaction quite extraordinary in circumstances where, for the past two weeks, we have had to sit on this side of the House, receiving questions from the honourable member demanding that this issue of conflict of interest and disclosure of interest be put on the highest plateau, ascribing the worst possible motives to the Minister—constantly putting this, going on television and to all the news media about it—chivvying and interjecting and carrying on day after day, and our lips remain sealed on it. I simply refer to a particular instance which involved the Minister, and suddenly she is outraged!

Members interjecting:

The Hon. J.C. BANNON: I do not wish to pursue that any more, but I come back to the vital issue in this case—whether or not the Minister, in his handling of this issue and the representations he made to the Cabinet, has been acting improperly in his personal interest. On my examination of all the facts, on my questioning of the Minister

and on our examinations of the procedure, that conclusion cannot be drawn. Even the fact of the Minister's intervention in auction at the early stages of this matter, which was admitted, was not a question of a conflict of interest when it came before the Cabinet.

It was something that had taken place in April 1987, and members of the Opposition—particularly the member for Coles—have said that the action taken in February 1988 by the Minister, armed with his petitions and opinions from his district, was somehow or other getting himself a personal advantage because of that auction bid expressed back in April of 1987, which is extraordinary. The Minister is alleged to have been involved in the kind of nefarious and corrupt activities the honourable member so freely suggests—and he has been the victim of this on other occasions, too, with no apology forthcoming from the member for Bragg—and one is supposed to believe that the Minister in this instance simply sat back and did nothing: that he waited, prepared his case and arranged slanders and libels, and so on, until months and months later, and in some way this would secure him a personal advantage.

That is palpable nonsense. I believe that my Government has displayed consistently high standards of public probity, and let me again remind the House that, in this instance particularly of disclosures of pecuniary interest—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —it was the Bannon Government which introduced legislation in this House and had it passed. It was members opposite who opposed and attempted to amend that legislation.

The SPEAKER: Order! The member for Light has a point of order.

The Hon. B.C. EASTICK: While the Premier was still speaking I sought to obtain a point of order to ask you whether, in your view, the Premier has transgressed—

Members interjecting:

The SPEAKER: Order!

The Hon. B.C. EASTICK: —the propriety of this House and this State's legislature in relation to the Members of Parliament (Register of Interests) Act 1983, clause 6 of which provides:

> A person shall not publish whether in Parliament or outside Parliament—
>
> *(a)* any information derived from the Register or a statement prepared pursuant to section 5 unless that information constitutes a fair and accurate summary of the information contained in the Register or statement and is published in the public interest; or
>
> *(b)* any comment on the facts set forth in the Register or statement unless that comment is fair and published in the public interest and without malice.

I ask you to read that against the Premier's comments in respect of my colleague the member for Coles.

Members interjecting:

The SPEAKER: Order! The question posed by the point of order was, 'Is the Chair of the view that the Premier has transgressed against that matter?' My ruling is that he has not. The honourable Premier.

The Hon. J.C. BANNON: I have in fact almost concluded my remarks on this point. As I was saying, this Government brought that legislation into the House and has ensured that it is there and in force. No other Government in the State had done so, given the opportunity, and it was opposed by a number of members opposite. Any reference I made to the member for Coles' attitude to that is nothing to do with what is contained in her statement but is to do with what she said about the information she would supply. It was purely in that context. I do not intend to canvass it any more. I will just say that I have sat here listening to the innuendo, allegations and interjections, and I just felt that it might be appropriate to—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —produce some sort of balance, to make reference to what I see as a double standard, and that is appropriate, I would have thought.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. He is fortunate that he is not being named.

PERSONAL EXPLANATION: PECUNIARY INTERESTS REGISTER

The Hon. JENNIFER CASHMORE (Coles): I seek leave to make a personal explanation.

Leave granted.

The Hon. JENNIFER CASHMORE: In his reply to the previous question the Premier clearly suggested that I had at some stage attempted to evade the members of Parliament pecuniary interests register and that I was in a state of personal or pecuniary conflict which made my actions in respect of allegations against the Minister of Agriculture lacking in credibility. I believe that those statements are utterly without foundation. It is true that my former husband declined to reveal to me his pecuniary interests so that they could be placed on the register, in accordance with the relevant Act. At no stage ever have I failed to reveal my pecuniary interest in a proper fashion, and I do not believe that I can be held accountable for the actions of another. I would say that in raising this matter in the Parliament in the manner in which he has done, the Premier's actions are beneath contempt.

Members interjecting:

The SPEAKER: Order! Leave was granted for a personal explanation. The concluding remarks made by the honourable member were out of order.

Mr S.G. EVANS: On a point of order, Mr Speaker, in consequence of the member for Coles' explanation and a question asked of you by the member for Light, I ask whether you will review what has been said by the Premier, the member for Light and the member for Coles and what is contained in the Act in relation to declaration of information and whether it may be published or otherwise. I ask whether you will review that and also your ruling, and bring back a report next Tuesday.

The SPEAKER: The Chair has already ruled on that matter.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker, I refer to section 6 (2) of the Members of Parliament (Register of Interest) Act 1983 which provides:

> Where a person publishes within Parliament any information or comment in contravention of subsection (1) the person shall be guilty of a contempt of Parliament.

I ask, Sir, that you take that provision into consideration in a reassessment of the ruling that you have given.

Ms Lenehan interjecting:

The SPEAKER: Order! I call the member for Mawson to order. The Chair has already ruled on this matter. If the member for Light wishes to pursue the matter further he may do so by substantive motion.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

The SPEAKER: Message No. 93 from the Legislative Council to the House of Assembly: the Legislative Council has passed a Bill transmitted herewith titled—

The Hon E.R. Goldsworthy interjecting:

The SPEAKER: Order! The Chair does not accept a point of order while the Chair is in the process of reading a message from the Legislative Council to the House of Assembly—an Act to amend the Children's Protection and Young Offenders Act 1979, to which it desires the concurrence of the House of Assembly.

Bill read a first time.

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

That this Bill be now read a second time.

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

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker—

The SPEAKER: Does the honourable member's point of order relate to the Bill which is now before the House?

The Hon. E.R. GOLDSWORTHY: No, Mr Speaker.

The SPEAKER: The honourable member must then resume his seat.

The Hon. E.R. GOLDSWORTHY: I was seeking to attract your attention, Sir, before you even started reading the material that you read to the House, with a view to moving disagreement to your ruling not to consider the point of order which had been raised by the member for Light.

The SPEAKER: The honourable member has not quite correctly represented the situation. I did not give a further ruling. I simply indicated to the House that a ruling had already been made and that, if the member for Light wished to dispute the ruling, he could do so by way of substantive motion. I then proceeded to read the message from the Legislative Council to the House of Assembly. We now have a Bill before the House.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, do I interpret that ruling to mean that you would not accept a motion of disagreement to your ruling not to examine the matter but that the only course open to the member for Light is to move a motion of no confidence in you, Sir?

The SPEAKER: The matter to which I referred earlier was that, if the member for Light wished to move a substantive motion in relation to the pecuniary interests register, he could do so at some later stage.

The Hon. E.R. GOLDSWORTHY: To clarify this matter further, are you ruling that a motion to disagree with a ruling which you had given that is, that you would not consider the matter, is out of order?

The SPEAKER: The Chair was not under the impression that it had received a motion of disagreement with my ruling, either at that time or subsequently.

The Hon. E.R. GOLDSWORTHY: I was seeking to move that motion, Mr Speaker, but you proceeded to carry on with some material from the Legislative Council.

Members interjecting:

The SPEAKER: Order! The Chair is somewhat perplexed, because the matter to which the Deputy Leader refers talks in terms of a second ruling. The honourable member did not actually use the word 'second' but I think he implied that I had made a second ruling. The Chair had not made a second ruling. The ruling was given before the personal explanation. The Chair is at a loss to understand how we can have disagreement with a ruling several minutes afterwards, when other matters have intervened.

The Hon. E.R. GOLDSWORTHY: The sequence of events was that the member for Coles gave her personal explanation. The member for Light rose on a point of order, quoting from the Members of Parliament (Register of Interest) Act in relation to the penalty that attaches to a member who improperly discloses material from that register, and he sought a ruling from you to consider the matter and come back and report to the House. You refused to do so, Mr Speaker, and I sought to move disagreement to that ruling.

The SPEAKER: Order! The Chair did not give a ruling to which the honourable Deputy Leader could move disagreement.

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, the sequence of events was that the Premier was on his feet speaking; the member for Light rose on a point of order and read from the Members of Parliament (Register of Interest) Act; the Speaker dismissed the point of order; the Premier continued with his speech; I made my personal explanation; and at the conclusion of my personal explanation the member for Light took a second point of order, which was different from the first, again quoting from the Members of Parliament (Register of Interest) Act, and the Speaker dismissed that point of order. At that point the Deputy Leader rose to his feet, seeking your attention, to disagree with your ruling on that point of order, Mr Speaker. You did not appear to see him and—

The SPEAKER: Order! The Chair will endeavour to assist the honourable member, and is in agreement with every point raised in terms of the sequence of events, except for one fact: the Chair did not give a second ruling. The Chair invited the member for Light to give notice of moving a substantive motion.

The Hon. JENNIFER CASHMORE: With respect, Mr Speaker, you said that there was no point of order and that if the member for Light wished to pursue the matter he would have to do so by way of substantive motion. At that point the Deputy Leader wished to disagree with the Speaker's ruling and he attempted to do so, but the Speaker proceeded to read a message from the Legislative Council and then to call the Minister of Education. It was not until after that that the Deputy Leader managed to catch Mr Speaker's eye.

The SPEAKER: Order! The Chair does not wish to be in a position of doing what is not permitted or encouraged, that is, debating the matter with members. I have responded to some of the points raised purely in the interests of the workings of the House. The most important point to bear in mind is that the Chair did not give a second ruling.

The Hon. E.R. GOLDSWORTHY: On a point of order, there was a second ruling because a new set of material was put before the Chair.

The SPEAKER: The Chair merely indicated that the Chair had already ruled on that matter.

Members interjecting:

The SPEAKER: Order! The Chair is of the view that we are not progressing in any way with the workings of the House in this manner and I propose to call on the Minister. The honourable Minister.

The Hon. G.J. CRAFTER: I have sought leave to incorporate the second reading explanation in *Hansard* without my reading it.

The SPEAKER: Leave is sought. Is leave granted?

Honourable members: No!

The SPEAKER: Leave is not granted. The honourable Minister.

The Hon. G.J. CRAFTER: This is a simple amendment to the Royal Commissions Act. It arises as a result of representations received from the Federal Government to implement operational changes to the Royal Commission into Aboriginal Deaths in Custody. The Federal Government has advised that Commissioner Muirhead has requested that additional commissioners be appointed to act as separate fact-finding aspects of his royal commission to investigate particular deaths.

The SPEAKER: Order! The Bill before the House at the moment relates to the Children's Protection Board. The message from the Legislative Council refers to an Act to amend the Children's Protection and Young Offenders Act 1979, to which the Legislative Council desires the concurrence of the House of Assembly.

The Hon. G.J. CRAFTER: I was in error. I move:

That the second reading speech be made an Order of the Day for next Tuesday.

The SPEAKER: For the question say 'Aye'; against 'No'. The 'Ayes' have it.

The Hon. B.C. EASTICK: Which motion is that, Sir? The Minister specifically moved and received a secondment for Tuesday. While there was some dialogue which suggested that it be on motion, he did not withdraw the original motion. Therefore, Sir, you can only put the first motion which was before the Chair, that it is on the record until Tuesday.

The SPEAKER: Order! In the view of the Chair, the Minister was heard to refer to next Tuesday. I will take that accordingly.

The Hon. G.J. CRAFTER: I seek leave to formally withdraw the original motion and seek leave of the House to have this matter considered on motion.

Leave granted.

The SPEAKER: The question before the Chair is that the second reading be deferred on motion. Is that motion seconded?

An honourable member: Yes.

Mr Lewis: What is the question that we are being asked to vote on, Mr Speaker? You pulled the Minister up—

The SPEAKER: Order! The honourable member has a point of order.

Mr LEWIS: You pulled the Minister up, Mr Speaker, because he was reading a second reading speech to a Bill that you had not announced to the Chamber and which he had no leave to incorporate. As I understand it, having drawn his attention to the fact that he was reading material that was completely irrelevant to the motion before the House, he withdrew, and you, Sir, put some other motion. What is the motion upon which we are now to decide that we will reconsider upon motion of the House as a procedural matter? What is that formal motion, not the procedural motion?

The SPEAKER: Order! I ask members to show as much tolerance to the Chair and the Minister as the Chair has shown to other members here today. I appreciate the fact that the member for Murray-Mallee is seeking to clarify the situation. The motion before the House is that the second reading of the Children's Protection and Young Offenders Act Amendment Bill be taken into consideration on motion. Is that motion seconded?

An honourable member: Yes.

Motion carried.

COMMUNITY WELFARE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (COAST PROTECTION AND NATIVE VEGETATION MANAGEMENT) BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Coast Protection Act 1972 and the Native Vegetation Management Act 1985. 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 aim of this Bill is to remove the requirement for the Presiding Officer of the South Australian Planning Commission (SAPC) to be the Presiding Officer of the Coast Protection Board and the Native Vegetation Authority.

The Presiding Officer of the South Australian Planning Commission currently has a number of additional roles including being Presiding Officer of the Coast Protection Board, the Native Vegetation Authority and the Advisory Committee on Planning. Parliament has already agreed to an amendment to the Planning Act 1982 removing the statutory requirement that the Commission Presiding Officer be also the Presiding Officer of the Advisory Committee on Planning. This Bill additionally breaks the statutory nexus between the SAPC and the Coast Protection Board and the Native Vegetation Authority and as a result removes the need for the Government to employ a single full-time person to act as Presiding Officer of these bodies.

The provision requiring the Presiding Officer of the SAPC to also be Presiding officer of the Coast Protection Board is a carry over from the time the Board was established in 1972 when it was envisaged that the Board would have a far greater coastal planning function than has proved to be necessary. As such, the Presiding Officer of the then State Planning Authority (SPA) became the Board's Presiding Officer. With the introduction of the Planning Act in 1982 and the replacement of the SPA by the SAPC, the Presiding officer of the SAPC became the Presiding Officer of the Board. However, following a recent review of coastal management in South Australia it has been decided that it is unnecessary to continue this nexus, particularly in view of the fact that the Planning and Environment issues are now efficiently combined in one Department. Instead the Bill provides that the Presiding Officer shall be appointed from the membership of the Board. In addition, the Bill provides that a replacement member on the Board will be the Director-General of the Department of Environment and Planning or his nominee.

Similarly, the current requirement for the Presiding Officer of the SAPC to be the Presiding Officer of the native Vegetation Authority is a carryover from the previous placement of the native vegetation clearance controls in the planning system (subject to regulations under the Planning Act, 1982). The review team which reviewed the first twelve months operation of the Native Vegetation Management Act recommended, amongst other things, that this nexus was no longer necessary. Instead, the Bill provides that the Presiding Officer of the Authority shall be appointed by the Minister.

I bring these changes to Parliament at this time as the current Presiding Officer of the SAPC has been nominated for a new position. I take this opportunity to express to Parliament my sincere gratitude to Mr Stephen Hains who

has carried out all these roles in an exemplary manner. Indeed, as a result of his undoubted skills, he has been nominated to the very important position of Director of the Planning Division in the Department of Environment and Planning and as such will take on the new role of developing rather than implementing planning policy.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 amends section 8 of the Coast Protection Act 1972, which provides for the membership of the Board. The section provides that one member of the Board will be the Director-General of the Department of Environment and Planning or a person nominated by the Director-General. In addition, the section makes provision for the Governor to appoint one of the members of the Board to be the presiding member of the Board. The clause further provides consequential amendments to the Act, by striking out 'chairman' in sections 9 and 13a of the Act, and substituting 'presiding member'.

Clause 4 makes the changes to the constitution of the Authority that have already been mentioned, and also provides for the deputy of the presiding officer to take the presiding officer's place at meetings of the Authority.

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

IRRIGATION ON PRIVATE PROPERTY ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Irrigation on Private Property Act 1939. 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 objective of this amendment is to remove the restrictions on borrowings imposed by the Irrigation on Private Property Act 1939 on Irrigation Boards established by that Act.

The Irrigation on Private Property Act constitutes Boards of Management which comprise one owner from every property within a defined private irrigation area. These boards control, manage and supervise irrigation and reclamation activities within the private irrigation areas which are adjacent to the River Murray.

From time to time in exercising those functions, the Boards find it necessary to borrow funds or enter into other forms of financial arrangements. The powers of the Board to make such borrowings are governed by Sections 37a, 48 and 49 of the Act.

In 1983 the State Bank of South Australia advised the Sunlands Irrigation Board that it considered the securities required by the Bank were not adequately covered under the Irrigation on Private Property Act. Specifically the objections raised by the Bank were as follows:

- Section 37a provides for borrowings under the Loans to Producers Act and for security to be given by way of mortgage, charge or other form of security over the Boards' interest in land, goods and chattels. The Bank invariably requires its security to include a charge over rates for which no provision is made in the Section.
- Section 48 provides for general borrowings on the security of debentures over rates. The debentures are required to be in the form of the Second Schedule which is not in keeping with current banking arrangements in that it:
  - *(a)* imposes an inflexible method of repayment of principle;
  - *(b)* calls for a coupon system to evidence periodical repayments;
  - *(c)* does not provide for variations to interest rates during the currency of a loan.
- Section 49 provides for general borrowing from a Bank on the credit of its revenue. A charge over assets is usually required by the Bank and the section does not provide for such a charge to be given. Further, the Bank considers that the method by which the charge can be taken over rates should be clarified.

The bank has advised the boards that in the circumstances it would not be in a position to make further financial accommodation available until the position is clarified.

The amendments proposed by this Bill seek to remove unnecessary restrictions on the capacity of Boards to make commercial financial arrangements in the same way as any other corporate bodies can.

Consultation has taken place with all interested parties and in particular with the State Bank and Irrigation Boards. There is general agreement that the proposed amendments should be made.

Clauses 1 and 2 are formal.

Clause 3 removes section 37a (3) from the principal Act. This subsection is not necessary in view of amendments made by the Bill and could be interpreted so as to restrict the kinds of security that could be offered by a board under that section.

Clause 4 inserts a provision that makes it clear that boards are able to obtain water for irrigation purposes from any source. The removal of paragraph *(h)* of section 38 is consequential.

Clause 5 make consequential changes.

Clause 6 replaces sections 48, 48a and 49 with a new provision that expands the power of boards to obtain financial accommodation and secure obligations incurred as the result of obtaining such accommodation.

Clause 7 makes a consequential amendment.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

ABORIGINAL LANDS TRUST ACT

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

That, pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1966, block 1219, out of Hundreds (Copley), exclusive of all necessary roads, be vested in the Aboriginal Lands Trust for an estate in fee simple; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The Nantawarrina Lands has traditional significance for the Adnjamathanha people of Nepabunna, in that it represents part of their traditional tribal territory, and it also contains two known sites of cultural importance; Moro Gorge and the Yalpunda veri painting site. The land is also seen as having some proprietary value and utility for the Adnjamathanha people as it is seen as a means of deriving some

degree of independent financial support for the Nepabunna community.

Pastoral lease No. 2378A to Nantawarrina Block 1219 out of Hundreds (Copley) was purchased by the now defunct Nantawarrina Pastoral Company, with Commonwealth funds provided through the Commonwealth Department of Aboriginal Affairs. In 1976 it was agreed that the title be vested in the Aboriginal Lands Trust, which in turn would lease the area back to the Nepabunna Aboriginal Community, which at that time controlled the Nantawarrina Pastoral Company.

In order to effect the transfer it was necessary for the pastoral lease to revert to Crown lands. A form of absolute surrender of the pastoral lease 2378A was approved by His Excellency the Governor in Executive Council on 31 August 1978. From that time it has remained unallotted Crown land.

Negotiations to execute the transfer of Nantawarrina have been frustrated by lengthy delays brought about by factors such as complications arising from existing mining leases, and protracted legal negotiations to obtain agreement to the appropriate procedures for the transfer.

Crown Law opinion suggested that the transfer of Nantawarrina to the Aboriginal Lands Trust should be executed pursuant to section 16 (1) of the Aboriginal Lands Trust 1966-75. This section states that the Governor may, by proclamation, transfer any Crown land to the trust for an estate in fee simple, provided that no such proclamation shall be made except on the recommendation of the Minister of Lands and both Houses of Parliament. The Aboriginal Lands Trust has formally advised that it has approved the above course of action.

The Minister of Lands has recommended that titles to Crown lands block 1219, out of Hundreds (Copley) exclusive to all necessary roads be vested in the Aboriginal Lands Trust. The draft proclamation in respect to the rights of entry, prospecting, exploration and mining of block 219, out of Hundreds (Copley) exclusive of all necessary roads, was drawn up in consultation with the Department of Mines and Energy and the Nepabunna people and the Aboriginal Legal Rights Movement (ALRM).

The transfer of the land is in accordance with the long established policy of this Government to give the Aboriginal community the title and rights to their land. The sooner the title to the land is transferred to them, the sooner the Aboriginal community benefit. In accordance with section 16 (1) of the Aboriginal Lands Trust Act the resolution of both Houses of Parliament is required to vest Nantawarrina in the Aboriginal Lands Trust for an estate in fee simple.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

BRANDING OF PIGS ACT AMENDMENT BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Branding of Pigs Act 1964. Read a first time.

The Hon. M.K. MAYES: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The amendments proposed by this Bill seek to improve the department's means of determing the ownership of pigs and to accurately trace pigs back to their property of origin when either a disease is detected in pigs at slaughter, or more particularly, when chemical residues at unacceptable levels, are detected in the pig. Chemical residues in meat are undesirable and pose a serious risk to the South Australian export market. The duty imposed to brand pigs under the present Act, results in only about 39 per cent of pigs being accurately branded. The pig industry is in full support of the amemdments to the Act proposed by this Bill. The amendment requires that pigs, consigned directly for slaughter at licensed abattoirs or slaughterhouses, also be branded pursuant to the Act.

The amendments proposed by this Bill repeal section 5 (3), which exempted a person who owned three pigs or less from the duty to brand. The new section now exempts an owner from branding pigs that weigh less than 20 kilograms, for reasons of animal welfare. A new provision for the regular regional cancellation and re-registration of brands on a three to five year rotating basis is also implemented by this amending Bill. This will enable the department to accurately monitor brands within the industry, as there is currently concern of specific brands falling into the hands of unregistered owners.

The provision imposed by the current Act to notify the Registrar of Brands of the death of a proprietor of a brand is repealed by this amending Bill, as the provision has proved to be ineffective. The Bill also amends the penalties in the Act for failure to comply with the Act and any regulation under the Act, bringing them into line with Government policy. The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 expands the definition of 'to sell' by including 'to offer or exhibit for sale'.

Clause 3 inserts a new section 5 in the principal Act. The new section expends the duty imposed to brand pigs, by including pigs consigned for slaughter. The section also provides a substantially increased penalty, for breach of the section. The new section also provides two exceptions to the duty imposed to brand pigs. The first is where the pig is purchased by and delivered to a person by the previous owner within seven days before sale or consignment, where the pig has the registered brand of the previous owner at the time of delivery. The second exception is where the pig weighs less than 20 kilograms.

Clause 4 provides that an application for the allotment and registration of a brand, accompanied by the prescribed fee, must be made to the registrar in a form determined by the registrar.

Clause 5 amends section 7 by deleting the reference 'in the prescribed form' twice occurring.

Clause 6 repeals section 8 of the principal Act.

Clause 7 inserts a new section 10 in the principal Act. The new section firstly provides that the term of the registration of a brand will extend for a term not less than three years and not more than five years, as determined by the registrar, and secondly that renewal for a further term may be made. Brands allocated prior to this new section will run from the commencement of this section, with the proprietor of the brand being notified of the expiry date of the registration by the registrar. The registration of a brand that has lapsed may be renewed by the registrar by application in writing, accompanied by the prescribed fee.

Clause 8 increases the penalties payable from $100 to $1 000, for failure to comply with section 11.

Clause 9 amends the regulation-making powers of section 12 by allowing regulations to be made empowering the registrar to determine the forms used under the Act, and also increasing the penalties that may be prescribed by

regulations from $100 to $1 000, for failure to comply with any regulation.

Mr GUNN secured the adjournment of the debate.

ROYAL COMMISSIONS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This simple amendment to the Royal Commissions Act arises as a result of representations received from the Federal Government to implement operational changes to the Royal Commission into Aboriginal Deaths in Custody. The Federal Government has advised that Commissioner Muirhead has requested that additional commissioners be appointed to act as separate, fact-finding aspects of his royal commission to investigate particular deaths.

At present the South Australian Royal Commissions Act does not provide for commissioners to sit independently of other commissioners. This amendment will allow commissioners to sit independently and to have the same powers as if appointed sole commissioner. The amendment also updates and brings the penalty provisions of the Act into line with those divisions that are the subject of clause 4 of the Statutes Amendment and Repeal (Sentencing) Bill 1988 that is now before this Parliament. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 3 of the principal Act which is an interpretation provision.

Clause 3 repeals section 4 of the principal Act and substitutes a new provision. This section provides for the constitution of royal commissions. A commission may be constituted of a single commissioner or of two or more commissioners. It provides that if the Governor authorizes individual commissioners to sit independently to conduct parts or aspects of an inquiry which is being conducted by a commission of two or more commissioners, an individual commissioner will have, in relation to those parts or aspects of the inquiry, the same powers as if appointed a sole commissioner.

Clause 4 amends section 11 of the principal Act which empowers the chairman to punish persons for certain behaviour. The maximum term of imprisonment is increased from two to three months. The maximum fine is increased from $400 to $1 000. The maximum term for default is increased from two to three months imprisonment.

Clause 5 amends section 15 of the principal Act which makes it perjury to give false evidence to a commission. The amendment deletes the reference to hard labour (made unnecessary by section 31 of the Acts Interpretation Act, 1915).

Clause 6 amends section 17 of the principal Act which sets out certain offences relating to the corruption of witnesses. The amendment deletes the reference to hard labour and allows for a maximum penalty of $8 000 as an alternative to a term of imprisonment.

Clause 7 amends section 18 of the principal Act which deals with fraud on witnesses. The amendment deletes the reference to hard labour and allows for a maximum penalty of $8 000 as an alternative to a term of imprisonment.

Clause 8 amends section 19 of the principal Act which prohibits the destruction of evidence. The amendment allows for a maximum penalty of $15 000 as an alternative to a term of imprisonment.

Clause 9 amends section 20 of the principal Act which makes it an offence to wilfully prevent or attempt to prevent a person from attending a commission as a witness or from producing evidence. The amendment allows for a maximum penalty of $8 000 as an alternative to a term of imprisonment.

Clause 10 amends section 21 of the principal Act which makes it an offence to injure a witness. The amendment allows for a maximum penalty of $4 000 as an alternative to a term of imprisonment.

Clause 11 amends section 22 of the principal Act which makes it an offence for an employer to dismiss an employee or prejudice him or her in their employment for or on account of that employee having given evidence before a commission. The amendment allows for a maximum penalty of $4 000 as an alternative to a term of imprisonment.

Clause 12 repeals section 23 of the principal Act and substitutes a new provision. This is the regulation-making power. The amendment allows for a maximum penalty of $500 to be prescribed for breach of, or non-compliance with, a regulation.

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

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on the question:

That the report of the select committee be noted.

(Continued from 23 March. Page 3483.)

Mr BLACKER (Flinders): I rise to comment on the noting of the report of the select committee. I do so as one who appears before the committee to express views that at that stage were being expressed by residents within my community. The Bill got off to a bad start in that the early press reports, upon its being introduced into this place on 3 December, were quite emotional. It was quite scary to many potential land-owners. I initially shared that view until I was able to properly consider what was going on.

My reasons for appearing before the committee were twofold; first, I was concerned about the responsibility of land-holders who had supply lines over their property and about where the obligation of such land-holders started and finished. During the debate and the committee inquiry we saw a change of emphasis in the reporting of where that responsibility lies. However, I still have some question marks over what is meant by it.

The initial press reports on the matter indicated that any power line across the property of a land-holder was to be subject to vegetation clearance in accordance with vegetation management and to be solely at the expense of the land-holder. That has been proved to be wrong. It did create a fear that, if vegetation management indicated that there should be a 10 foot or 15 foot canopy, obviously no farmer had appropriate equipment to handle that. One of the things about which I am still not satisfied is what is meant by vegetation clearance management under the power lines. If we are talking about bare clearance, obviously most farmers would have the equipment to do that without any potential danger. On the other hand, if vegetation management

required that there be a canopy of trees left, it is a different kettle of fish.

The Bill has now been restricted and quite clearly states that there is a differentiation between vegetation naturally occurring and vegetation planted or nutured by the farmer. The compromise offered is not an unreasonable one. If the farmer or land-holder plants trees under his private supply line, he must have some obligation regarding control of the height of such trees if they are likely to cause a danger.

The Hon. E.R. Goldsworthy interjecting:

Mr BLACKER: I agree. To that end it is a reasonable compromise. The obvious statement to be made is that the Bill as it comes out of the select committee is clearer than the original Bill. I hope that the Minister will be able to further clarify what is intended by 'vegetation management' and whether it is expected that a level or height of tree canopy under those power lines will be set or whether it is meant that no vegetation shall be planted under the supply lines. What are we talking about in terms of this Bill?

The attitude of ETSA thus far has been that a height level for clearance has prevailed in the case of mallee scrub. If those trees get to a height where they could pose a danger to the power lines that go over them, ETSA has trimmed those trees to a height of approximately five metres. That would vary. Whether that standard will be applied to the land-holder for his own protection or in the maintenance of the vegetation now coming under his control is something on which I hope the Minister can give an explanation. It is a grey area and could be the subject of further dispute.

Obviously, if a land-holder has planted a series of trees and they are growing well, he would want to see them managed and maintained properly. Will the Minister give an example of what is intended in the interpretation? Will the Minister indicate whether by vegetation clearance managements, he or ETSA intend that there be a level of canopy, that land be cleared bare, or that low scrub be allowed, is there some other intention? The other concern was the immunity from or liability for public risk. I am not satisfied with this point. I do not believe that the trust should be protected to the extent that it is protected by the proposal. I do not believe that the sunset clause necessarily solves the problem.

I can understand that the Minister believes that, if we put in a five-year sunset clause, the matter will be reviewed in five years time, but we all know that, if a major disaster does not occur within that five-year period, a rollover period will almost certainly occur and that ultimately down the track someone could be seriously affected by it. Nevertheless, it is an improvement on what was originally intended and that should be recognised.

The part concerning the cutting of electricity supply raises a few questions. I recognise that good reasons exist for the cutting of supply in periods of extreme fire danger. I note that there should be, if practicable, consultation with the Country Fire Services Board before action is taken. That is only commonsense. On a day of extreme fire danger all instrumentalities should work together closely, but it must be remembered that many industries are very reliant on power. For instance, in the chicken industry the power being off for an hour would almost certainly mean the destruction of every bird in the shed at that time. It has happened that a power failure has resulted in such a disaster, therefore most poultry producers now have their own auxiliary power plants, provided at considerable expense, in case of power failure. That is all right for the chicken industry where all anomalies must be covered, but in many other industries, for instance, in piggeries, such facilities are not so urgent. However, in certain industries, if the power cannot be restarted for four or five hours, the circumstances become much more involved and much more complex. The report of the select committee states, at page 5, that there should be an amendment to the original Act. It states:

> If vegetation is planted or nurtured in proximity to a public supply line contrary to the principles of vegetation clearance, the trust may remove that vegetation and may recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.

Earlier, I understood that it was the land-holder who nurtured the plants who was to be responsible for the management of that vegetation whereas this gives a slightly different meaning. I see a difference between those two interpretations, but I may be wrong in my assessment, because I acknowledge that my earlier remarks related to private supply lines whereas this comment relates to public supply lines, and that may be the difference. I should appreciate the Minister's further explaining that point.

In determining whether the power be cut, it is stated that 'the conditions of extreme fire danger as certified by the CFS. . .'. Somewhere along the line someone must make a judgment on that. Can the Minister say how that will be done? What are the guidelines? Will those guidelines vary from district to district. Will different personnel be involved in setting those guidelines? This could be a subject of controversy on a bad day. Obviously, we do not want this sort of trauma on a bad day.

Earlier, I referred to the definition of 'private supply line' and I quote the case on our family farm which is managed by my younger brother and which had one of the first swer lines in South Australia. That swer line, about 1 kilometre long, was installed from the point of entry to the property to the supply point, which is the local homestead. From there the line crosses the property to a neighbour's home, a few hundred metres from our southern boundary. My interpretation of that is that, while the land is covered by natural scrub, ETSA is responsible, as it is responsible where the line crosses fencing and a creek.

However, at the point adjacent to the house and at a point where the line runs across an orchard, the responsibility would be ours because we planted those trees many years ago. From the transformer to the gutter board, where it crosses the garden shrubbery, it would be the responsibility of the property owner, in this case our family member. However, from the transformer to our southern boundary, towards the neighbour's property, ETSA would be responsible. In this instance, most of the line crosses native scrub and this therefore would be the responsibility of ETSA. If it crosses a line of planted trees, where is the grey area there, because the line leads from one supply point to another across private property? This matter is not all that serious, but there is still a grey area and it means that, even though the trees have been planted and nurtured by the land-holder, the line is going to another property. Therefore, is it the responsibility of the land-holder who planted and nurtured the trees? I recognise that the land-holder will be responsible in respect of any trees that he plants from now on. In the instance to which I have referred the ongoing land-holder has only about 200 metres of supply line to look after.

That covers most of the points that I wish to raise, except for section 40 which is of some concern. I acknowledge that the report is better than was originally intended. I note that 'private supply line' means 'that part of the distribution system designed to carry electricity at a voltage of 19kV or less [to my knowledge that incorporates all swer lines] where those lines are situated on, above or under private land and supplying or intending to supply electricity at some point on that land'. That part in itself is fairly clear, but the Bill

clearly excludes higher voltage transmission lines, and that concerns some of my constituents.

When the Bill was first publicised by certain sections of the media, a property owner contacted me immediately saying that he had three major transmission lines crossing his property and that he could see himself being responsible for all those lines. However, that is obviously not the case and, when I advised my constituent to that effect, he was somewhat happier about it. The point ultimately is that the land-holder should be responsible for any vegetation that he plants or nurtures in future if he places ETSA's facilities in danger by making a bad choice of trees or other vegetation. I support the noting of the select committee's report.

Mr ROBERTSON (Bright): This afternoon I wish to pick up several points that have been made by previous speakers. The opinions expressed so far cover a wide range from those of the member for Murray-Mallee, who advocated a more or less bare earth policy beneath all power lines on the one extreme, to those of the member for Flinders who agreed (and I concur with his judgment) that this Bill is a good compromise.

It seems that it represents a balance between the holocaust advocated by the member for Murray-Mallee and the option of no clearance, which some people who are dedicated and devoted tree lovers in the Adelaide Hills might wish to propound. A balance is necessary. A degree of clearance beneath lines is necessary and it would seem that a number of things have emerged from the select committee procedure which should reasonably satisfy people who are towards the greener end of that spectrum. In the first place, the wholesale massacre and removal of trees, the poisoning of land beneath trees, and so on, has been prevented. That was never really an option, but certainly it will not happen. The care and maintenance of most of those strips of vegetation beneath power lines will fall on ETSA.

It has become clear to me in the course of the select committee deliberations that the ETSA lines people, particularly in the Adelaide Hills, which is the area of most contention I suppose, care quite passionately for the trees under their control. They know their own little patches or areas of responsibility a good deal better than most of us would know the trees in our suburban gardens. As a result of talking to and watching those people, it is clear to me that they do care about the trees that are planted under and near the lines. In fact, when they lop or clear vegetation, it seems that they do so with a good deal of care and concern for the trees. It also seems that the thrust of the Bill, in giving ETSA the responsibility for the clearance of native scrub under both private and public lines, is also a good move, because ETSA has the resources, the care and concern to be able to attend every year or two and lop those trees with a minimum of severity.

Conservationists also should be reasonably pleased with the five year sunset clause contained in the Bill. I suppose the thinking behind that is basically that within five years many more power lines in the Adelaide Hills will be either aerial bundled conductors or shielded conductors and that the degree of lopping will not be necessary, particularly for the lines that are lower in both senses, that is, lower in voltage and physically lower and closer to the ground, the latter causing the most concern.

Some people may be concerned that ETSA will have this ongoing power to march through the Hills and chop down everything that grows, but this five year sunset clause will give those people some comfort. I feel it is quite appropriate that people who plant inappropriate trees beneath private lines will be charged for the removal of the trees and given 60 days notice to remove them. That gives landowners the ability, if they wish, to have the trees removed by private contractors, to do it themselves or, if that is not done, it will be done by ETSA, which will bill them for that service. That seems to be appropriate and, again, many landowners will find that ETSA will be able to tender for that work fairly competitively and it may do it with a good deal more sensitivity and skill than many private contractors.

I think that a number of clauses contained in the original Bill which went to the select committee were quite admirable, but I do not wish to dwell on them at any great length this afternoon. I welcome some of the changes which emerged from the select committee. I pay tribute to my colleagues on that committee for the way in which they worked together and for the end result of those deliberations, in particular the amendments to section 38, which concerns the responsibility of the trust to keep vegetation clear of public and private supply lines. That relates to both parts of section 38 and in particular to private land. A number of other modifications made to the Bill should be similarly welcomed. The requirement to give reasonable notice to the occupier (again, in section 38) and the 60 day notice provision are welcome additions. I believe that the committee was a good and positive one. Aside from a little jumping around by the Deputy Leader of the Opposition early in the piece when someone pointed a notebook or television camera at him, the committee worked well.

The Hon. E.R. Goldsworthy interjecting:

Mr ROBERTSON: You are claiming you weren't there. You've got a very short memory. Perhaps it is senility.

The Hon. E.R. Goldsworthy interjecting:

Mr ROBERTSON: I suppose you don't recall going to the Adelaide Hills.

The Hon. E.R. Goldsworthy interjecting:

The ACTING SPEAKER (Mr Gregory): Order!

The Hon. E.R. Goldsworthy interjecting:

The ACTING SPEAKER: I call the member for Kavel to order.

The Hon. E.R. Goldsworthy: What an idiot!

Mr ROBERTSON: The honourable member is suffering from verbal incontinence—he does not know what continent he is on.

The Hon. E.R. Goldsworthy: You're just wet behind the ears, you drongo. Go back to the nursery.

Mr ROBERTSON: I'm glad that my youth and potential have been recognised and I thank members opposite for that. The point I was about to make was that, in contrast to the performance by the Deputy Leader of the Opposition, I found the member for Light to be thoughtful and conciliatory all the time. I believe that in the latter stages of this committee a great deal was achieved by that conciliation process. It was a good committee and I am glad that I was part of it. I think that the people who made representations to us did so in a genuine spirit of cooperation, and a number of genuine problems were unearthed as a result of the committee's work. I believe that a number of genuinely good compromises arose out of it.

I also pay tribute to the work done by a number of witnesses who appeared before the committee. They gave a lot of time to the committee and many came back on several occasions and in fact witnessed much of the committee's deliberations. They were able to give us their reaction to the kinds of things that were going on. I draw attention to the attitude of members of the Insurance Council which, in some respects, I found to be a little cavalier. If insurance companies write out cover notes and issue insurance over property in the Hills, really they might have done a little more homework than appeared to be the case on some

occasions. There was a degree of willingness on the part of the insurance industry as a whole to fly by the seat of its individual and collective pants. I believe that that attitude needs to be revised.

I refer to a point raised by the member for Florey and that is the issue of cross-subsidisation. I believe that a degree of cross-subsidisation exists between the metropolitan area and the Adelaide Hills. I think it is well wide of the mark to suggest, as did some witnesses, that because the Adelaide Hills is the watershed for the consumers on the plains those living in the Hills ought to receive some special treatment from ETSA and other authorities. I support the comments made by the member for Florey in that regard. In the course of the committee's deliberations, I asked ETSA to produce some figures on the cost of servicing consumers in various areas of the Hills as opposed to their equivalent consumers on the plains. For the purposes of comparison ETSA chose to produce a statistical analysis of the Enfield distribution district compared with the Stirling distribution district. The Enfield district contained 44 000 consumers as compared with 9 500 in Stirling. The maintenance costs for Enfield were only $407 000 for the whole year compared with the Stirling area's costs of $1.39 million. That meant that the cost of maintaining services to people on the plains was about $9.25 per annum per consumer, whilst in the Hills the cost was a relatively staggering $146.50 and that is about 16 times higher. I think it gives the lie to the allegation that the people in the Hills receive no cross-subsidisation.

Similarly, the number of man-hours expended in that process for the Enfield district with 44 000 consumers was 20 490. For Stirling it was almost twice as much—35 669. That gave a time per consumer, if you like, on the plains of 28 minutes per head per year from ETSA, as opposed to 3 hours 45 minutes for each consumer in the Stirling district. In conclusion, the myth that Adelaide Hills consumers receive no special treatment from the general public and are not carried, if you like, by consumers on the plains needs to be put to rest once and for all.

The Hon. D.C. WOTTON (Heysen): I have some particular concerns with this piece of legislation. I strongly oppose clause 40, giving ETSA the power to override private land owners on matters of negligence. I very strongly oppose the $1 000 penalty.

The Hon. E.R. Goldsworthy: That's been taken out. We had another meeting.

The Hon. D.C. WOTTON: I was not aware of that, and it removes one of my concerns. I believe that the point about the private supply line is still in and I have some concerns about that. I believe that some private people could be mischievous in the way in which they deal with that, but the overall concern I have is that I believe that improved technology—and we have seen a tremendous improvement in technology in recent years—has now even surpassed the need for the bulk of the legislation. After all, as has been stated by ETSA on so many occasions, ETSA has the ultimate weapon in being able to withdraw supply.

A number of people have made representations to me in regard to disputes they have with ETSA, as well as under the native vegetation legislation and on the issue of vegetation generally. I would like to have seen the introduction of an independent disputes committee to deal with, for example, people who are in trouble with vegetation clearance, and I hope that in due course the Minister will look at that issue separately.

The Hon. R.G. Payne interjecting:

The Hon. D.C. WOTTON: I am aware of what is in the report. I have spoken on numerous occasions about my desire to see greater concentration on undergrounding. I do not have it with me, but I think that the last annual report stated that ETSA spent something like $442 000 on undergrounding in the last financial year. That really is a pittance when we look at the overall budget and expenditure in the annual report of ETSA. I do not think that ETSA is serious about undergrounding. I have said that for a long time, and I still have that concern. My main concern, however, is my opposition to clause 40, and I hope that the Government will recognise the need to remove that clause when the time comes.

Mr S.G. EVANS (Davenport): I am disappointed that we wasted Tuesday night in this place and now are cramped for time so that people are not allowed to speak on the topic due to the time constraints. We had the management of the week declared on Tuesday afternoon, yet the Government had its program ready only for that day. I get angry when we are placed in this position. It is nothing but a sham when a member has to speak in about four or five minutes on an issue as important as this. I support the noting of the report. The member for not-so-Bright, in making his comments about Stirling consumers and other consumers in the Hills, should realise that it is not the electricity distribution but the laws made by this State not to remove trees which, in the main, push up the costs.

I can remember when firefighters had a full chain's width of road to protect them from fire, and their units ran no risk of being burned, and now they have the environmental issue where it is just a patch of scrub involved. It is not the fault of Hills dwellers that the costs are so high: it is the laws applied by the State in relation to the removal of trees, together with attitude of people—not just in the Hills but right through the plains—who say that we should leave the native trees there because they look nice, whether or not they may be responsible for wiping out half the State at one time.

I can understand ETSA's problem regarding such huge claims, and I can understand why it wants to avoid being liable for all the costs. I do not know the answer, but I hope that this Parliament one day will pass a law which says that if I own a property with a high fire risk and, through my negligence or that of someone else on my property, a fire starts and travels through a neighbouring property, which neighbouring property has taken all the precautions possible, that neighbour can claim from the trust full compensation; but, if the owner of a property in the path of the fire is negligent in maintaining that property, let that person claim compensation accordingly.

I am not blaming the Minister, I am just saying that if we consider the law from that direction we may find we will get more responsibility from owners throughout the Hills. In many of the fires there has been negligence, either by human or mechanical error, and a fire has been conducted from property to property quite often by people who have been more negligent than, say, the Electricity Trust in the original installation of its lines. We should put the obligation on the individuals to maintain those properties that are really a danger to their neighbours. That is the way I believe we can cut the cost to a great degree.

The sooner we adopt that sort of attitude, the better. I am not one to advocate this continual trimming of trees or to advocate undergrounding, because I believe that the cost is high. It is not high if, in an initial development of an area, we go underground with the installation immediately. I support the move by the trust to go to the bundled cables, as I call them (regardless of the technical term), where we have an insulated bundle of cables. I believe they serve the

purpose well enough. I am disappointed that many of the trees that grow by the roadside in the Hills are, in fact, nothing more than shoots which have grown out of the original stumps, some of them from trees which my father, brothers or I cut down. The trees that are growing are not the original trees grown from seedlings.

They have not been planted by white man. They have developed from the shoots that grow from the side of the stump. When a woman was killed on Christmas day a few years ago, the reason given was that the part of the tree just split off the side of the stump, because it was only the adhesion of that shoot to the stump that held it there—and there are thousands of them along the sides of the roads in the Hills. I said in this place in about 1976 or 1977 that we would rue the day that we allowed that to happen, because of a number of people being injured through that sort of thing. It has now cost one woman's life, and there might be a lot more.

We can make our roads under the powerlines just as attractive with smaller type shrubs, with the bigger trees back further on people's properties if they want them. We should get the big trees right out of the way altogether. That would cut out the cost of trimming. I guarantee that the Hills would be just as beautiful to drive in or to live in, and just as beautiful for tourists, locals or visitors from the plains to walk in or look at—and one notes that the people on the plains get the cheap power, as we are told.

I hope that one day commonsense will prevail; that the idealistic attitude that obtains and the fear of treading on someone's corns about a certain type of tree changes; and that we give the authorities the sort of power that they need. At least in this report we are taking a step in that direction. However, I am concerned about the reduction of claims that people can make in regard to negligence by the trust, and we have not picked up the other area to which I referred previously. I know that it cannot be done today, but I hope that at some time in the future a Government will consider saying to people that, if they do not look after their properties and they get burnt out, they must realise that they have been partly negligent, too, and that they will not get paid the full tote odds in any claim made. The sooner the courts are given that power, the sooner we can get more responsibility from people who want to live in this sort of environment.

The Hon. R.G. PAYNE (Minister of Mines and Energy): At the outset I want to briefly thank all honourable members from both sides of the House for their contributions to the debate and for their cooperation in the agreement that has been made to facilitate the passage of the business before the House today. I point out that the key matter in this whole situation was put more succinctly by the Deputy Leader than by anyone else. I referred last night to comments that the Deputy Leader had made about his understanding that ETSA had difficulties and that, with a cataclysmic type of happening, the consequences would be horrendous—and he used the term 'exorbitant'. He also said that he had sympathy for the view that something needed to be done.

In debate early this morning the Deputy Leader responded by saying that during the deliberations of the select committee he really had not changed his own personal view but that he did not agree with the remedy that I am putting forward to the House on behalf of the committee. This remedy has been tailored to recognise the concerns of people concerning the proposal to limit the liability of the Electricity Trust and in making such a dramatic change from what has applied in the past. Nevertheless, I simply point out to the House that there are some factors that need to be considered. First, I think evidence given by the Insurance Council of Australia was very telling. The insurance council made the following comments to the select committee (page 91, paragraph 8):

> The prudent land occupier protects his financial well being by effecting material loss assurance and public liability cover.

Further on, at paragraph 7, the insurance council stated:

> Property damage caused by fire is an ever-present threat to land owners. Owners fear damage to their property and must accept the responsibility for their negligent actions should fire spread to the property of others.

It then went on to say at paragraph 13:

> Uninsured and underinsured property owners will have increased difficulty and hardship in gaining compensation and can be partly bankrupted by actions against them.

That was a reference to the removal of liability on the part of ETSA that was originally proposed in the Bill. Those comments refer to the other side of the situation: why should ETSA be the only body required to exercise all care and control and cause no untoward happening, whereas everyone is allowed, presumably, to be free not to bother to protect their own property, not even to insure, and so on.

Fortunately, in relation to my portfolio responsibilities I am not required to tackle the whole requirements of the State in respect of bushfires. However, what I do have to consider is ETSA and what is contained in this Bill. I do not think there is any more to be gained in further canvassing the matter. Not one member has said that ETSA does not have difficulties in this matter; they have all acknowledged that there is a difficulty but that even though they do not want to do it they do not like what I want to do about it. That is the present situation.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: I understand that, but through the process of the select committee, and with its blessing and the active cooperation of all members—which I freely acknowledge—I believe that we have been able to bring back a workable proposition in which the responsibility of a landholder or occupier is clearly defined. The provision will be easy to understand. Certainly, grey areas will be identified, especially from the point of view of a starting time. For example, there will be questions of who planted trees or shrubs and when. One can imagine the grey areas that will emerge. However, I give this assurance on behalf of ETSA and the Government that ETSA's approach on these grey areas will not be punitive; it will be cooperative. I believe that all members in this House should make known that assurance to any of their constituents who still have a concern that there are still difficulties in this area. That will not be the case.

There will be occasions where ETSA will have to bend over backwards in assisting people who perhaps do not understand the requirements. However, I point out to the member for Flinders, who referred to these matters, that he must keep in mind what will now apply. The duty of vegetation clearance that is now placed on the occupier is restricted to clearance of vegetation that is not naturally occurring under private lines. All other vegetation clearance is the trust's responsibility. It could not be more clearly expressed, I believe. I know that all members of the select committee are rightly proud of what we have come up with in this respect. We think it will be the best in Australia. However, the only way to find that out is to put it into effect and to let it operate, and that can occur on the passage of this legislation.

The member for Flinders raised some sensible concerns. I have answered about half of them by pointing out that

ETSA will be cooperative, not punitive. I commend the member for Flinders on his presentation of evidence to the select committee. It was a pleasure for the select committee to listen to the reasoned way that he put forward matters about which he had concerns. He continued that process here today in the House. He raised calmly and fairly some concerns that he has on behalf of his constituents. I point out to the member for Flinders that the description that he gave the House of the change in responsibility in respect of the SWER line scenario that exists on his property and the passage to the neighbouring property was, in my judgment, flawless. He quite clearly delineated who would be responsible for that. But I repeat that some grey areas may be involved. It is all very well for us to make various stipulations, but in practice there will be some occasions where the position will not be so clear—for example, out west of Cummins, or wherever. That is why I gave the assurance that ETSA would be cooperative in this matter.

I have reams of material that I could present to the House that demonstrates how many points I could score off the Opposition who was wrong and who was right. However, none of that would be of any use in this absolutely vital matter into which we must get some logic, sense and clear responsibility. If there is another cataclysm like February 1983 and nothing has been done about it, we will be in real trouble because it will not be possible to have a State utility of the nature of ETSA, nor to finance it. That is a horrendous prospect for the future of our State on the domestic and industrial scenes.

From the way members have responded in this debate, I am sure that they are aware that that is the situation and I commend the general attitude. However, I am sorry that the reasonableness displayed by the members of the select committee and those members of the Opposition who have spoken in this debate with respect to the way in which they have cooperated and worked together to find some suitable words to handle the situation has not been maintained considering the very limited solution that has been put forward to try to prevent the State utility being lumbered through no fault of its own. With a combination of unusual weather conditions, not even God could stop fires on those days. ETSA should not be sent into the ring with both hands tied behind its back, told that it must continue to supply power in all circumstances, not cause any trouble, and pick up the tab at the end of the day if there is trouble. That is not sensible, fair or logical any longer and I am sad that the Opposition was not able to take that one further step and understand that what has been put forward is a very restrictive solution to the difficulty to which I have alluded. I commend the report to the House.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. R.G. PAYNE: With your concurrence, Mr Acting Chairman, I suggest that I move the amendments standing in my name for clauses 2, 3 and 4 under the clause headings *en bloc*. I move:

Page 1—

Line 13—Leave out 'This Act' and substitute 'Subject to subsection (2), this Act'.

After line 14—Insert subclause as follows:

(2) Section 3a will come into operation on the day on which the Local Government Act Amendment Act, 1988, comes into operation.

Amendments carried; clause as amended passed.

Clause 3—'Interpretation.'

The Hon. R.G. PAYNE: I move:

Page 1—

After line 16—Insert definition as follows:

'bush fire' means a fire that originates in, or spreads through, forest, scrub, grass or other vegetation:.

Lines 27 to 30—Leave out all words in the definition of 'distribution system' after 'system' in line 27.

After line 30—Insert definitions as follows:

'naturally occurring vegetation' means vegetation that has not been planted or nurtured by any person:

'to nurture' in relation to vegetation means actively to assist the growth of the vegetation:.

Line 32—After 'private' insert 'supply'.

Line 33 and page 2, lines 1 to 4—Leave out definition of 'private land' and insert:

'private lands' means—

(a) land alienated or contracted to be alienated from the Crown in fee simple;

(b) land occupied under a lease or licence from the Crown;

or

(c) land dedicated to a particular purpose and placed under the care, control and management of any person (whether or not that person is a Minister, agency or instrumentality of the Crown),

except any such land vested in, or under the care, control or management of, a municipal or district council and dedicated to, or held for, a public purpose:.

Line 5—After 'private' insert 'supply'.

Line 11—After 'public' insert 'supply'.

Line 12—After 'private' insert 'supply'.

Amendments carried; clause as amended passed.

New clause 3a.

The Hon. R.G. PAYNE: I move:

Page 2, after clause 3—Insert new clause as follows:

3a. Section 16 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) For rating purposes under the Local Government Act, 1934, the following does not constitute ratable property:

(a) plant or equipment used by the Trust in connection with the generation, transmission or distribution of electricity (whether or not the plant or equipment is situated on land owned by the Trust);

(b) easements, rights of way or other similar rights (including such rights arising by virtue of a licence) granted in favour of the Trust in connection with the generation, transmission or distribution of electricity.

I am pleased to be able to seek the insertion of this clause, because I did not want to disappoint the member for Light. If I remember correctly, last night the Committee took out a similar provision from the Local Government Act.

New clause inserted.

Clause 4—'Repeal of heading and ss. 36 to 42 and substitution of new headings and sections.'

The Hon. R.G. PAYNE: I move:

Page 2—

Line 18—After 'POWERS' insert 'AND DUTIES'.

Lines 42 and 43 and page 3, lines 1 to 6—Leave out subsection (3).

Line 8—Leave out '1937' and insert '1931'.

The last minor amendment corrects a typographical error.

Amendments carried; clause as amended passed.

Clause 5—'Insertion of new headings and sections.'

The Hon. R.G. PAYNE: I move:

Page 3—

Lines 12 and 13—Leave out all words in these lines and insert new sections as follows:

The Trust's duties with regard to electricity supply.

36a. (1) Subject to this section, the Trust will as far as practicable maintain the electricity supply through the distribution system.

(2) If it is reasonable and economic to do so, the Trust will, on the application of any person, and payment of the appropriate fees and charges fixed by the Trust, provide a supply of electricity to any land or premises occupied by that person.

(3) The Trust may cut off the supply of electricity to any region, area or premises if it is, in the Trust's opinion, necessary to do so—

(a) to avert danger to any person or property;

(b) to prevent damage to any part of the distribution system through overloading;

or

(c) to allow for the maintenance or repair of any part of the distribution system.

(4) If the Trust proposes to cut off a supply of electricity in order to avert danger of a bush fire, the Trust should, if practicable, consult with the Country Fire Services Board or a delegate of that Board, before doing so.

(5) Where—

(a) The Trust renders a proper account to the occupier of premises for electricity supplied to premises;

(b) the account is not paid on or before a date for payment specified in the final notice of the account (which must be a date falling at least 7 days after the date of the notice),

the Trust may, after giving not less than 48 hours' notice in writing to the occupier, cut off the supply of electricity to the premises.

Electricity distribution system.

36b. The distribution system must be constructed and maintained in accordance with the standards and practices generally accepted as appropriate internationally, or throughout Australia, by the electricity supply industry.

Line 14—Leave out 'III' and insert 'II'.

Lines 15 to 17—Leave out subsection (1) and insert:

(1) The Trust has a duty to take reasonable steps—

(a) to keep vegetation of all kinds clear of public supply lines;

and

(b) to keep naturally occurring vegetation clear of private supply lines,

in accordance with the principles of vegetation clearance.

Line 20—Leave out 'clear of any private' and insert '(other than naturally occurring vegetation) clear of any private supply'.

Lines 26 and 27—Leave out subparagrah (i) and insert:

(i) work that the Trust is required or authorised to carry out under this section;.

Lines 36 to 38—Leave out subsection (4) and insert:

(4) Reasonable notice should be given (either orally or in writing) to the occupier of land of an intention to enter the land under this section and, where work is to be carried out on the land, at least 60 days' written notice, specifying the nature of the work, should be given, but notice is not required in an emergency.

Lines 41 to 44—Leave out subsection (6).

Page 4—

Lines 4 to 7—Leave out subsection (8) and insert:

(8) If vegetation is planted or nurtured in proximity to a public supply line contrary to the principles of vegetation clearance, the Trust may remove that vegetation and may recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.

Line 10—After 'private' insert 'supply'.

After line 10—Insert subsection as follows:

(10) Any costs incurred by the Trust in carrying out work on private land in pursuance of this section (other than work that the Trust is required to carry out in pursuance of a duty imposed by this section) may be recovered as a debt from the occupier of the land.

Line 11—Leave out 'IV' and insert 'III'.

After line 11—Insert new section as follows:

Purpose of Division

38a. The purpose of the Division is—

(a) to legitimize informal arrangements under which parts of the distribution system have been established on, above or under land of which the Trust is not the owner;

and

(b) to ensure that the Trust has the necessary powers to enter any such land for the purpose of examining, repairing, modifying or replacing the relevant parts of the distribution system.

Line 13—Leave out 'over or above' and insert 'above or under'.

Line 18—Leave out 'over or above' and insert 'above or under'.

After line 30—Insert subsection as follows:

(5) An easement under this section need not be registered.

Line 31—Leave out 'V' and insert 'IV'.

The Hon. E.R. GOLDSWORTHY: These amendments greatly improve the Bill. It is in this clause that the main charges are made to bring some commonsense to bear in the Bill. I am not happy with the entire clause and intend to move an amendment to delete a portion of this clause, which deals with the question of the responsibilities of the trust and landowners in relation to vegetation clearance. It is the provision that relates to the question of easements. It clarifies what we are on about with private supply lines and tidies up a number of other matters.

The Hon. R.G. Payne interjecting:

The Hon. E.R. GOLDSWORTHY: Yes. The amendments moved by the Minister are all very good and were generated as a result of some very good evidence before the select committee and some views held by members on the select committee. The Minister had the good sense to accommodate those views. The Bill, in whatever form it passes this Committee, will be vastly improved as a result of these amendments.

The ground rules now spelt out for the responsibilities of the trust and land-holders strike a very proper balance in delineating those responsibilities. They are superior to what is in vogue interstate. We lent heavily on interstate legislation in arriving at the conclusions to which we have come in relation to this Bill. These amendments greatly enhance the ability of the trust to go about its job of keeping the lines safe and clear. No doubt exists about that. We on this side of the Chamber do not believe that land-holders should be absolved from all responsibility in relation to keeping power lines clear. The insertion of the words 'private supply line' draws a distinction that is useful. It may seem a minor amendment to change the words 'private line' to 'private supply line'. However, 'private line' could give the connotation of ownership of the line when in fact the land-holder does not own the line. It is not in that sense a private line but a private supply line, designed to supply a private property or residence. That word is a useful adjunct to the Bill. It may appear to be a minor amendment, but it is useful.

The other changes in relation to delineating more precisely what a land-holder is required to do and the fact that the trust is now required to give 60 days notice of an intention to come in and do the work itself before billing the land-holder, give adequate time for the land-holder to get busy and clear the line using a private contractor or, if it is not dangerous, to do it himself. I still have some reservations about the thrust of the section in that it could encourage land-holders to do the job themselves and put themselves unwittingly into dangerous situations. I am still concerned about that. The last thing we want is for people to be clambering around trees in the vicinity of power lines doing the lopping themselves. That would be highly dangerous, but in some economic circumstances I can envisage people wanting to do that. It is not an inexpensive business to pay people to remove or lop trees. One does not get much of a tree removed for $1 000 in this day and age. Let us not kid ourselves that we are being light on land-holders with the requirements in this Bill. We are requiring them to spend in some cases substantial sums of money.

I hope that the Minister will be able to indicate to the Committee that the current offer of the trust will be maintained for a period of time to allow some removal of trees to take place. The Minister knows that the trust is currently prepared to remove trees at its expense and get rid of the problem for all time if such trees are growing up into power lines. I doubt that the Bill will be able to be proclaimed for a while, as vegetation clearance regulations have to be drawn up and proclaimed. The offer is there for the trust to assist in removing the problem for all time. Until this legislation is workable, I hope that will continue, as it will solve a lot of problems and hassles. It is a generous offer at the moment, as the trust is prepared to do the work. I hope that that will continue until the Bill is proclaimed and a new set of ground rules obtains. The amendments are eminently fair.

I see no point in further delaying the debate. When the Minister's amendments are despatched, I will move an amendment to section 40, under clause 5. The Minister's amendments before the commission all occur before the part of the Bill that comes under the heading 'Division V'. We have canvassed them, they are first class, they are the result of deliberations of the committee and we certainly support them.

The Hon. R.G. PAYNE: I thank the Deputy Leader for his approach to these amendments. I have listened carefully to the way in which he outlined that ETSA is operating in a cooperative way where the possibility of removal of a major interference with one of the lines currently exists. I agree that it is generous in the way in which ETSA has been operating, but take his point that it will be some time before the Bill could come into being, even if it went through both Houses tomorrow, because of the necessity to do things with regulations, and so on. I am happy to indicate that the practice to this point I will take up with ETSA and ensure that it continues for the necessary period.

The CHAIRMAN: In order to safeguard the Deputy Leader's new amendment, I will take the amendments moved by the Minister down to line 31 (page 6 of the document before the Committee).

Amendments carried.

The Hon. E.R. GOLDSWORTHY: I move:

Page 4, lines 33 to 42, and page 5, lines 1 to 21—Leave out proposed section 40.

I do not need to canvass the matter *ad nauseam*. This new section gives the trust immunity from civil action to establish negligence for a fire started by its equipment. We have canvassed the argument and there is a five year limit on it. Irrespective of that, the argument is well known. The evidence before the select committee would not support this part of the clause. The Liberal Party is not prepared to support it.

The Hon. R.G. PAYNE: I agree with the Deputy Leader: the area has been canvassed and the time for point scoring has ended. I point out, however, that in the terms of the structures of the House of Assembly and of the select committee, the select committee recommended the proposed provisions to the House. So, because those provisions form part of a report that has already been debated and noted by members, regrettably I oppose the Deputy Leader's amendment.

The Hon. E.R. GOLDSWORTHY: I point out that the Liberal members of the select committee voted against the report and sought to have my amendments included. We were defeated. It was on that ground, and on that ground only. The argument is well known.

The CHAIRMAN: To further protect the rest of the amendments, I shall put the honourable Deputy Leader's amendments down to the words 'by a' in paragraph *(a) (i)* so that that may be used as a test.

The Committee divided on the amendment:

Ayes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, De Laine, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne (teller), Peterson, Plunkett, Rann, Slater, Trainer, and Tyler.

Majority of 7 for the Noes.

Amendment thus negatived.

The Hon. R.G. PAYNE: I move:

Page 4, line 36—Before 'fire' insert 'bush'.

Page 5—

Line 10—

After 'A' insert 'bush'.

Leave out 'a fire of electrical origin' and insert 'being of electrical origin'.

After line 16—Insert subsections as follows:

(5) This section applies only in relation to a bush fire that commences on a day, and in a region, in which conditions of extreme fire danger exist.

(6) In any legal proceedings a certificate under the seal of the Country Fire Services Board certifying that conditions of extreme fire danger existed, or did not exist, in a specified region on a particular day, will be accepted as conclusive evidence of the matter so certified.

(7) This section will expire five years after it comes into operation.

Line 19—After 'premises' insert 'in pursuance of this Act'.

Amendments carried.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (1988)

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

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

The Hon. B.C. EASTICK: I simply make the point that it makes rather a sham of the whole parliamentary system when the Government is defeated in another place regarding its own amendments from this place. which have been agreed between both sides, more particularly, for example, that relating to the Electricity Trust. However, I hope that commonsense prevails and that the next message from this place is that we insist on nothing and that the other place gets what it wants.

Motion carried.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3545.)

Clause 5 as amended passed.

Clause 6 passed.

Clause 7—'Regulations.'

The Hon. R.G. PAYNE: These amendments all relate to a matter which has been canvassed where the original arrangement to refer to the distribution at the consumer end of the set-up as being a private line has been agreed and recommended by the select committee: it has been agreed to refer to 'private supply line' and that occurs in four instances. I move:

Page 5—

Line 30—After 'private' insert 'supply'.

Line 33—After 'private' insert 'supply'.

Line 34—After 'private' insert 'supply'.

Line 39—After 'private' insert 'supply'.

Amendments carried; clause as amended passed.

Schedule and title passed.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I move:

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, De Laine, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton,

Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne (teller), Plunkett, Rann, Slater, and Tyler.

Noes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy (teller), Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Majority of 6 for the Ayes.

Third reading thus carried.

ADJOURNMENT

The Hon. R.G. PAYNE (Minister of Mines and Energy): I move:

That Standing Orders be so far suspended to allow a message to be received from the Legislative Council during the grievance debate.

I should point out that this is a rather unusual and special step and it is not necessarily to be taken as a precedent.

Motion carried.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I move:

That the House do now adjourn.

The Hon. TED CHAPMAN (Alexandra): Over the past three days we have heard a considerable amount about the situation relating to the Minister of Agriculture, in particular with respect to an incident that occurred within the boundaries of the District of Unley. Far be it from me to stoop to the gutter and attack members of Parliament on a personal basis, but I draw to the attention of the Parliament a couple of matters I believe are pertinent in the current climate. Members on the other side can make a joke of this but the subject of the principles on which our parliamentary procedure rests are pretty important to me and, I believe, to my colleagues on this side of the House. During these past several days, while this attack on the Minister has been continuing, the Minister has consistently ducked for cover and attempted to shove the blame for the allegations on to a member of his staff. Today, that climaxed when the staff member was identified as a member of his personal staff and one who had allegedly distributed material about which the Minister still claims he did not know.

Be that as it may, in the case several year ago involving the current Minister's predecessor (Hon. Brian Chatterton), it was quite conclusively and unanimously determined by three judges of the full bench of the Supreme Court in this State that a Minister is responsible for the actions of his or her staff, whether or not that Minister knew about those actions. That judgment was based on a very deep-seated Westminster principle on which this Parliament and its procedures rest. Clearly, we can relate that situation to what has occurred here today. I want to put on the record my concern for the stand the Minister has taken in this instance in his efforts to keep his skin clean on this issue.

An honourable member interjecting:

The Hon. TED CHAPMAN: He is seeking to duck for cover in an untoward way, and I believe that he has therefore failed to uphold his responsibility as a Minister, as a member of this Parliament and as a man.

Another issue I want to draw to the attention of this Parliament also relates to the subject of ministerial misdemeanour. This matter relates to the Premier. Again, I hark back to the Chatterton case. A question was asked of the current Premier on 11 May 1983 on the subject of a Minister's responsibility to report to his Premier and Cabinet about any matter in which that Minister has or may have an interest. In the Chatterton case the question was about a financial interest. In this instance it may have been a financial as well as an electoral, family and personal interest, to quote the terms of the current Minister of Agriculture. Be that as it may, the Premier, in answer to a question I asked on this subject, said:

> . . . I would agree that it is wise for such matters to be drawn to the attention of the Premier and Cabinet, and I would expect that to be done.

I quote from page 1460 of *Hansard* of 11 May 1983. In addition to that and to support that situation, the *Advertiser* of the following day (12 May 1983), under the heading 'Ministers must tell when seeking aid', stated:

> Ministers would be expected to tell the Premier or Cabinet of plans to seek financial help from public funds, the Premier, Mr Bannon said yesterday.

Whilst that situation related to an application for money by a full brother of the then Minister (Hon. Brian Chatterton), it related to a situation where the Minister was to gain and/or had a direct interest in the subject. Let us see what was reported in that situation on behalf of the Premier. The article stated:

> He was replying to the Opposition spokesman on agriculture, Mr Chapman, on the case involving former Minister of Agriculture Mr Chatterton, who resigned last month. Mr Chatterton has said his family pastoral company, Riverside Proprietors, had applied for a Commonwealth fodder subsidy available to all farmers affected by drought.
>
> Mr Bannon told Parliament on Tuesday he had been unaware the company had applied for help. Mr Chapman asked whether the Premier would instruct his Ministers to ensure they told him or the Cabinet when they sought financial help of a public kind from a government department or public instrumentality.
>
> Mr Bannon said he agreed it was wise for such matters to be drawn to the attention of the Premier and Cabinet and 'I would expect that to be done.'

Against that background of commitment given to this Parliament but a few years ago by the Premier, he stands in this House today and tells us that he did not know about the situation in the Cabinet of the day; that some utterances about the financial, personal or political interest of the Minister may have been uttered at the end of a very long table but that he did not hear it.

I do not want to canvass the details of the defence put forward by the Premier or, for that matter, by his Minister. However, as well as that, he told this House today that he recognised that there had been some erring or, at least, a semblance of it, and he told this House—again today as he did back on 11 May 1983—that he thought something ought to be done about it. When will we be able to rely on this Premier? Forget about the Minister for the moment: as far as I am concerned he has gone, or he ought to have gone. If he has not already gone, he certainly will shortly if he keeps up that caper, because no Government, I suggest with respect, could tolerate that sort of behaviour.

Let us lay aside all those connotations and allegations and the other claims that have been kicking back and forth here in the past two or three days, and come back to the Premier himself. He has a responsibility to this Parliament to be straight, and to tell us what the position is as far as the Government is concerned, especially on sensitive public issues of this kind. On this side of the House—indeed as far as all other members are concerned—we ought to be able to take his statements as read and rely upon them.

In this instance he has had a game with us. He is playing with the real facts of the matter. I suggest that he is covering up what has clearly become an embarrassing situation for the Government, and I believe, with due respect, that he ought to open up and tell us the truth now, get the matter cleaned up and let us get on with the job of the parliamentary procedures for which we are here. I do not want to be otherwise personally involved in this subject: I have been

there and done that. My involvement with the retired member from the other place (Hon. Brian Chatterton), his subsequent withdrawal as Minister, his retirement from the Parliament, his withdrawal, to use the term again, from the country is a matter of history well noted, and I do not believe that we ought to be looking down the barrel of that sort of situation again.

If the Minister is not prepared to resign and calls upon his officer named today to do so, it is a public disgrace. If that officer goes, the Minister must in my view, under all the principles laid down by traditional parliamentary procedures, also stand down.

Mr DUIGAN (Adelaide): I did not my intend to address the issue of ministerial responsibility but, as it has been raised by the member for Alexandra, I wish to spend one or two minutes of the time available to me making some observations about it. It seems to me important to be able to put the whole point of ministerial responsibility and accountability in some sort of context as to what it is that we as a community and as a Parliament would be trying to protect. The community interest must be protected and, in particular, the community interest in terms of the community and the Parliament being assured that a person who has a position within the Executive as a Minister of the Crown is not benefiting, particularly in a financial sense, from that position of privilege he or she occupies in the Executive and through the Parliament.

A number of legislative steps have been taken to ensure that the conflict of interest which may arise from time to time can be avoided. In fact, in the Constitutition Act there are some sanctions against the misuse of public office by members of Parliament. That applies no less to a Minister of the Crown than to an ordinary member of Parliament. I am sure that members are aware of sections 49, 50 and 51 of the Constitution Act of South Australia which set out the obligations upon members of Parliament to act in a due and proper way. It also provides a range of exemptions to ensure that members of Parliament, when dealing with the Public Service, with the Government and with the Executive, are able to do so without fear of it being said that they were being given special treatment, had some special status or were gaining some personal interest over and above the benefit that would apply to an ordinary member of the community.

Those obligations are set out in the Constitution Act, and quite properly so. If they are breached the sanction in that Act is that a member forfeits his seat in Parliament. The issue has been raised on a number of occasions—most recently in 1983 or 1984, when the issue was raised whether or not it was appropriate that some members of this place were gaining as a result of their selling of the shares that they held in 5AA. On that occasion when the issue of the propriety of members of Parliament engaging in what was seen as a transaction with the Crown and thereby benefiting was raised, a Crown Law opinion was sought by the Attorney-General and by the Premier, and that was subsequently tabled in this House and in the Legislative Council.

That Crown Law opinion held that there was no conflict of interest, that there was no impropriety by those members who happened as a consequence of financial decisions made many years before to invest in shares in 5AA and who as a result of Government decisions some years further down the track were seen to be getting a financial benefit. In those circumstances they were not seen to be misusing their position as a member of Parliament or benefiting in a way that was improper. That opinion perhaps bears re-reading on this occasion, as it referred to some of the watershed judgments that have been made both in the Supreme Court here and in the High Court about what constitutes a pecuniary interest. It is the matter of a pecuniary interest as distinct from other interests towards which we must direct our attention, because the public wants an assurance that people are not benefiting as a result of their relationship with the Crown.

I recently read an article in the *Weekend Australian* of 12-13 March 1988 by John Hyde, who addressed himself to the issue of ministerial responsibility, ministerial accountability and the relationship that people in private enterprise have with people in Government, and he makes some interesting observations. The article is headed 'How to stop corruption of privilege?' and it indicates that it is important to have sanctions against corrupt rule-makers who misuse their powers. It says that when it boils down to it there is only one particular issue involved, namely, that a legislature and the community at large needs to be guaranteed against members of Parliament or public servants, or, indeed, people outside both those arenas who have relationships with members of Parliament or a member of the Public Service getting a financial benefit.

The author of this article regrets to a certain extent that the determination of propriety comes down to whether or not there is financial gain, but in the end he says that that is probably the only criterion that can be used. He says that that is the thing that the community thinks is the most important evil against which we should be ever vigilant. He gives some examples of people, either in Government or outside Government, using their relationship to benefit from the issuing of television licences, textile quotas, zoning, rezoning of land or issuing of taxi plates, or people who would benefit by simply being forewarned of a decision to be made by Cabinet out of which they would be able to make a financial gain.

I believe that the legislative protections that we have in South Australia against that are quite adequate and sufficient. We have the Constitution Act, as I have already mentioned. We also have the legislation providing for a register of members' interests, which requires every member in this place to declare what their interests are, in the pursuit of propriety in relation to the institution of Parliament and to assure the public at large. Those interests are on the public record for anyone to see. In addition, we have the weight of history behind us in the practice that has been part of the Westminster tradition. Anyone who has taken the opportunity to look at the notion of Cabinet responsibility as well as the notion of individual ministerial responsibility as set out in Erskine May would find again a re-emphasis of the principles that we have already enshrined in legislation, both in the Constitution Act itself and in the Members of Parliament (Register of Interests) Act.

In respect of that principle, I might also say that it extends from not only members of Parliament as members but also, of course, to their role as Cabinet Ministers, and there is also an obligation on senior executive members of the Public Service to declare their interest and involvement to the executive head of the Government Management Board to again ensure that where there is any likelihood of any conflict being raised that conflict can always be checked and a decision can be made free of the taint of any benefit being gained.

In conclusion, I would say that in this case not only was no personal and financial gain being pursued by the member for Unley but that, in fact, there was an extraordinary time lag between the time at which he did have a personal interest in a particular property, and the time at which he had a public interest. It is extremely important that we make the

distinction between one's having a public interest and one's having a private interest. The private interest has already been acknowledged, as has the public interest. Examples that I have got from other members of Parliament have shown that there is a whole range of areas where we must make a distinction between the public and private interests that we have in a certain matter that might be brought to them by their constituents.

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

The Hon. JENNIFER CASHMORE (Coles): That was a very interesting speech from the member for Adelaide; it was not much of an attempt as an apology for or defence of his colleagues, and certainly not a convincing one. South Australians now know that this Government will look after its mates in just the same way that Canberra does. If one has a Minister living in one's street one can try to have a perfectly proper and legal development stopped.

If you are a Minister and you just happen to bid for the property on which that development is to take place—and bid unsuccessfully—you can get your Cabinet mates to take action to ensure that the development does not proceed so that your personal property value is not affected. Further, if one gets caught out in this clear conflict of interest one can get the Premier and the Deputy Premier to cover for you. Only the Attorney-General has emerged with any credit this week from the shambles and the scandal of the Government's performance. Only he has been prepared to put the obligation to tell the truth and to uphold standards of ministerial responsibility before the need to save the Government from embarrassment. What misconduct and impropriety are this Minister, the Premier, and his Deputy guilty of?

The story goes like this. A small church group seizes the opportunity to develop a vacant block of land in suburban Unley. It bids successfully for this property against the Minister, amongst others. It obtains council approval for its proposed development. It signs a building contract. It is ready to proceed. It is legally able to proceed. Then, at the last minute, it is confronted by the might of the Minister, the Deputy Premier and the Planning Act.

Its proposal to build a 60 seat church to cost $120 000 is confronted by a section of the Planning Act that was only ever intended to deal with projects such as Roxby Downs and Stony Point. Even the ASER project escaped the clutches of section 50, but not the New Age church. The Minister takes his cause to the Minister responsible for the Planning Act—the Deputy Premier. The Deputy Premier rushes into Cabinet without any legal advice, without any grounds for doing so, and brings down all the weight of section 50 of the Planning Act on the New Age church. Cabinet, suffering from selective hearing loss, which means that it does not hear what the Minister of Agriculture says when he allegedly declares his interest in the property, agrees to invoke this section.

The next day, an emergency meeting of Executive Council is called to issue the proclamation. This was on 1 March. The Minister of Agriculture and his colleagues thought that would be sufficient to scare off the New Age church. He thought that the church would not proceed with its plan. He also thought that he had retained intact the value of his own property only 20 doors along the street. Perhaps he even thought that he might be able to get another chance at buying the property if the New Age church sold out. But he reckoned without the determination of this small group with the law and right on its side.

The case was brought before Parliament. Increasingly it became clear that the Government had been involved in a gross abuse of power. The Government got the wind up and realised that a way out had to be found; so the Deputy Premier came into the House the day before yesterday and said that the clearing of a few shrubs and the installation of a temporary lavatory represented 'substantial development' on the site. At one stroke, he rewrote the intention of an important section of the Planning Act, and that has not escaped the notice of planners and local government. The Government retreated with egg all over its face.

Having failed to intimidate a small law-abiding church group through the most naked abuse of power imaginable, the Government hoped that this would be the end of the matter. Then, an extraordinary saga was exposed by parliamentary scrutiny by the Opposition. We discover that South Australia has a partially deaf Premier who also apparently suffers from amnesia. We also have a selectively deaf bunch of Ministers who hear the Minister of Agriculture's advocacy for the use of section 50 but do not hear his declaration of personal interest in the property concerned. We then learn that we have a Cabinet table that is the wrong shape for the proper conduct of meetings. One wonders how Don Dunstan and Des Corcoran managed to cope with that.

An honourable member: The same table.

The Hon. JENNIFER CASHMORE: Yes, the same table. They had no trouble, but somehow the Premier cannot cope. Because the Minister wanted to stop a small church group building on a property in his street, the credibility of the Government's planning legislation has been undermined and seriously undermined. The Premier has been exposed to serious public ridicule; I would not be a bit surprised if someone sent him a hearing aid. The failure of the Premier to implement or follow guidelines to deal with conflict of interest situations when they arise in Cabinet has been clearly demonstrated. A Minister has been shown to have behaved improperly and without any regard for his obligation to respect the law as it stands. Unless the Minister goes, the taint of corruption will hang above this Government until the next election, and the Minister's colleagues know it. Have you ever seen such a silent and sorry bunch as the front bench of the Government this week? Eyes down, pale faces. The one red face amongst the bunch of them was that of the Minister of Agriculture.

Mr Becker interjecting:

The Hon. JENNIFER CASHMORE: Yes, indeed. The Government's attempts to evade responsibility in this matter reached new heights of absurdity this afternoon. The Premier had the gall to say that he did not necessarily hold Ministers responsible for the activities of their ministerial officers—for the people they directly employ and who are paid for by the taxpayer, despite what a Supreme Court judge said, as the member for Alexandra outlined. More than a week ago the Minister of Agriculture admitted that he had seen copies of material that his press secretary has circulated to the media in an attempt to smear the New Age church.

However, given the extent of the Minister's interest in this matter, given his interest in purchasing the property in the first place, given his action in insisting that Cabinet use all the power of section 50 of the Planning Act to crush the plans of this small church group, and given the actions of the Minister in having his electorate secretary collect signatures for petitions against this church and the use of his electorate office to orchestrate the opposition, the Minister asked the House today to believe that he knew nothing of the actions of his press secretary.

What we have revealed, in addition to the abuse of the Planning Act and the failure of Cabinet to follow conflict of interest rules, is the use of a ministerial office to smear

a small, law-abiding church group. This Government has been shown to have behaved with complete arrogance, with complete disregard for the accepted forms of ministerial responsibility, and with complete disregard for the public interest. South Australians must now fear that whenever a matter that in any way affects a Minister's personal interest comes before Cabinet, power will be abused and the resources of ministerial offices will be misused. This is the state of affairs that was exposed this afternoon.

What do we hear from the Premier? He will not accept that the Minister of Agriculture is responsible. He will not give a lead and say what needs to be done to redress the outrageous wrongs in this case. He will not even give an apology to the New Age Spiritualist Mission. We heard nothing from the Premier this afternoon that indicated that he acknowledges that at least one of his Ministers has behaved improperly.

The Minister cannot be allowed to evade his responsibility in this matter. From start to finish—from the auction to the attempted execution of the plans of this church group—the Minister has shown that he is not a fit and proper person to hold ministerial office, and I believe all his colleagues know it. Their silence is testimony to that. If the Minister continues to refuse to go, in the light of what has been further exposed today, the Premier should sack him, and he should sack him tonight.

Motion carried.

OPTICIANS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

EVIDENCE ACT AMENDMENT BILL (1988)

Received from the Legislative Council and read a first time.

LOCAL GOVERNMENT ACT AMENDMENT BILL (1988)

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

The House of Assembly agreed to a conference to be held in the House of Assembly conference room at 10 a.m. on 28 March, at which it would be represented by Messrs P.B. Arnold, De Laine, Duigan, Eastick, and Keneally.

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

A quorum having been formed:

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I move:

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

Motion carried.

At 5.38 p.m. the House adjourned until Tuesday 29 March at 2 p.m.