HOUSE OF ASSEMBLY

Wednesday 12 October 1988

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

PETITION: ASH WEDNESDAY BUSHFIRE

A petition signed by 1 815 residents of South Australia praying that the House accept responsibility for and enact settlement of all claims arising from the 1980 Ash Wednesday bushfire without burden upon Stirling district ratepayers was presented by Mr Olsen.

Petition received.

PETITION: HOUSING TRUST RENTS

A petition signed by 80 residents of South Australia praying that the House urge the Government to limit South Australian Housing Trust rental increases to once a year, in line with inflation, and not to consider the family allowance supplement and the war veterans' disability allowances as income was presented by Mr Becker.

Petition received.

PETITION: ADMINISTRATIVE APPEALS

A petition signed by 15 residents of South Australia praying that the House take the necessary action to reverse the decision made by the Government to pay costs for the Hon. J.R. Cornwall and consider legislation that would permit citizens of this State to appeal against such administrative decisions was presented by Mr Becker.

Petition received.

PETITION: TURNING LIGHTS

A petition signed by 482 residents of South Australia praying that the House urge the Government to install turning lights at the intersection of Tapleys Hill Road, Marlborough Street and Valetta Road, Fulham Gardens, was presented by Mr Ferguson.

Petition received.

PETITION: AUSTRALIA DAY HOLIDAY

A petition signed by 25 residents of South Australia praying that the House legislate to provide for the Australia Day public holiday to be observed on 26 January each year was presented by Mr Ingerson.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 34 and 49.

REGISTER OF MEMBERS' INTERESTS

The SPEAKER laid on the table the Registrar's statement of members' interests June 1988.

Ordered that statement be printed.

MINISTERIAL STATEMENT: PRISONERS' BEHAVIOUR

The Hon. F.T. BLEVINS (Minister of Correctional Services): I seek leave to make a statement.

Leave granted.

The Hon. F.T. BLEVINS: Last Thursday, 6 October, a spokesperson for the Correctional Officers Association of South Australia, Mr Bill Trevorrow, made some serious allegations about unlawful behaviour at Yatala Labour Prison. The allegations were that a convicted sex murderer and his associates at Yatala choose 'whichever young boy takes their fancy', and that these prisoners 'dictate which prisoner they will have in their cell'. Mr Trevorrow then, reportedly, went on to claim that these prisoners virtually ran the prison, passed inmates from cell to cell for sex, and that homosexual rapes were daily occurrences.

Mr Trevorrow's allegations were treated very seriously. Later that morning of 6 October, a Department of Correctional Services investigator visited Mr Trevorrow, seeking whatever information Mr Trevorrow had, so that his claims could be fully investigated. Mr Trevorrow refused to speak to that investigator. Later that same day, the police asked Mr Trevorrow to make a statement about the alleged criminal behaviour at Yatala. Again Mr Trevorrow refused to cooperate. Mr Trevorrow later stated that he would only talk to a Royal Commission, which he demanded be established.

If Mr Trevorrow, or any other prison officer, is aware of any criminal activity going on in the South Australian prison system, they have a responsibility to divulge that information to the Department of Correctional Services or to the police so that it can be fully investigated. The setting up of a Royal Commission is a serious exercise. It is not appropriate to establish a Royal Commission on the basis of claims made in the media by one prison officer—an officer who does not even work at the institution where he alleges this activity is occurring; who will not divulge the information he claims to have to the appropriate law enforcement bodies; and who has a track record of 'crying wolf'—unwilling to substantiate serious claims that he appears so easily to make.

In fact, Mr Trevorrow subsequently has admitted that he made the allegations about Yatala 'in the heat of the moment', when asked to respond to the Ombudsman's criticisms of prison officers at the Adelaide Remand Centre. This admission and the timing of Mr Trevorrow's public claims leads one to ask whether diversionary tactics are being employed by the Correctional Officers' Association. In his report, which was tabled in Parliament the day before Mr Trevorrow made his allegations, the Ombudsman criticised Mr Trevorrow and his members at the Adelaide Remand Centre for not cooperating with his investigations into complaints of abuse of prisoners by some prison officers.

I believe this lack of cooperation with the Ombudsman is an outrage. The Ombudsman is charged by this Parliament with the task of investigating complaints against Government departments. In order to do this as effectively as possible, the Ombudsman must have the full cooperation

of those departments. The Department of Correctional Services and all of its employees are no exception to this.

Mr Trevorrow and some of his members are rapidly gaining a reputation as being uncooperative with anyone who dares to examine closely what goes on in our prison system. This is not good enough. Our system must be open to scrutiny by those people with a genuine interest: for example, the Ombudsman, the police, the media, and lawyers. Mr Trevorrow and some of his members are making this scrutiny difficult. I would like to stress that there are concerns only about a very small minority of prison officers. The vast majority of prison officers are dedicated people who perform their duties well. One or two may go over the line on occasions; that is what the Ombudsman is having difficulty confirming, and whether prisoners' claims that this has happened, are correct. It is vital that all claims about improper conduct in the prison system are thoroughly investigated, including Mr Trevorrow's.

As a final offer, the Attorney-General yesterday wrote to Mr Trevorrow offering, on the Government's behalf, to pay the legal costs of any prison officer or prisoner who wishes to consult with a lawyer to hand on any information they have of unlawful behaviour at Yatala. The lawyer can then determine the most appropriate way to pass that information on to the Government. The Government will then be able to assess if any further action is required. The lawyer would be able to pass the information on to the authorities without naming the source, thereby protecting the identity of informants. I might point out that a similar offer was made to Mr Trevorrow some months ago when he made some wild claims about drugs in prison.

On that occasion, Mr Trevorrow did not even bother to respond to the letter, so we will wait to see this time whether anything different occurs and the offer is actually taken up. This Government does, and will continue, to fully investigate any claims of unlawful activity in our prison system. If allegations are proven, the full force of the law will be brought to bear on the guilty people—be they prisoners or prison officers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. J.C. Bannon)—
Department for the Arts—Report, 1987-88.

By the Minister of State Development and Technology, on behalf of the Minister of Transport (Hon. G.F. Keneally)—
Outback Areas Community Development Trust—Report, 1987-88.
Department of Services and Supply—Report, 1987-88.
State Supply Board—Report, 1987-88.
South Australian Waste Management Commission—Report, 1987-88.
Road Traffic Act 1961—Regulations—Reversible Lane Flow.
District Council of Lower Eyre Peninsula—By-law No. 6—Animals and Birds.

By the Minister of Education (Hon. G.J. Crafter)—
Supreme Court Act 1935—Supreme Court Rules—
Companies Code Injunctions.
Discovery and Evidence.
Teachers Registration Board—Report, 1986.

By the Minister of Housing and Construction (Hon. T.H. Hemmings)—
South Australian Department of Housing and Construction—Report, 1987-88.
South Australian Housing Trust—Report, 1987-88.

By the Minister of Health (Hon. F.T. Blevins)—
Nurses Board—Report, 1987-88.

By the Minister of Agriculture (Hon. M.K. Mayes)—
Veterinary Surgeons Board of South Australia—Report, 1987-88.

By the Minister of Mines and Energy (Hon. J.H.C. Klunder)—
Electricity Trust of South Australia—Report, 1987-88.
Office of Energy Planning—Report, 1987-88.
Department of Mines and Energy—Report, 1987-88.

By the Minister of Labour (Hon. R.J. Gregory)—
Commissioner for Public Employment and Department of Personnel and Industrial Relations—Report, 1987-88.
Workers Rehabilitation and Compensation Act 1986—Regulations—
Appeals.
Prime Bank Rate.
Definitions and Registration.

By the Minister of Marine (Hon. R.J. Gregory)—
Department of Marine and Harbors—Report, 1987-88.

PUBLIC WORKS COMMITTEE REPORTS

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

Nangwarry Sawmill Re-equipment,

Whyalla Institute of Technology (Academic Building Construction).

Ordered that reports be printed.

ESTIMATES COMMITTEES

The SPEAKER: During Question Time last Thursday I provided a ruling regarding material previously given to the House during the Estimates Committees. It is apparent that there has been some misunderstanding of that ruling, partly because of a lack of clarity of expression in the way in which the ruling was given by the Chair.

I expressed some misgiving at the time about being placed in the position of having to give an instantaneous ruling on a matter which had not previously been addressed and which might lead to unforeseen consequences for members. I advised the House that I expected to have consultations with the other members of the Standing Orders Committee, and I did so yesterday.

I stress that the ruling does not inhibit members from seeking information from Ministers of the Crown, but is intended only to minimise parliamentary time being wasted on the repetition of information which has already been given to the House, particularly when members are aware that the information has previously been given to the House. Information should not be repeated in bulk in a ministerial reply if it is more convenient for the Minister to simply advise the House that it is already recorded in the *Hansard* report of an Estimates Committee session. It is not an essential requirement for the exact reference in *Hansard* to be given, but that would be an appropriate action if it is convenient for a Minister to give such a reference.

It is permissible for a Minister to briefly summarise the main thrust of information given earlier and to then expand upon it or provide supplementary information. The key point in my ruling was to avoid the verbatim or near-verbatim repetition in ministerial replies of material already published in *Hansard*.

Although members cannot reasonably be expected to be familiar with every question asked during the Estimates Committees, or those which are on the Notice Paper as

questions on notice, they should try to avoid asking the same question again with the risk that their question might, if challenged by another member, be ruled out of order by the Chair.

QUESTION TIME

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

POLICE CORRUPTION ALLEGATIONS

Mr OLSEN (Leader of the Opposition): Following further serious allegations of police corruption on the *Page One* television program and subsequent statements by the Police Commissioner that these continuing allegations are having a destabilising effect on the Police Force, will the Government support the appointment of an all-Party committee of both Houses of this Parliament with the following terms of reference:

(a) To review findings of all internal Police Department inquiries conducted since 1980 into alleged police corruption and the report into alleged police corruption provided by the National Crime Authority to the South Australian Government on 29 July this year and to make recommendations as to what further investigative action, if any, is necessary.

(b) To review internal police administrative procedures for the handling, recording and subsequent disposal of all material confiscated or otherwise obtained by the South Australian Police Force in the course of drug-related investigations and to make recommendations as to the adequacy of those procedures and what changes, if any, are necessary.

(c) To inquire into the identity of persons involved in the cultivation, production, manufacture, supply or distribution of illicit drugs in South Australia.

(d) To inquire into illegal or improper activities in connection with the matters referred to and the association of these activities with organised crime.

(e) To consider and make recommendations on the strategies which should be in place to combat the activities referred to previously and to bring criminals involved in these activities to justice.

(f) In the light of the information obtained by the committee, to consider whether or not it is necessary to appoint a permanent independent commission to investigate public and other corruption and, if such a commission is deemed necessary, to recommend the powers it should have, the protections it should provide to law-abiding citizens and the relationship that it should have with the National Crime Authority and other existing law enforcement agencies.

If the Government does agree to such an inquiry, will it guarantee sufficient funding to allow the committee the opportunity to seek the advice of a retired Supreme Court judge to guide it in its deliberations, the full-time services of an experienced criminal lawyer, and sufficient support staff to ensure a full and expeditious inquiry and report?

The Hon. J.C. BANNON: I appreciate the Leader of the Opposition's constructive address in relation to a number of issues that have certainly been raised in recent weeks. I guess what I would question, though, is the suggestion that these matters can best be dealt with at this stage by what he calls an all-Party committee of both Houses. I think one of the problems with the current debate has been the extent to which it has been politicised, the extent to which political point scoring has taken place. I refer in this context specifically to comments made by a member in the other place. Certainly, I do not wish to be out of order by referring to a matter under consideration in another place, but I simply say that suggestions have been made that we should have some kind of corruption commission. In many ways, what is suggested here is that sort of commission, with those terms of reference, but being run by politicians.

The Hon. E.R. Goldsworthy: No!

The Hon. J.C. BANNON: That is what an all-Party committee of both Houses of Parliament would be, unless those on it vacated their seats: as members of Parliament they are, in fact, politicians by definition. Therefore, I do not believe that that is the way that either the general public or this Parliament should go in this instance. I remind the Leader of the Opposition that all these questions are being addressed very comprehensively indeed. The key to this is the National Crime Authority and its attitude. Many of the so-called terms of reference referred to in the Leader of the Opposition's question could be seen as references to the National Crime Authority. In fact, if we are successful in establishing an office of the National Crime Authority here—and the Government has already said that appropriate resources will be found to do it—then these are the very issues that the National Crime Authority can address.

I would have thought that rather than try to bypass the procedure laid out by my colleagues the Attorney-General and the Deputy Premier, the Liberal Party, on the basis of the statements that have been made by the shadow Attorney, the Hon. Trevor Griffin, should be getting right behind our attempt to ensure that a National Crime Authority office is established here and that these procedures are undertaken. That is our priority. The Leader of the Opposition uses the *Page One* presentation as the vehicle on which to ask this question and assemble these terms of reference.

I would have thought the reaction of any of us watching the *Page One* presentation—it was dramatic and certainly well presented—would be, as it was in the general media, that not very much new material was published. I refer the Opposition to the press conference statements made by both my colleague the Attorney-General and the Commissioner of Police on that. One or two new matters certainly bear investigation, and indeed warrant it, and they will be investigated. The allegations are being referred by the Government directly to the NCA.

The Attorney-General has sought information from the reporter who prepared the item so that the allegations can be investigated. He has also offered—well, in fact, repeated the offer—to meet the legal costs for those persons wishing to seek legal advice before making information available. In other words, if they are concerned about approaching the police, the Government or someone they feel is directly involved, let them do it through an objective intermediary and support will be provided for that. I believe that that is the proper and correct way to approach those allegations.

An all-Party committee of both Houses embarking on an investigation, far from dealing with allegations, will, I believe, result in further destabilisation. If the Leader of the Opposition is seriously concerned about that, this is the last way of doing it, because he should know—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —that if people are not prepared to come before the NCA or the police, present allegations to the Government or go through a private legal adviser of some sort, why will they come before a parliamentary committee, the members of which, unfortunately, in some instances, would be people who would be very keen to seek headlines and dramatise what was being presented?

While I certainly agree that the various matters raised by the Leader need to be considered, I really think this suggestion as to how we do it is totally disruptive and counterproductive, so we cannot accept it. I appeal to the Opposition to get behind us in the work we are trying to do to get to the bottom of these allegations and make sure that they are dealt with in the proper way. That is the best way that we collectively, as a Parliament, will serve the people of South Australia.

WESTERN AUSTRALIAN LOAN

Mr RANN (Briggs): Can the Premier, as Treasurer, inform the House whether there is any truth in the statement made in Federal Parliament yesterday that South Australia had lent money to the Western Australian Government? The member for Mayo, Mr Alexander Downer, claimed yesterday that South Australia—

Members interjecting:

The SPEAKER: Order!

Mr RANN: —had temporarily transferred $25 million to the Western Australian Government that would have to be repaid after the Western Australian election. It has been put to me that the implication of the question is that the South Australian Government somehow has been involved in an improper transaction.

The Hon. J.C. BANNON: This particular member of the Federal Parliament seems to have some sort of brief in relation to raising in the Federal arena matters that are connected with the finances of South Australia. It has been most unfortunate that he has this brief, because it has not been properly researched on any of the occasions on which he has ventured into the area. In this case he obviously did not understand, read or listen to the statements made following the Premiers' Conference, because this so-called $25 million loan to Western Australia that he was talking about, as I understand it, refers to proceedings at the Loan Council this year.

As members here would know—even if Mr Downer does not—a global limit, the amount which the States generally or collectively can borrow, is established at the council. The division between the various States, that is, how much of that allocation each State has access to, is determined by agreement amongst the States, based in large part on their historical entitlement. In fact, I happen to believe that that is a totally wrong way of doing it, because in South Australia's case it has locked us into what I would regard as a fairly inflexible position in relation to our share of the overall global limit.

Be that as it may, the division has to be made, and it must be made in reference to the particular capital programs of the various States. In our case, this year we did not wish to take recourse to a certain amount of our loan allocation; on the other hand, Western Australia did have a need for those moneys. What happened was that the allocation that might have gone to South Australia was transferred to Western Australia. In doing that I made quite clear that I could not in any way be seen as reducing our historical share of the program, however large or small it might be. Incidentally, in doing that I was following the practice that had occurred in the previous year's Loan Council when South Australia, Queensland and New South Wales had all surrendered some loan entitlement that they did not wish to take up to assist Victoria and Tasmania.

Rather than seeing this as some kind of criticism of the South Australian Government and its finances, I would have thought that the member for Mayo would congratulate us on saving South Australian taxpayers the interest payments that would have accrued if we had borrowed that extra money, because that is effectively what we are doing. Because we have our loan program under control, we did not have to take up that full allocation. Again, I would like to put on the record that, if we have a need next year or in subsequent years, we certainly intend to do so, and have that recognised. Action was taken on that basis only.

That was an extraordinary allegation. I guess that it is consistent with the way in which Mr Downer responds to these issues, anyway. Members might recall earlier this year his accusing the SGIC of being involved in questionable financial transactions. He had a great time with that. The result was that he had to make an abject apology in the *Australian*, because he could not substantiate his claim. He had a lot of egg on his face over that. He tried to do commercial damage to a State Government instrumentality and I thought that that was quite disgraceful. Just recently he wrote to the *Financial Review* and had a letter published. Obviously, there is no censorship; I admire the paper's willingness to print whatever is presented to it in some instances. Certainly, that was the case with Mr Downer.

Mr Downer said that the South Australian Government had all these defects in its financial statements, that SAFA had lost this large amount of money overseas and that that had never been explained. He was referring to a particular $16 million transaction that was fully explained and set out. The overall SAFA group made record profits and this transaction within the subsidiary did not affect that profit position. He claimed that in leasing back power stations we have not made any explanations or provided audited statements. That is totally wrong; the financial details and information are all on record. Incidentally, what Mr Downer did not mention, what he neglected, was the enormous benefit that that has provided to electricity and power consumers in South Australia. His final point was something about the failure to audit, to provide audited reports or to let the Auditor-General have access to some of the SAFA transactions. That is not true.

Mr MEIER: Mr Speaker, I rise on a point of order.

The SPEAKER: Order! The honourable member for—

Mr MEIER: I point out—

The SPEAKER: Order! The member for Goyder has not yet been called. He should not launch into his point of order until he has been given the call. The Chair had to wait for the Premier to resume his seat.

Mr MEIER: Mr Speaker, my point of order is that the Premier has now digressed to material that has nothing to do with the member for Briggs's question. The Premier completed the reply to the question and has now launched on to additional material. I ask you, Sir, to rule the Premier out of order in answering the question.

The SPEAKER: Order! The Chair was not listening closely to the Premier's reply.

Members interjecting:

The SPEAKER: Order! My attention had been diverted to other matters. I ask the Premier to wind up his remarks and ensure that his reply is reasonably relevant to the question.

The Hon. J.C. BANNON: Mr Speaker, I was addressing the credibility of the honourable member in the Federal Parliament who has asked these questions. I will wind up by saying that, under his Act, the Auditor-General is not permitted to audit overseas operations, but what has happened is that the Government has facilitated an arrangement with the auditors of those companies which allows the Auditor-General to participate in the scope and direction of the auditor.

In his report the Auditor-General states that these arrangements are quite satisfactory. I appreciate the member for Goyder's rising to defend his Federal colleague, but I do not know that the honourable member is doing the right thing by him because, looking at the pattern of these issues raised in Federal Parliament, one can only assume that the member for Mayo is being used as some kind of stooge by the Opposition in this State. He gets it wrong constantly and, if one traces his errors back, one finds that he is repeating errors that have already been made here. So, I feel a little sorry for the member for Mayo that he is prepared to lend himself to this exercise from the office of the Leader of the Opposition and I guess that, after the last three or four occasions, we may hear a little less of him in this respect.

BLACKMAIL ALLEGATIONS

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Can the Minister of Emergency Services confirm statements made on the *Page One* program last Thursday evening that police believe that two people involved in Adelaide's vice industry have videotaped 'high level clients', including politicians and police officers, in compromising situations for the purposes of blackmail? Are these allegations being further investigated by interviewing the two people said to be involved and any other person who may be able to provide relevant information or evidence?

The Hon. T.H. Hemmings interjecting:

The Hon. E.R. GOLDSWORTHY: If the Minister thinks that this is a matter of levity, he should have another think.

The SPEAKER: Order! The honourable Deputy Leader should ignore the out of order interjection that appears to have come from the honourable Minister of Housing and Construction, and stick to his explanation.

The Hon. E.R. GOLDSWORTHY: Normally they are pulled up. The *Page One* program, to which I have referred, clearly identified an establishment in King William Street in the city formerly known as Bluebeard's Massage Parlour and the Sportsmen's Leisure Club. The program's presenter, Mr Chris Masters, made statements indicating that Giovanni Malvaso ran this establishment as a brothel during a period when clients were secretly videotaped. The program included allegations by a woman who worked in this establishment as a prostitute and by a man who said that he had run brothels in Adelaide for 15 years and that high level clients had been videotaped in compromising situations for the purposes of blackmail. After interviews in which the allegations were made, Mr Masters said:

> When we raised the issue with the Police Commissioner, he not just acknowledged the practice but revealed that at the same time another figure in the vice industry appeared to be up to the same tricks.

Mr Masters also said during the program that exposure to blackmail is a 'far more sinister explanation for why some senior public officials may be reluctant to tackle the issue of corruption'.

The Hon. D.J. HOPGOOD: All the allegations in Mr Masters' program will be investigated. Indeed, the Police Commissioner has asked Mr Masters to provide whatever additional information he may have available which did not go to air. I notice that statements emanating since then from the industry (if I can call it that) have strenuously denied that any such practices take place, but they are being fully investigated.

WEST LAKES DEVELOPMENT

Mr HAMILTON (Albert Park): Will the Minister of Marine investigate the possibility of amending legislation in order to provide third party rights of appeal provisions for West Lakes residents, and will he also favourably consider meeting a deputation from the Lakespeace residents group to discuss this issue as soon as possible? An article in the *Weekly Times* of 5 October states:

> Lakespeace, the new West Lakes residents' group, will lobby State and local governments for third party planning appeal rights. Under South Australian law, West Lakes residents have no right to appeal to the South Australian Planning Commission against any proposed developments in the local area. 'West Lakes residents are virtually unique in South Australia in that they have no right to appeal against planning decisions,' Lakespeace secretary Walter Woods said. Dr Woods said the lack of appeal rights dated back to a concession made by the State Government to Delfin Property Group, the developers of West Lakes. 'That same indenture foreshadowed any changes that occurred once the major works were completed,' Dr Woods said.
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> 'It may be fair enough while a major development is under way as was the case with West Lakes, Now its finished let us have our normal rights back the same rights as ordinary clients of South Australia' he said.
>
> He said an Act of State Parliament was needed to change planning appeal rights for Lakes residents.

Hence my question to the Minister in conjunction with the Minister for Environment and Planning.

The Hon. R.J. GREGORY: This matter is causing me considerable concern, and I will investigate the possibility of having the West Lakes planning rights moved so that they can be of a third party nature. I understand that it is very complex. It will be investigated and I will consult with the Minister for Environment and Planning.

BROTHELS

The Hon. J.L. CASHMORE (Coles): Does the Minister of Emergency Services have a policy on the enforcement of laws relating to brothels and, if so, does it condone the selective enforcement of those laws? I ask this question following the admission on the *Page One* program last Thursday by the Police Commissioner that these laws are in fact selectively enforced. I refer to the following answer given by Mr Hunt to the question of whether some brothels were investigated while others were not:

> I am not sure whether I can give an answer other than a qualified answer to all of that. It may or may not be true. It depends on whether or not we see a need to be able to keep an eye on and monitor what businesses are going on, though we don't have the evidentiary provisions to make a prosecution in those cases. There is always a tendency, I suppose, to know your enemy.

The Hon. D.J. HOPGOOD: The Commissioner was referring to matters which have been raised in this place on numerous occasions since I have been here and which have led to various attempts to amend the Criminal Law Consolidation Act in various ways. I know that some honourable members believe that the only way in which this matter can ever properly be resolved is by decriminalisation. I am not here to canvass that matter at this time However, the fact that some honourable members take that position clearly

indicates that there are problems in getting evidence and being able to secure convictions. To directly answer the honourable member's question, the Government's position is that the law should be implemented without fear or favour.

The Hon. J.L. Cashmore: Not selectively, as they are doing at the moment.

The SPEAKER: Order!

The Hon. D. J. HOPGOOD: Certainly not selectively.

KIDMAN PARK INTERSECTION

Mr FERGUSON (Henley Beach): Will the Minister of Labour, representing the Minister of Transport, inform the House whether the Highways Department will investigate the feasibility of upgrading the traffic light system at the Tapleys Hill Road, Marlborough Street and Valetta Road intersection, as a matter of urgency, to prevent further fatalities at that intersection? On 5 October 1988 there was a most serious accident at that intersection, resulting in the death of two people and an injury to a pedestrian. It is the opinion of my constitutents that the introduction of a turning light at that intersection would prevent further fatalities.

The Hon. R.J. GREGORY: I thank the member for Henley Beach for giving me advance notice of this question because the Highways Department continually monitors all intersections and keeps accident data and regular traffic counts. Although 'right turn' arrows make right turns more simple and convenient for people wishing to turn right, they do increase traffic delays and may increase delays to a point where traffic volumes exceed the capacity of the intersection. Tapleys Hill Road carries approximately 25 000 vehicles per day, Valetta Road, 9 000 vehicles and Marlborough Street, 5 000 vehicles. Around 700 vehicles per day turn right into Marlborough Street and 1 400 into Valetta Road. Therefore, traffic turning right accounts for about 5 per cent to 10 per cent of traffic flow from north and south respectively.

Right turn arrows are generally installed at intersections with accident figures of two to three times the normal frequency. The approximate cost is between $50 000 and $70 000, and the priority of other intersections is higher. Notwithstanding that, I have asked the Highways Department to urgently provide the Minister of Transport with a detailed report on the intersection and the necessary advice to make the appropriate improvements.

POLICE CORRUPTION ALLEGATIONS

The Hon. B.C. EASTICK (Light): I direct my question to the Minister of Emergency Services. I refer to the following specific allegations made on the *Page One* television program last Thursday: that other police officers had knowledge of and supported the corrupt activities of the former head of the Drug Squad, Moyse; that Moyse and the informant against him, Mr X, organised the importation of drugs from Sydney and, in doing so, Moyse had to alert other police officers to some of the details of the operation; that between December 1985 and March 1986 two other members of the Drug Squad stole money and supplied drugs to one Peter Panagiotidis; and that one of these officers also gave heroin for sale to one Kerry McDowell; this particular transaction taking place in interview room 2 at police headquarters. Are any of these specific allegations currently being investigated by the NCA and, if so, which ones?

The Hon. D.J. HOPGOOD: I will have to obtain that information from the NCA, and I will be guided by its advice as to whether any such information should be made public. After all, this Government took the decision, which I think was widely supported, that it should release only chapter 12 of the NCA report—the chapter which indicated the recommendation as to the structure for addressing the possibility of police corruption in the future. The other matters—the specific matters which require further investigation—were not released for the very reason that to do so would clearly be prejudicial to the investigations that were taking place. That is the only responsible way in which the Government and the police can operate and continue to operate. I repeat: it is very difficult to operate in a situation where people are prepared to make allegations but are not prepared to substantiate them.

I do not know what more this Government could have done, following the delivery of the NCA report, over and above what it has already done and what the Police Department has done in order to follow up these matters. I remind honourable members that in the film *All The President's Men* a point is reached where the Editor of the Washington Post throws down his pencil on the desk and says, 'Damn it all, when will somebody go on the record?' There was a responsible editor who was concerned that he was pushing his newspaper to the brink whereby unsubstantiated allegations were being run and, unless somebody was prepared to go on the record pretty soon, the newspaper would be made to look pretty silly. In a sense, our Commissioner is saying the same thing from a slightly different viewpoint. It is very difficult to follow through on these matters when people are not prepared to go on the record and when they simply relay information somebody else told them.

A short time ago a member in another place made a whole lot of allegations in a second reading explanation that he delivered to that place. When challenged to give to the Commissioner of Police that information and any more specific information that he had, he refused to do so. In conclusion, at one point he alleged (and this is all in the public domain—it is in the second reading explanation) that there is presently a murderer in the Police Department. He even made an allegation as to the individual who was murdered. When it was suggested that that information should be given to the Commissioner, that member of the other place refused. In those circumstances, what is the Commissioner supposed to do? In those circumstances, what sort of responsibility is that member—and I refer to the Hon. Mr Gilfillan—really exercising in this matter? Those people who want to assist us in our sincere desire to follow these things through must be prepared to go on the record.

REPATRIATION GENERAL HOSPITALS

Mr PETERSON (Semaphore): In reference to the proposal to transfer repatriation general hospitals to State Governments, the previous Minister of Health undertook not to facilitate such a handover without the consent of the RSL and other returned service groups. Will the Minister clarify the current position on such a handover? Many returned service men and women who are receiving treatment at repatriation hospitals are deeply worried about such a change and the possible adverse effects that it might have on the increasing demand for such services, especially in view of the difference in waiting times for repatriation hospital beds and public hospital beds.

The Hon. F.T. BLEVINS: I answered an identical question last week or the week before in response to my col-

league the member for Mitchell, in whose electorate a repatriation hospital is situated. I refer the member for Semaphore to the answer that I gave on that occasion.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT

Mr S.J. BAKER (Mitcham): My question is to the Minister of Labour. Why did members of the Industrial Relations Advisory Council receive copies of the draft Bill to amend the Industrial Conciliation and Arbitration Act only a matter of days before the council's meeting to discuss this issue, given the far-reaching nature of the changes proposed and that some of them had never been previously discussed within that council? In view of the requirement in the Industrial Relations Advisory Council Act for a two month breathing space between reference of legislation of industrial significance to the council and its introduction in Parliament, is the Minister simply treating the Industrial Relations Advisory Council as a vehicle of convenience?

The Hon. R.J. GREGORY: This matter had been before IRAC for over 18 months. It had been the subject of considerable subcommittee discusssions, and it was felt that it had been around for long enough.

CEMENT INDUSTRY

Mr TYLER (Fisher): Will the Minister of State Development and Technology indicate to the House the future position of the local cement industry, given that we are facing potential dumping of cheap imports and a restructuring or shakeout in the Australian industry? We are continuing to see efforts by unions to block the dumping of overseas cement. Such dumping, if allowed to proceed unhindered, would seriously jeopardise the position of local cement producers. The Federal Government has also been examining the structure and performance of the Australian cement industry. This study has found that the threat from imports has arisen from changes in the industry worldwide and that restructuring in the Australian industry has not maintained pace with international restructuring. A study by the Bureau of Industry Economics has concluded that the local industry will continue to face increased import competition.

The Hon. L.M.F. ARNOLD: I thank the honourable member for his question. The State Government has been very concerned about the threat to the Australian cement industry from dumped cement from overseas. As I have indicated on a previous occasion to this House, we will take every practicable step—in other words, every step within the law and within reason—to ensure that we do not have dumping in South Australia of artificially priced cement from overseas sources.

We are doing this because of our concern for the local cement industry and particularly for the companies involved and the people employed by them, and this relates particularly to Adelaide Brighton Cement. That producer ranks as one of Australia's more efficient producers. It has shown its capacity to take on the national market and to aggressively market its products. It does not deserve to be priced out of the market due to unfair competition from overseas. With respect to the Bureau of Industry Economics study of the Australian cement industry, referred to by the honourable member, I can tell the House that I have sent a letter to Senator John Button in response to that study, asking that the Federal Government take into account a number of State Government viewpoints on this matter.

I repeat: Adelaide Brighton Cement is one of the most efficient cement producers in this country. It has treated the three issues raised in the BEI study—namely, investment, technology and efficiency—as the criteria that the cement industry must meet in this country. To do that Adelaide Brighton Cement recently announced a major investment program of $50 million to upgrade its plant, to introduce new technology and to increase efficiency, as well as restructuring its corporate activities by means of rationalising its investments in other States.

That will see a concentration of the firm's investment in South Australia as it seeks to maximise its potential to market throughout Australia at large. One point that concerns me in the BEI study is the comment about the cost of electricity. I have taken up with the Federal Minister a section of that study dealing with electricity costs. It is true that power costs are a very significant component of costs in the industry, and the BEI report concluded that South Australian electricity was the most expensive of the mainland capitals. That statement is incorrect. It was based on the setting of an arbitrary demand load and a consumption pattern that does not actually reflect usage in the cement industry.

If one takes the situation with respect to actual usage and three-shift industries, one finds that Adelaide is the second cheapest location in Australia for three-shift basis costed electricity. I also point out that, while it made a mistake in that particular area, the BEI study did show, and was correct in showing, South Australia as having the lowest gas tariffs. Those figures clearly show that in the high cost area of power South Australian industry is very competitive with respect to other States.

Coming to the question of fair or unfair competition from other parts of the world, it is worth noting that sometimes the figures for overseas industries do not adequately take into account all the cost inputs. For example, labour arrangements in other countries mean that contract labour employed in overseas plants may be excluded from the work force when calculating productivity, whereas in Australia those same figures are included. These comments, along with others we have made with respect to transport costs (both internally and externally) and their effect on the price of Australian-produced and overseas-produced cement (and again reiterating our view with respect to the unfair problem posed by dumped cement in this country), were included in my letter to John Button. In fact, I expressed our very strong concern that a productive, efficient and profitable industry that employs many people and provides significant support for construction in this State and around Australia should be allowed to continue its fair and competitive growth and development in Australia.

YATALA LABOUR PRISON

Mr S.G. EVANS (Davenport): I direct my question to the Minister of Correctional Services. Following a statement in the *News* last Friday by Mr Bill Trevorrow of the Prison Officers Association that report after report had been filed on criminal activities at Yatala Labour Prison, including institutionalised buggery, but that action was rarely taken, had the Minister or his department received reports of such allegations at any time before they were raised publicly last week? If so, when were those reports made, who investigated them, was the Minister satisfied with those investigations, and have they led to any charges being laid against any prisoners?

The Hon. F.T. BLEVINS: The answer to the question is 'No'; no such reports have been brought to my attention.

The charges by Mr Trevorrow, as I stated in my ministerial statement, were made, in his own words, in the heat of the moment. We have given Mr Trevorrow every opportunity to substantiate his statements. If he will not deal with the Department of Correctional Services, the police or the Ombudsman, we have offered to make a lawyer available so that his information—

Members interjecting:

The Hon F.T. BLEVINS: As I say, none have been brought to my attention, but I will certainly—

Mr S.J. Baker interjecting:

The SPEAKER: Order! The honourable member for Mitcham is out of order. The honourable Minister.

The Hon. F.T. BLEVINS: Thank you, Mr Speaker, for your protection from the member for Mitcham. Since the honourable member read the story in the *Advertiser*, he appears to be agitated. Any reports that are available will be made available to the member for Davenport or any other member of Parliament. There are no documents, reports or otherwise in the Department of Correctional Services that are not freely available to any member of this Parliament. I will have the files researched to see what is available for the honourable member, and he is quite free to see them.

GETTING DOWN TO BUSINESS

Ms GAYLER (Newland): Is the Minister of State Development and Technology aware of a new ABC radio program *Getting down to Business* which highlights the issues men and women face in starting a business? How does the program fit into the Government's efforts to support small business?

The Hon. L.M.F. ARNOLD: I hear the Deputy Leader say, 'Here we go, trying to talk up the situation; whistling in the dark.' That is an enormous put down of what I think is a very imaginative effort by the ABC and supported by the Small Business Corporation in South Australia which, of course, is funded by the State Government. We should commend the ABC and the corporation for the work they are doing. Surely we are concerned about the high rate of people going out of small business throughout this country and the fact that within three years 50 per cent of small businesses have gone out of business and within seven years that figure is up to 70 per cent. Surely that concerns us. Apparently, it does not concern the Deputy Leader of the Opposition, but it does concern members on this side of the House.

I am pleased to note that it concerns the ABC and the Small Business Corporation, as this morning they launched a program which has been produced in South Australia and which will go to air nationally. In fact, the program *Getting down to Business* will commence tomorrow at 9.30 p.m. for 12 weeks on Radio National and on Fridays at 2 p.m. on the regional stations. The first episode is *It all starts with an idea* and the twelfth and final episode is *Taking the plunge.* That program, hosted by Jane Doyle and produced by the ABC Radio Education Section with the support of Peter Elder (Manager, Business Skills Development, Small Business Corporation), will be an exciting opportunity for people who would like to get into small business but do not know how to cope with the foreseen and unforeseen pitfalls.

I had the opportunity to hear just a little bit of that program at its launching and I was most impressed. It is a tribute to the education resource people at the ABC based here in South Australia that this program will go national, as have others produced in the past. This indicates that Adelaide has the capacity to be part of this national broadcasting network. At the end of every program a 008 telephone number will be listed which will report back to the Small Business Corporation in Adelaide and channel inquiries to respective Small Business Corporations in other States. That is an interesting initiative in that program.

Another point worth mentioning is that this backs up the work of the business doctor program that the State Government is supporting financially in line with Federal support through the Federal Minister (Barry Jones) and the National Small Business Awareness Program. That program is designed to provide useful support for small business before crises occur, in other words, when planning and some form of resolution of problems is still possible. Once again, I congratulate the ABC and the Small Business Corporation and indicate that this activity is entirely empathetic with the approach of this Government and the commitment of resources behind the corporation and other measures to assist the development of small business in South Australia, which is such an important provider of employment opportunities.

ABALONE FISHERY

The Hon. P.B. ARNOLD (Chaffey): Can the Minister of Fisheries say whether it is true—

Members interjecting:

The SPEAKER: Order! The Minister of Technology and State Development, the Premier, the Deputy Leader of the Opposition and the member for Mitcham are all out of order. The member for Chaffey has the floor.

The Hon. P.B. ARNOLD: My question to the Minister of Fisheries is—

Members interjecting:

The SPEAKER: Order! The member for Chaffey has the floor and not the Deputy Leader.

The Hon. P.B. ARNOLD: Is it true that a recent departmental helicopter blitz on abalone poaching on the West Coast failed to lead to the detection of a single breach of the law? Is it true that the Government suspects radio codes and other sensitive information used to detect abalone poachers are in the possession of the poachers? Is it true that a departmental employee is being investigated for allegedly selling this information and, if it is, when does the Minister expect the investigation to be completed and what action has been taken in the meantime to ensure more effective law enforcement activities can be undertaken against abalone poaching?

The Hon. M.K. MAYES: I thank the honourable member for his question, which raises a serious issue. I am sure that all members appreciate the seriousness of the allegations that have been made. Certainly, we believe that the impact of abalone poaching on the industry is very destructive. For instance, this year's quotas have been reduced partly because of poaching in the abalone fishery. As members would know, for some time we have been running an enforcement campaign within the Department of Fisheries.

I was made aware of some of these allegations by an ABC journalist when I was on the West Coast and other allegations were subsequently made by the ABC journalist on a *Country Hour* program following my visit. Those allegations were referred to the department and also to the Crown Law Office for advice. Consequently, a police investigation has now been initiated. That investigation is under the control of the Police Commissioner. However, they are allegations and I shall report to the House in due course. Presumably,

the Minister of Emergency Services will receive a full report on that matter, which is now under police investigation.

NICHE MARKETS

Mr ROBERTSON (Bright): Can the Minister of Agriculture say what efforts his department is making to aid local horticulturists to tap into niche markets in South-East Asia? I am informed that local producers of so-called boutique vegetables have at times experienced difficulty in complying with the Federal Department of Primary Industry regulations when seeking niche markets in South-East Asia. I understand that in the past green plums, for example, which are used extensively during Buddhist harvest festivals in South-East Asia, may not have been exported even though they were simply intended to be used as offerings and not eaten. Similarly, small boutique cauliflowers, which were specifically aimed at the South-East Asian market, were apparently not exported because they were deemed to be under size. The same problem apparently was also encountered with boutique leeks and I wonder whether the excessive security surrounding leeks gave rise to the expression 'security leak'.

Members interjecting:

The SPEAKER: Order! I call on the Minister of Agriculture, not the Minister of Water Resources.

The Hon. M.K. MAYES: I thank the honourable member for his question. We have previously had discussions with a constituent of the honourable member concerning the potential for horticultural export and securing overseas markets. In this regard, the department's commitments are significant, as the honourable member would know from those discussions and from the budget documents. Under the leadership of our Senior Horticultural Export Officer (Mr Ian Lewis), we have made significant inroads in this area. As the honourable member and members opposite would appreciate, one problem is that the industry is diverse. In fact, some members opposite, as well as members on this side, have expertise in this area. It is important to note that, because of the fragmentation of the industry, it is more difficult to get a joint coordinated approach on the basis of export drive such as we have in other industries, for instance wool and wheat, but we have allocated $159 000 over the next three years to develop certain sections of our industry, especially our export glasshouse industry which will need a high input from the industry itself and the support of the industry as well.

I put on record my praise for the activities of the honourable member concerned and his constituent: those activities warrant the support of other members of the industry and we also need leadership from the industry, especially the commodity sectors. We could talk about all the commodity sectors, not only the boutique cauliflower sector or however it is described. We need to identify specialist areas and to link them up. There are many moves to encourage the whole export process. Indeed, the process of quarantine and all those processes that are important in developing the export market are being addressed both nationally and at a State level through the State Horticultural Export Committee.

In fact, our Director of Regions (Mr Jeff Thomas) is involved at both the national and the State level, so we have coordination right through and some of our initiatives, especially regarding the reduction of the bureaucratic process for export, are being addressed directly. Those efforts will enhance and further encourage some of our smaller boutique exporters to develop these markets and specialise in these areas. They will also eliminate some of the bureaucracy that exporters encounter in reaching their markets.

So, I thank the honourable member and assure him and his constituent who is interested in this issue that we are addressing it seriously. Mr Ian Lewis, with the support of his branch, is putting considerable effort into addressing these issues and the Horticultural Export Committee is addressing them as well. Further, at a national level, the National Horticultural Export Commission, under the auspices of the Federal Minister, will also address these issues. So, from the point of view of the potential, which we believe is great, much effort is being directed to eliminating the difficulties to which the honourable member has referred.

WAGE FREEZE

The Hon. H. ALLISON (Mount Gambier): Can the Premier say whether the South Australian Government will support a freeze on across-the-board national wage rises next year as a trade-off for income tax cuts?

The Hon. J.C. BANNON: This is a theoretical question which has been subject to debate and to which I have already responded. What position we take will depend on the circumstances at the time and trying to anticipate at least six months in advance what the situation will be would be wrong of us. The tax cuts have been announced by the Federal Government to take place from 1 July 1989, but it has not spelt out exactly what they will be, how they will apply and various other things. That is the first issue that has to be attended. Whether they can be traded off against some notional wage increase is a further and quite complex question, so at this stage the honourable member's question is purely hypothetical and not one that we are addressing or need to address for some time yet.

TELEPHONE BETTING SERVICES

Mr DUIGAN (Adelaide): Can the Minister of Recreation and Sport say what action is being taken to provide on-course telephone betting service for off-course punters? Earlier this year the report of the Committee of Inquiry into the Racing Industry was released. That report recommended, amongst other things, that the Racing Act be amended to enable bookmakers to provide an on-course telephone betting service for off-course punters.

The Hon. M.K. MAYES: I thank the honourable member for his interest in this issue. Obviously, his interest and that of other members is concerned with the needs of bookmakers and their part in this large industry. At the presentation of the Labour Day Cup, the Chairman of the South Australian Jockey Club said that racing was the third largest industry in the State and one must appreciate its extent. Although it is often seen as being merely on the race course, the industry supporting the on-course events is important, including harness racing, dog racing, and horse racing.

The honourable member has referred to on-course telephone betting services, which is an important issue referred to in the report of the Nelson Committee of Inquiry into the Racing Industry. That committee recommended that bookmakers should have the opportunity to enhance the services that they offer the investing community at present. To some degree the issue has been absorbed at a national level because a national working group has been set up to consider the proposal. Again, we have had various responses at different levels in the community as to what is happening regarding that committee. I hope that that comittee will

report soon, at latest by the date of the National Racing Minister's Conference in February 1989.

Notwithstanding that, I believe we have a responsibility as a State Government to look very seriously at all the issues affecting bookmakers in this State, covering all codes generally. Fixed odds betting, a matter which will come before the Parliament shortly, will deal with this issue as well. In my release regarding Cabinet approval for the introduction of fixed odds betting, which requires amendment to the Racing Act, I emphasised that a working party would be set up (and I hope to be able to announce that shortly) to look at this very issue, involving the needs that the industry must address, in order to ascertain how we, as a Government, and the community can assist and enhance the continuation of bookmaking in South Australia.

There is no doubt that part of the racing industry in this State involves on-course bookmaking. This would include on-course telephone betting services, and the committee will examine that matter carefully. I look forward to that report, as do, I am sure, other members. It ought not to be limited to those aspects, because it is very important that all questions be considered, not just the question of turnover tax or any other related issue. Consideration must be given to options designed to enhance racing industry activities generally.

I am sure the working party will have a brief sufficiently wide to consider all those areas relevant to bookmakers and the economic conduct of their activities. On-course telephone betting is certainly one issue which should be addressed, and it will be addressed. I can assure the honourable member, his constituents, the bookmaking community and all supporters of racing in South Australia that those issues will be seriously addressed by the working party and subsequently by the Government. If any issues remain to be considered by the Parliament as a consequence of the working party's recommendations, an amending Bill will be introduced.

RADIO STATIONS

Mr INGERSON (Bragg): Following the interlocking interests in the ownership and management of radio stations 5DN and 5AA, has the Government sought advice on whether there is any potential for a conflict of interest to arise or any possible breach of the Broadcasting Act and, if so, what advice has the Government received? In November 1987 the Government appointed Mr Harry Krantz, a member of the board of SGIC, to the Board of Festival City Broadcasters, which holds the licence for 5AA.

In March this year, the SGIC bought a 30 per cent stake in First Radio Limited, the new 5DN holding company. These ownership changes in 5DN also resulted in that station becoming 60 per cent owned by South-East Telecasters, a company owned by Mr Allan Scott. Mr Scott also is a member of TAB, which owns 5AA. The Broadcasting (Ownership and Control) Act prohibits a person being in a position to control, either directly or indirectly, two or more metropolitan commercial radio licences in the same State.

The Hon. M.K. MAYES: Mr Scott's position became a matter of public knowledge when the purchase took place, people becoming aware at varying stages of what was occurring in that regard. I kept a check on that situation through my department. As to a conflict of interest or any other aspect of inappropriate relationships, I am happy to recheck the information regarding the propriety of people involved in the TAB. As the honourable member will appreciate, the issue involving 5AA is somewhat more complex and I am not sure if the honourable member is suggesting that I should intervene. I have general powers with regard to the TAB, and I have checked on several occasions with regard to my role. As regards 5AA, those powers apply purely to the TAB, and 5AA is a matter for that organisation as the shareholder of 5AA. That issue is for the TAB and for the board of 5AA to manage. My responsibility lies through the Chairman of the TAB with regard to activities of a general nature and not the day to day operation of the TAB. I am happy to recheck the matters raised by the honourable member.

SITTINGS AND BUSINESS

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

That the time allotted for the following Bills:
Cultural Trusts Act Amendment,
Statutes Repeal (Agriculture),
National Crime Authority (State Provisions) Act Amendment,
Telecommunications (Interception),
Election of Senators Act Amendment,
Land Agents, Brokers and Valuers Act Amendment,
be until 6 pm on Thursday.

Motion carried.

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

That the House at its rising adjourn until Thursday 13 October at 10 a.m.

Motion carried.

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

That Standing Orders be so far suspended as to enable private members' business to take precedence of all other business between 10 a.m. and 11.45 a.m. tomorrow.

Motion carried.

PUBLIC ACCOUNTS COMMITTEE

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

That, by leave, pursuant to section 15 of the Public Accounts Committee Act 1972 the members of this House appointed to that committee have leave to sit on that committee during the sitting of the House today.

Motion carried.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Received from Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Since 1980 there have been a number of fiduciary defaults by land brokers and land agents. Prior to 1986, claimants were paid for the fiduciary default of agents and brokers out of the old Consolidated Interest Fund in the Land and Business Agents Act. The provisions governing payments from the fund were extremely restricted, so in 1986 the Act was amended and a new Agents Indemnity Fund established. The Agents Indemnity Fund provisions are far more flexible, and therefore claims can be dealt with more equitably.

In order to expedite payment of claims which remain outstanding on the fund, it is necessary to make amendments to the Act to streamline procedures for the operation of the fund and to ensure that all claims are dealt with as fairly and as equitably as possible. The proposed amendments to the Act deal with three major issues concerning the operation of the Indemnity Fund, namely the need to

ensure that the procedure for dealing with claims is as streamlined as possible, in order to expedite payment of claims; the need to maintain the viability of the Indemnity Fund in order to allow accumulation of interest, and enable future claims to be paid; the need to ensure that claimants are treated equitably whether they lodged claims pre-18 February 1988 or post-18 February 1988.

There are two problems with the procedures under the present Act. First, where a claim has been lodged prior to 18 February 1988, it is required to be dealt with under the Consolidated Interest Fund provisions of the 1985 Land Agents, Brokers and Valuers Act. Such claims cannot be dealt with under the 1986 amendments to the Act. This means that only 10 per cent of the Indemnity Fund can be applied in satisfaction of all these claims, which would mean less can be paid out than would be possible under the current provisions. Further, there are currently a considerable number of claims lodged just prior to February 1988, and also claims against the same broker lodged prior to February 1988 and some after that date. If the Act is not amended it would result in some claimants who have suffered loss from the fiduciary default of the same broker receiving more money than other claimants. This is clearly inequitable.

Secondly, current procedures for dealing with claims under the Act require the claim to be lodged with the Commercial Tribunal. This means that the claim is lodged with the tribunal; the tribunal then refers it to the Commissioner for Consumer Affairs for investigation and recommendation as to payment; the Commissioner after doing that, refers it back to the tribunal and the tribunal makes a determination. The tribunal is not bound by the Commissioner's assessment (even where the claimant agrees with the Commissioner's assessment or where the amount claimed is the same as the amount assessed), and can if it so chooses, investigate the claim for a second time. Further, the tribunal having received the Commissioner's investigation and assessment then holds hearings at which claimants and the Commissioner are required to go over the same ground covered when the Commissioner first investigated the application. Where the claimant has no disagreement with the Commissioner's assessment it merely subjects the claimant to inconvenience and further delays. This procedure has been the cause of the delays and duplication of effort and resources in dealing with current claims. This process is particularly unnecessary when claimants have already accepted the Commissioner's assessment. This is the case in a number of the outstanding claims, yet because they have to go through the tribunal the claimant cannot be paid.

The Bill amends the Act to ensure that procedures are streamlined to expedite processing of claims. In future all claims will be dealt with in the first instance by the Commissioner, and if the claimant accepts the assessment of the Commissioner, the Commissioner can pay the claimant either the full assessment or a proportionate reduction. Where the claimant does not accept the assessment, the claimant may have the claim determined by the tribunal. Where a proportionate reduction of the assessment is paid there is provision for the Commissioner, with the approval of the Minister, to make further payments. Claims made between 1 January 1980 and the date of commencement of the amendments (except those banned or disallowed or allowed by the Land and Business Agents Board), will be dealt with under the new streamlined procedure in the amendments.

This means that whether claims against the same broker were lodged prior to 18 February 1988 or after that date, they can all be dealt with under the new procedures, however in order to ensure that other claimants who lodged claims prior to 18 February 1988 are not disadvantaged, their claims will also be dealt with under the new procedures. Transitional provisions have been inserted to deal with claims currently in process. In order to deal with part processed claims the amendments ensure that—

Determinations of the old Land and Business Agents Board, under the 1985 Consolidated Interest Fund provisions, remain in force.

Any determinations of the Commercial Tribunal prior to the commencement of the amendments are made void. This is because the tribunal has made orders under the old provisions which allow the tribunal to determine the amount, apportion claims and recommend further payments. Further it has determined claims under the old 1985 provisions. If these orders stand it would not be possible to ensure that all claimants are treated equitably.

Current section 76f of the Act recognises that there may be occasions when the claims assessed as payable from the fund may be greater than the amount held by the fund at that time. That is in fact currently the case. A new section has been drafted to replace it to make it clear that the Commissioner must make a proportionate reduction in an amount to which a claimant is entitled, if that is necessary to enable other claimants to be paid, whose claims remain unpaid at the time that claim is assessed or to maintain a reasonable amount in the fund to enable it to increase at a reasonable rate to meet future claims. The new section also makes it clear that once that proportionate reduction is made and payment made, the entitlement is discharged and gives the Minister discretion to make further payments on the recommendation of the Commissioner. Where a claimant fails to respond to an assessment of the claim by the Commissioner at the expiration of three months, the claim is referred to the tribunal for determination *ex parte*, if necessary. This is to ensure that the claim is determined and the fund is not put at risk of having to pay out claims determined years later.

The Official Receiver in Bankruptcy has indicated that where the Commissioner has made a payment to a claimant which includes an interest component, he does not regard the Commissioner as entitled to the interest component. The Bill amends the subrogation provision in section 76c of the Act to make it clear that the Commissioner is entitled to the full extent of any payment he makes to the claimant. The proposed amendments also amend the Act to make it clear all moneys received by a broker for loan or mortgage must be subject to audit and includes a power to prescribe regulations governing the manner in which brokers deal with clients who wish to lend funds through those brokers.

Land brokers Hodby and Schiller used companies in association with their land broking practices through which funds received for potential lenders on mortgage were channelled. Parliamentary Counsel has advised that the Act, at present does not clearly require funds so received to be subject to audit or contain a power to make regulations governing the manner in which brokers deal with clients who wish to lend funds through those brokers. It is essential that the receipt and disbursement of funds, in the circumstances outlined and the manner in which instructions are given by potential lenders to land brokers, who also act as mortgage financiers are regulated in order to avoid future misappropriations.

Clauses 1 and 2 are formal. Clause 3 amends the interpretation section, section 6 of the principal Act. The clause inserts new definitions of 'mortgage' and 'mortgage financier'. 'Mortgage' is defined as a legal or equitable mortgage over land. 'Mortgage financier' is defined as a person who

is an agent or land broker, or an associate of an agent or land broker, and receives money from another on the understanding that the money will be lent to a third person on the security of a mortgage. The clause also inserts a new subsection (6) defining the circumstances in which a person will be taken to be an associate of another. These are if—

(a) they are partners;
(b) one is a spouse, parent or child of the other;
(c) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust;
(d) one is a body corporate and the other is a director of the body corporate;
(e) one is a body corporate and the other is a person who has a legal or equitable interest in 5 per cent or more of the share capital of the body corporate;
(f) a chain of relationships can be traced between them under any one or more of the above paragraphs.

Clause 4 amends section 62 of the principal Act which provides definitions of terms used in Part VIII relating to trust accounts and the Agents Indemnity Fund. The amendments are linked to the new general definitions inserted by clause 3. 'Agent' is redefined so that it includes a land broker, mortgage financier or person who carries on a business of a prescribed class. This change is designed to make it clear that the provisions of Part VIII applying to agents apply to agents or land brokers when acting as mortgage financiers. The definitions of 'financial business' and "financier" and subsection (2) (relating to 'associates') are deleted in view of the new definitions proposed by clause 3.

Clauses 5 and 6 make consequential changes to sections 75 and 76 of the principal Act. Clause 7 replaces section 76b of the principal Act. New section 76b provides for a means of quick determination of a claimant's entitlement where the claimant agrees with the Commissioner's assessment. If there is no agreement the tribunal determines the amount of the entitlement. Subsections (8), (9) and (10) provide for an appeal to the Supreme Court from a determination of the tribunal. Subsection (13) provides for the payment of interest.

Clause 8 amends section 76c of the principal Act in order to underline the fact that the Commissioner is subrogated to the rights of a claimant in respect of a payment whether the payment is in respect of compensation or interest. Clause 9 replaces section 76f of the principal Act. The new provision is similar to the existing provision in that it requires proportionate reduction of amounts paid out if the fund is insufficient to pay in full and allows the Commissioner to defer payments for a year so that the interests of subsequent claimants are taken into account. New subsection (3) enables the Commissioner to set aside part of the fund to protect the interests of claimants whose claims have not been determined and of likely future claimants. New subsection (4) protects the fund where a claimant receives more from the bankrupt estate of the defaulting agent than was expected.

Clause 10 inserts a new section 98b making provision with respect to money received by mortgage financiers. Under the proposed new section, any money received by a mortgage financier from another on the understanding that it will be lent on the security of a mortgage is held by the financier on trust for that other person until lent on the security of a mortgage, whether the money was received by the financier as agent or pursuant to a loan. The proposed new section also provides that any such mortgage must be in favour of that other person, or the financier or a trustee company as trustee for that other person, and, except with the prior written authority of that other person, must be a first mortgage and registered under the Real Property Act. Failure by a financier to comply with the requirements of the section as to any such mortgage is constituted an offence punishable by a fine or imprisonment.

Clause 11 amends section 107 of the principal Act which provides for the making of regulations. The clause inserts a new paragraph in subsection (1) designed to make it clear that regulations may be made regulating the operations of mortgage financiers. The clause also increases the amount of a penalty that may be prescribed in the regulations from $1 000 to $2 000. Clause 12 amends the schedule of transitional provisions in the manner already described.

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

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 August. Page 508.)

Mr S.J. BAKER (Mitcham): The Opposition supports this Bill, which brings State legislation into line with Federal National Crime Authority legislation. In 1987 the Federal legislation was amended to give the NCA power to apply to a judge of the Federal Court for a warrant of arrest for absconders, potential absconders or summons evaders. Given the power of the NCA to intervene in State criminal matters, it is appropriate that the State Act should also include that provision. The question has been raised as to whether the right to seek a warrant from a Federal Court judge should extend to the State jurisdiction. There are a number of compelling reasons why this should be the case, not the least of which involves providing greater accessibility to people in appropriate authority to sign warrants.

That, however, has been resolved, and it would be inconsistent with other State legislation and Federal legislation if it occurred. However, I commend it to the House as an initiative that may well be appropriate some time in the future. The other provision in the Bill removes the five year sunset clause applying to the NCA. The Opposition supports this provision in the belief that the NCA has already proved its worth, but perhaps we should insert another five year horizon provision to keep the operation honest.

From facts that have come to light in a number of inquiries, whether it involves either question marks over operations here in South Australia or the Queensland allegations, no doubt exists that the NCA has the potential to expose corruption in a way that no other authority has had the ability to do in the past. Even those organisations around the world designed to fight organised crime and corruption have indeed themselves become corrupt over time—it is the nature of the beast. I would be quite satisfied if another five year horizon provision had been inserted over the National Crime Authority. I am equally satisfied with removing the horizon altogether.

A number of allegations have been made as a result of NCA inquiries. We do not know the extent of such allegations, as they are kept confidential by the Government. By keeping them confidential the smell of corruption, albeit involving a limited number of individuals, is having a damaging effect on police morale. We do not know whether the NCA has found that one or two individuals within the Police Force have very indifferent records or whether it spreads much further than that. Until those questions are

answered there will be major concerns not only by South Australian citizens but most importantly by the people who administer the law in this State. We know that an evil exists out there and it has to be sorted out. We appreciate the lengths to which the Government is now going to bring the NCA into operation in South Australia in terms of having its own State office. We certainly support those measures.

At the same time we are critical of the Government's delay in producing an anti-corruption strategy, which has now again altered. Matters investigated by the NCA are of great interest to many people. Everyone in this place would appreciate that organised crime can have a serious effect on the community. We know, for example, that the figures on housebreaking, drug abuse and areas where organised crime is rampant, have escalated in an exponential fashion over the past five to 10 years. Whilst we can all say that we have heard stories involving areas being operated by criminal elements in Sydney, we simply do not have enough evidence to be able to take it one step further.

In a wide range of areas, even bank robberies, there are question marks over the origin of guns and who is supplying them. There have been suggestions that they are also supplied from interstate to a select group of criminals. Major question marks hang over law enforcement in this State. Law enforcement needs the abilities of an independent authority to come to grips with a great deal of the sophistication that exists in the criminal faction today. It needs a body which can overcome some of the barriers that prevent our Police Force getting to the heart of some of these areas where criminals control vast amounts of money. However, the two major provisions in the Bill make the State Act compatible with the Federal Act, in terms of warrants, and lift the sunset clause on the operation of the NCA. On both those issues the Opposition supports the legislation.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for indicating its support for this measure. Albeit a brief Bill, it does bring about an important and additional enhancement for law enforcement authorities vested at both the national and State levels to deal with organised crime and official corruption. This measure lifts the sunset clause provided previously and clarifies the authority with respect to the issuing of warrants. As the honourable member has explained the effect of these provisions in some detail, I will not go over them except to say that they will further enhance the role of the authorities vested with these important responsibilities.

The interest of the community in this area ebbs and flows, depending on the issues of the day, but nevertheless the work of the National Crime Authority essentially goes on in a climate of secrecy so that its investigations will be more effective. Indeed, we are now seeing not only in this State but across this country how effective is this organisation and how potentially effective it can be. It has already marked up a good number of successes and brought to light a number of important issues. Whilst it will be judged harshly by the community, its actions are subject to parliamentary review, and the checks and balances built into its operation are substantial and effective.

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

TELECOMMUNICATIONS (INTERCEPTION) BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 508.)

Mr S.J. BAKER (Mitcham): The Opposition supports this legislation. This initiative facilitates telecommunications interception by South Australian police. It has been a long time in its formulation, and members would be aware that it was introduced during last session but it was too late for consideration at that time. The power to obtain interception warrants is available only to certain State agencies as declared by the Commonwealth Minister. That is a very important point to remember. Such a declaration by the Commonwealth Minister is dependent on State legislation being of a satisfactory nature to the Federal Minister. That means that certain checks and balances must be included in the State legislation on matters of correct record keeping, security, monitoring and independent oversight.

Telephone interception has been a subject of discussion for some time in Australia, although this facility has been available to law enforcement and security agents in other parts of the world for many years. In those other countries it has played a very large part in the fight against drug trafficking and urban terrorism and it has become an essential piece of crime fighting equipment. We have been somewhat more reticent to adopt it here in Australia, and this initiative—at both Federal and State levels—is perhaps 10 years behind the situation that obtains in many other countries.

In April 1985 the matter of telephone tapping was raised officially at the Australian drug summit: thus, legislation has now been 3½ years in the making, and one hopes that it has been worth the wait. The Opposition considers that the legislation is a very comprehensive attempt to address the conflict that exists between law enforcement and civil liberties. It will ensure that warrants are exercised under very strict control, with a number of checks and balances to restrict the potential for abuse.

To be philosophical for a moment, I suppose that no-one really wants to have their telephone conversations listened into. It represents an intrusion into one's life. We do not know whether our telephone has been tapped, and we may indeed be rudely awakened to this fact at some later time. It is important to realise that it is not only criminals who get caught up in the process but all the people around them as well. Should the police have a valid reason for telephone interception, they will record all the calls into and out of premises where a criminal is believed to be residing. In our daily parliamentary life we come across people of all persuasions and we know that some individuals might have a doubtful background. When a member of Parliament receives a telephone call or an invitation to go out for a drink or for lunch he or she will never be sure that the person who is so interested in having a chat is not one of the people in relation to whom telephone communication interception will be applied. In the process, such an element of association must be handled very carefully.

Most members would recognise that the prime decision makers in the criminal field, the Mr Bigs of crime, are often respected business people. We have seen the television series over the past 20 or 30 years about the Mafia and various other criminal elements in America, from which, I suppose, one can draw the conclusion that, once the first wave of basic criminality has passed, the people who have benefited from either pushing drugs, prostitution, or whatever it might be, ultimately become legitimate business people who go on to control very large and legitimate business enterprises. So, even in the business community today a large number of people have had some pretty doubtful beginnings, some of whom might still be involved in criminal activity—at least at arm's length.

The point I am making is that when one's life is subject to scrutiny, in a way like telephone tapping, it is just so important that whoever receives the information must not only secure it but use it extremely wisely. There is guilt by association: all of us here somewhere or somehow can gather stains from the people we know if indeed those people come under suspicion and are ultimately taken to court and convicted of criminal activity.

It is important to recognise that telephone tapping must be undertaken with a considerable amount of control, with some very heavy penalties to be applied to those people who abuse the system. Again, being philosophical, I suppose it is rather sad that the measure is necessary at all. It is a reflection of the breakdown of law over the past 20 years, particularly during the 1970s and 1980s. We have gone a long way in this time, but most of it has been downhill. If we compared the statistics for, say, 1970 with those of 1988, we would receive a rude shock as to the extent to which our lives are being dominated by crime—whether it be a gunman holding up a bank or people's homes being invaded through breaking and entering to secure goods and money for drugs. The impact of these activities has been quite extraordinary. The security industry itself must be the fastest growing industry in the world today.

We must all question what has happened over the past 15 years. I have been somewhat critical of the Government for being rather slow in bringing forward this legislation, but having looked at the Federal legislation, and now at the State legislation, it is quite apparent that a fair amount of work had to be done to ensure that the privacy element and the civil liberty concerns were adequately met, as far as humanly possible under the constraints contained in this legislation.

I will now deal briefly with the major points in the legislation. It actually establishes the offences for which interception warrants may be obtained, the grounds on which the warrants will be issued by a Federal Court judge, and the use that may be made of information obtained as a result of an interception. There are two classes of offences. Class 1 offences are murder and kidnapping, while class 2 covers all those statutory offences that have a maximum seven year term of imprisonment, or more, or a life sentence component.

A number of other criteria are laid down, but if one looks at them and the Criminal Law Consolidation Act one sees an analogy between the descriptions and the seven year minimum sentence that is applied. Before issuing a warrant to exercise telephone tapping for a class 1 offence, a judge must take into account the extent to which other methods of investigation have been used, how much information was likely to be obtained by such methods, and how such methods were likely to prejudice the investigation. In relation to class 2 offences (those lower than murder and kidnapping), the criteria is more stringent. The previous matters that I have cited must be satisfied, but a judge must also take account of the privacy of persons likely to be interfered with by the interception and the gravity of the conduct constituting the offence being investigated. This clearly indicates that the offence must be serious and that considerations of privacy must form part of a judge's determination.

Information obtained as a result of interception can be used only in court proceedings or passed on to another eligible agency if it relates to an offence under the law of the State of that eligible agency, relates to proceedings for confiscation or forfeiture of property, may give rise to policy disciplinary proceedings, or involves misbehaviour or improper conduct of an officer of the State. So, we cannot gather up information simply for the sake of collecting information and then use it for very minor offences and whack someone around the ears with it when the time is appropriate: it has to take us somewhere. It is important to remember that the original warrant can be issued only if the suspected criminal activity is of a serious nature. Intercepted material is inadmissible in court proceedings if it is not obtained in accordance with the provisions of the Commonwealth Act.

The following matters have been addressed in this Bill: the retention of warrants and instruments of revocation by the Commissioner of Police; the keeping and retention of proper records relating to interception and the use of intercepted information in the communication; and the regular inspection of records by an independent authority (the Police Complaints Authority) and for the reporting by that authority to the Attorney-General of the results of each interception at least once every six months. Also included are: the furnishing of reports by the Attorney-General to the Commonwealth Minister of all reports by the independent authority; the furnishing, by the Commissioner of Police to the Attorney-General, of copies of all warrants and instruments of revocation; the reporting of the Attorney-General within three months after expiration of revocation of a warrant on the use made of intercepted information and the communication of that information; the furnishing by the Attorney-General to the Commonwealth of copies of all warrants or instruments of revocation; and the destruction of irrelevant records and copies of intercepted communication. Penalties for refusing to cooperate, providing false information or divulging confidential information are also included.

Members will appreciate that the Bill is quite comprehensive. By its very nature it makes it impractical for telephone tapping to be widely used. The time required to be spent on each warrant application and subsequent reporting is considerable. No doubt one vexed area was the question of which authority should be responsible for independent scrutiny. It has been suggested that this scrutiny should lie with the judiciary, but I am not convinced that our experience with the cleansing of police records by Justice White was in the best interests of South Australia, as subsequent events have unfolded.

So, we cannot guarantee that any one system can provide the independent scrutiny that is so important to ensure that the telephone tapping measures we have before us today are undertaken in the most appropriate fashion. Those who have read the Bill must question whether the record keeping that is required will be so strenuous as to make telephone tapping a little unworkable. Perhaps we will find that the conditions imposed are too strenuous and that they defeat the purpose of the legislation, but that will come to light only through experience.

The penalties for non-cooperation and the disclosure of confidential information seem to be far too light. However, the Attorney-General has promised to review these in the light of the contribution made by my colleague (Hon. Trevor Griffin), and I expect that the Minister has a response on that. With these reservations, and I suppose with a great deal of regret that this measure is now necessary, on looking back over the past 15 to 20 years, the Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this Bill. Indeed, the member for Mitcham has trangressed the Bill in some detail, so I will not go over it again, except to say that it has been the subject of considerable discussion in the community. I guess it is always regrettable that one

must take the law into such an area as this and one must ensure, when that course of action is agreed upon, that there are sufficient protections for innocent persons in the administration of justice.

On the other hand, there must be a relentless pursuit of those engaged in serious offences such as those covered by this piece of legislation and every responsible approach to the arrest and bringing before the courts of persons engaged in criminal activity across this country must be addressed. This Bill gives State officers the required authority to intercept telephone conversations. The Government believes that telecommunication interception is cost-effective and an effective means of combating serious crime in our community. It also recognises that telecommunication interception is a particularly intrusive form of investigation and should be used only in special circumstances where other less intrusive methods would be ineffective.

By restricting to serious crimes the authority to make use of interceptions, by requiring judicial authorisation for warrants, by providing for ministerial review for the issue of warrants and by providing for the independent inspection of police records, the Government is satisfied that the proper balance has been obtained between the protection of the community against criminal activity and criminal injury on the one hand and privacy of the individual on the other hand.

I point out that the Government has already done much in this State to further its resolve to protect the community against criminal activity and injury, including the National Crime Authority legislation, the revision of drug offence penalties and the confiscation of profits of crime legislation. The legislation with which we are now dealing will further enhance the protection of the community against this form of criminal activity. I add that South Australia has been the leader not only in this country but internationally in the provision of protection, support and compensation for victims of crime. It is important to note that the fruits of criminal activity, when so adjudicated by the courts, can be returned into funds that can provide for those who are the victims of crime in our community. I seek the support of members for this important measure.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: When does the Government intend to proclaim this legislation? Has it received an indication from the Commonwealth Government as to when we will be an acceptable agency to operate telephone interception?

The Hon. G.J. CRAFTER: I am advised that this legislation will be put into effect as soon as is practicable.

Mr S.J. BAKER: That is not a satisfactory answer. Are we talking about one, two, three or six months? Can the Minister give the Committee some idea of the program?

The Hon. G.J. CRAFTER: In terms of days, weeks and months, I am advised that in the first part of next year the machinery should be in place to carry out this form of investigation.

Clause passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: Questions have been raised about whether the Police Complaints Authority would have the resources to undertake the amount of checking required to ensure that the Police Department is carrying out its duties correctly. Can the Minister provide information about the resources currently available to the authority, how well it is coping with its normal duties and the impact of this additional workload?

The Hon. G.J. CRAFTER: Obviously, there will be an impact on the Police Complaints Authority. The precise impact is being assessed by the appropriate authorities, and when that is assessed appropriate staffing arrangements will be made.

Mr S.J. BAKER: A 'class 2 offence' is defined as follows:

> *(a)* an offence punishable by imprisonment for life or for a period, or maximum period, of at least seven years, where the particular conduct constituting the offence involved, involves, or would involve, as the case requires . . .

There is then a list of six items, and the Minister will be aware that some of those items do not necessarily fall within the seven-year category. Will the seven-year period apply and thereafter the other matters will be brought to bear?

The Hon. G.J. CRAFTER: That is right. The crucial words, 'of at least seven years', will bring this legislation into effect.

Mr S.J. BAKER: A 'prescribed offence' under the definition in paragraph *(d)* is:

> any other offence punishable by imprisonment for life or for a period, or maximum period, of at least three years.

Drawing a long bow, the police could ask for a warrant on the basis that a serious fraud was being committed, for example, in respect of our friend the tobacconist who imports Queensland cigarettes, and there would be a section of the Criminal Law Consolidation Act into which, I am sure, he would fit. We then have the 'prescribed offence' which relates to certain matters. Is there some conflict between the outcomes and intentions in this case between class 2 offences and prescribed offences?

The Hon. G.J. CRAFTER: First, the incentive to buy cigarettes from Queensland is much diminished since the Queensland Government in its recent budget decided to increase the price of cigarettes by enormous amounts. I understand that the point made by the honourable member is provided for in this provision. Where there is an investigation for which a warrant has been obtained to carry out interception and another offence is discovered, that becomes admissible under the definition of 'prescribed offence'.

Mr M.J. EVANS: I support the Bill strongly and have done so since the matter was first mooted, but one area of concern, which I suppose has always been a potentially difficult area for legislators to address and which really has not been possible until we saw the Bill, is the question of what happens to information that investigators come across in the course of investigating much more serious matters. The member for Mitcham has touched on that.

There are the standards and safeguards that the Minister has referred to, for example, the offence must be of a sufficient quality to enable evidence to be given where it is discovered almost accidentally while pursuing a more serious offence. It seems to me that while the average citizen is well protected in that respect, the same protection is not given to members of the Public Service or judicial officers of the State. If one looks at the list of relevant proceedings, one finds a whole series which are all serious. As we have just heard from the Minister, for example, at least three years imprisonment is the required qualification, except when we look at paragraphs *(e)* and *(f)* under 'relevant proceeding'.

Paragraph *(e)* is understandable because it relates to disciplinary proceedings against a member of the Police Force, which might necessarily involve breaches of this Act, for example, and one might well have to undertake that kind of circuitous route to secure evidence. I am quite satisfied with that. However, paragraph *(f)* provides:

> any other proceeding (not being by way of prosecution for an offence), to the extent that it relates to alleged misbehaviour or alleged improper conduct of an officer of the State.

An officer of the State means an employee of the Crown (a fairly broad term) 'or the holder of public or judicial office'. That covers almost everyone who is associated with the State in any way whatsoever, and it may even include members of Parliament. The expression 'alleged misbehaviour or alleged improper conduct' covers an enormous area, whereas there are minimum qualifications as to what constitutes a serious offence under 'any other proceedings'. That is very appropriate.

Being a little concerned, I would appreciate help from the Minister as to how far we are to take the words 'alleged misbehavour' or 'alleged improper conduct' when they apply to an officer of the State and why the Bill does not provide for a filtering process whereby that same standard must be applied to an officer of the State who is alleged to have committed the offence. Dismissal, not prosecution, is prescribed, but dismissal is serious and substantial in the case of, say, the Ombudsman, a Supreme Court judge or a departmental head.

The Hon. G.J. CRAFTER: The legislation clearly provides for a strict standard of conduct from officers of the Crown and persons in the administration of justice, especially judicial officers. Where there is a transgression by such an officer and that transgression is prescribed in the legislation, strict sanctions should apply. After all, if the public cannot rely on the probity of those public officials, that strikes at the very root of confidence not only in the institution of Parliament, the law-making authority in the community, but in the administration of justice involving police officers, the courts and public servants. Therefore, these strict penalties apply and indeed these people are singled out because of the responsibility that is placed on them by this measure.

Mr M.J. EVANS: Does the Minister mean to imply that this provision relates only to misbehaviour or improper conduct in relation to this legislation and in relation to telecommunication proceedings? As I read the Bill, there is no limit on the breadth of the provision. So if, during the course of another investigation, it came to light that a State or judicial officer could be suspected of committing a relatively minor offence (for instance, a minor breach of regulations under the Public Service Act concerning flexitime or the release of a politically sensitive document, which could be regarded as a political rather than a serious criminal breach and which could even be in the public interest), what would be the position?

Phone tapping could well become a useful instrument of politics if these people worked for the State Government. Is there a dual standard here? If we are concerned about offences against this legislation, then I agree, and that is why I accepted the provision concerning the police disciplinary proceedings. However, if we are talking merely about less serious matters that may be minor political breaches relating to the conduct of Government affairs, it seems to me that we are casting a wide net and one that would give pause to State public servants because the currency should not be devalued by having phone tapping used not principally to discover offences of this kind but in an ancillary way. That gives a whole new dimension to the Bill if that is the intention and scope of the provisions.

The Hon. G.J. CRAFTER: A broad interpretation is to be given to the provision and to limit it in specific circumstances would be neither desirable nor practicable. However, where information comes into the hands of the authorities, it must be acted on and dealt with appropriately. That is as far as one can take that interpretation. It does not mean a vendetta mentality or capricious action by the authorities: it means that there should be an appropriate response to each set of circumstances by the authorities when such information is brought to their attention.

Mr S.J. BAKER: Mr Chairman—

The CHAIRMAN: I am afraid that the honourable member for Mitcham has exceeded his quota of questions on this clause.

Clause passed.

Clause 4—'Commissioner to keep certain records.'

Mr S.J. BAKER: I concur with the views expressed by the member for Elizabeth. How many telephone interceptions are likely to be made in a year? In 1985 the Commissioner of Police stated that telephone tapping is a necessary tool in the fight against crime; they must have had a clear idea of instances where telephone tapping would be of invaluable assistance.

The Hon. G.J. CRAFTER: To my knowledge no estimate has been made of the nature or extent of the interceptions that would be required. That would necessitate our predicting the nature and extent of crime of this type. Indeed, no relevant figures are available in other States because, although two other State Parliaments have passed similar legislation, in neither case has it been proclaimed. So, we cannot give an indication of the nature and extent of the impact of this legislation.

Mr S.J. BAKER: I find it somewhat strange that the Minister has no idea of the number of interceptions that are expected in a year. Before embarking on any legislation, we should have an idea of what we are trying to achieve. Does the Government or the Police Commissioner intend to restrict the personnel eligible to apply to a judge for a warrant permitting telephone interception?

The Hon. G.J. CRAFTER: My understanding was that not just any person could apply, although obviously there will be careful scrutiny and strict regulations as to who can apply and the circumstances in which warrants are granted.

Mr S.J. BAKER: Then there is no constraint on a police officer telling a good story to a Federal court judge. However, that may well be resolved given that other provisions have to be complied with at the same time. Which jurisdictions will be considered as far as Federal Court judges are concerned? Are we to extend this to the Family Court? To which jurisdictions can the police apply to get the warrants of interception? If only two or three people are available to carry out the duties, the system may flounder, because I can imagine that most or many warrants would be required urgently, particularly after an offence has been committed. We would not wish to see police officers running around trying to find an appropriate judge simply because there are not enough judges available. I am not clear (and the Federal and State legislation is not clear on this) as to which judges may exercise that discretion.

The Hon. G.J. CRAFTER: Certainly, Supreme Court judges will have that discretion as well as other judges who have been nominated by the Minister, in this case the Attorney-General, as judges available for these persons. I should point out to the honourable member that the availability of a judge is an issue not only for the purposes of this legislation; there are many other pieces of legislation under which, and occasions when, the services of a judge are required, indeed around the clock. Therefore, as a matter of course administrative arrangements are made whereby a judge is always available in the community for purposes such as these. I believe that the fears expressed by the honourable member are not real.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Restricted records.'

Mr M.J. EVANS: Will the Minister provide information in relation to the destruction of records where a part only of the record is relevant? For example, if under a warrant a phone line is tapped for legitimate purposes and a dozen conversations are recorded, it might transpire that two or three of those conversations are relevant to the offence but the remainder are not, being perfectly innocent conversations with the person's family, wife or someone else. Do those conversations constitute part of the whole record since some of them are relevant, or would the relevant conversations constitute in each case a separate record and therefore be destroyed since they are not relevant to the proceedings?

The Hon. G.J. CRAFTER: The information that has been obtained will obviously contain relevant and irrelevant material and that information has all been obtained legally, that is, within the divisions of this legislation. Therefore, there will have to be an administrative decision as to what material should be maintained on the records and what is no longer required. That will depend upon judgments in each of the circumstances. But I would point out that the legislation provides for a review of these matters. There is an external review of administrative decisions taken in these circumstances.

Mr M.J. EVANS: I take it that the irrelevant conversations would be destroyed as a requirement of this provision. The Minister said there would be an administrative choice, but the legislation requires the Commissioner to 'forthwith destroy any such restricted record' which does not meet the requirement. Does the record comprise all conversations, both irrelevant and relevant, or is each conversation judged on its merits? I believe that the Minister said they would be destroyed, so I will accept that unless he contradicts it.

A more important matter is the question I raised previously in relation to the dismissal of an officer of the State. Under this clause the records are retained if they relate to the tendering of advice to the Governor to terminate, on the grounds of misbehaviour or improper conduct, the appointment of an officer of the State or if they relate to deliberations of the Executive Council in relation to that kind of termination. Both of those provisions would involve highly secret and confidential proceedings. Obviously the media, the press and no-one else is permitted to attend deliberations of Executive Council, and no-one else is present at the presentation of advice to the Governor.

Given that we are accepting that a broad range of matters can be the subject of telephone tapping where a State public servant is involved, what safeguards will be put into place to ensure that the person accused on the basis solely of evidence obtained by interception ancillary to some other investigation will have adequate rights to representation and will be allowed to examine the material? The telephone tap is highly critical in this position and a person may well dispute that the transcript is accurate, that he was the person involved, or anything of that nature.

Given the secrecy involved in Executive Council, and given the secrecy surrounding the proceedings and the transcript (and I point out that the Commissioner of Police, for example, is required to keep those proceedings secret and to keep the transcript in a safe and secure place where no-one else may view it), what safeguards will be put in place to ensure that any person accused in this circumstance is able to defend themselves adequately and has access to material so they can dispute its validity, and to ensure also that all of the other requirements which would normally apply if judicial proceedings were under way are followed?

The Hon. G.J. CRAFTER: First, the honourable member should note carefully that this discretion vested in the Commissioner is to be considered in each of the circumstances. While a telephone call to grandma might be innocuous on the surface, it might be highly relevant with respect to the provisions under paragraph *(b)* of clause 7. Obviously, the Commissioner must carry out a test with respect to the relevance or otherwise of that information and, if it does not meet the criteria of that test, it must be destroyed forthwith.

With respect to the rights of those persons who are caught by the provisions, particularly subparagraphs (vii) and (viii) of clause 7 *(b)*, I can only say that the full force of the law is available to them by way of prerogative writs, by way of the provisions of natural justice to ensure that such decisions are taken in accordance with the established law that provides rights for individuals in those circumstances.

Clause passed.

Clause 8—'Inspection of records by Police Complaints Authority.'

Mr M.J. EVANS: I move:

Page 7, lines 30 to 34—Leave out subclause (2) and substitute the following subclauses:

(2) If, as a result of an inspection under subsection (1), the Authority is of the opinion that a member of the police force has contravened the Commonwealth Act or that the Commissioner has contravened section 6 *(a)* or *(b)*, the Authority—

(a) must include a report on the contravention in the report under subsection (1);

and

(b) may submit a report on the contravention to the appropriate officers of both Houses of Parliament to be laid before their respective Houses.

(3) Before making a report on a contravention under subsection (2), the Authority must give the Commissioner an opportunity to make comments in writing on the report and must include in or attach to the report any comments made.

The basic purpose of this amendment is to ensure that, where the Police Complaints Authority becomes aware of a contravention of the Commonwealth Act or this Act by the Commissioner, it must report on the contravention to the Attorney-General. Of course, if in its discretion the matter is serious enough, it may submit a report on the contravention to the appropriate Houses of Parliament. Attached to that, under subclause (3) of this amendment, would be the comments of the Commissioner in relation to that alleged contravention.

Sufficient safeguards must be put in place in this Act to ensure that we are fully aware of any contravention. This is a technology based process, a secret process conducted behind closed doors by the officers concerned. It would be very hard for the appropriate authorities to become aware in the public arena of some of these problems if in fact constraints were not imposed on the people concerned. One of the best safeguards would be to ensure that the authority reports to the Attorney and he may judge whatever action he himself wishes to take or, where it is a serious matter (as the Ombudsman may do in relation to the Public Service), make a report to both Houses of Parliament. With that kind of additional safeguard, the Parliament would be ensuring that its own requirement to hold the Police Force accountable would be appropriately met.

The Hon. G.J. CRAFTER: The Government has no objection to this amendment.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—'Offences.'

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

Page 8, line 43—Leave out '8' (twice occurring) and insert, in each case, '6'.

Page 9, line 5—Leave out '8' (twice occurring) and insert, in each case, '6'.

These amendments were alluded to in the other place and the Attorney-General undertook to give these matters fur-

ther consideration, as he has done. They now appear in the form of these two amendments. The offences of failing to attend before the Police Complaints Authority and failing to answer questions, hindering the authority or giving false information were provided for by way of fines pursuant to a scale included in division 8, that is, $1 000. It has been decided that these fines should be provided for by way of the table in division 6, that is, the sum of $4 000, and that imprisonment should be altered from a division 8 penalty of three months to a divison 6 penalty of one year.

Mr S.J. BAKER: Since it was the Liberal Opposition that raised these matters in another place, we are delighted to accept the wisdom of the Attorney-General in this regard because the penalties are more in keeping with the offences involved. We support the changed penalties.

Amendments carried; clause as amended passed.

Clause 11—'Secrecy.'

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

Page 9, line 9—Leave out 'Division 8 fine' and insert 'Division 5 fine or division 5 imprisonment'.

Similarly, the offence of divulging information by the authority or its officers carries a penalty currently provided for in division 8, involving a fine of $1 000. It has been decided that a more appropriate penalty would be to provide a division 5 fine of $8 000 or a division 5 sentence involving maximum imprisonment of two years.

Mr S.J. BAKER: For reasons already expressed, we support the amendment.

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14—'Attorney-General to give copies of reports, etc., to Minister.'

Mr M.J. EVANS: I move:

Page 9, lines 17 to 21—Leave out clause 14 and substitute the following clause:

Attorney-General to report to Parliament and Commonwealth Minister

14. (1) The Attorney-General must—

(a) as soon as practicable after receiving information under section 6 *(c)*, cause copies of a report containing that information to be laid before both Houses of Parliament;

(b) as soon as practicable after receiving any report under this Act or a copy of a warrant or of an instrument revoking a warrant, give a copy of the report, warrant or instrument of revocation to the Minister responsible for the administration of the Commonwealth Act.

(2) A report under subsection (1) *(a)* must not be made in a manner that is likely to enable the identification of a person.

My amendment basically requires that the Attorney-General must, as soon as practicable after receiving information under section 6 *(c)*, cause copies of a report containing that information to be laid before both Houses of Parliament. The amendment goes on to restate the present provision in the Bill. It seems that, if this Parliament is to retain the appropriate control and sovereignty over the actions of its own Executive Government and Police Force, it is essential that we also have tabled in this place details of what actions are being undertaken by the Police Force of South Australia in relation to telephone tapping. While the same information will be tabled in the Commonwealth Parliament under the Telecommunications Act of the Commonwealth, that is a matter for the Commonwealth and it can amend or change those provisions at any time. The Commonwealth Minister is not within the control of this Parliament.

Given that the police will be acting in relation to South Australia, it is appropriate that we have a separate and independent report tabled in this Parliament containing the same information. No additional work is required, but at least it will give this Parliament the opportunity to examine those important matters and, if necessary, discuss them in more detail and hold people accountable for their actions.

The Hon. G.J. CRAFTER: The Government cannot agree to this amendment, although it does have some merit. The Attorney-General is required to report all information provided for under clause 14 (1) *(a)* to the Commonwealth Attorney-General, who prepares a report to be laid on the table of the Commonwealth Parliament. Requiring the Attorney-General to report to the Parliament as soon as practicable is out of kilter with the Commonwealth reporting requirements. This legislation is mirror legislation and there has been a precedent, where there is dual reporting, for that to be simultaneous. The honourable member's amendment will take us out of that sequence. If there were to be a reporting requirement, it should be simultaneous. However, in my view, this is a duplication of effort. There is a reporting to the Commonwealth legislature. This is substantive Commonwealth legislation: we are acting, in a sense, as agents for the Commonwealth, and it is appropriate that the Commonwealth reports in the context of its overall investigations through the Commonwealth Parliament. For those reasons this amendment is seen as undesirable.

Mr M.J. EVANS: I will not take great exception with the Minister, because I concede that certainly it would be appropriate at least for simultaneous reporting. However, I remind the Minister that, while it is principally Commonwealth legislation, it relates only to the mechanism by which the communications are intercepted. The Police Force that is undertaking the substantive work is the South Australian Police Force. The people who are being investigated are being investigated for breaches of South Australian law, and the whole purpose of this procedure is to ensure that the Attorney-General, who is an officer of this State, is accountable to this Parliament for his actions in that context. I think that the only way of ensuring that kind of thing is for these reports to be made to the State Parliament. If they are also required by the Commonwealth Parliament, that is fine, but I believe that the principal requirement in this area ought not to be the Commonwealth, which is merely the agent of the interception, but the State in control of the legislation that is being breached.

The importance in this area is not in relation to the means of detecting the crime but the crime itself. That is the principal area that we ought to be keeping control of. Perhaps the Minister will ensure that the Attorney-General gives some consideration at a future time to ways in which the State Parliament can be kept informed of these activities—whether that be by the voluntary tabling by the Government, subsequent to tabling in the Commonwealth Parliament, of an appropriate report or some other amendment to the legislation. It would certainly meet my request if the Government were to informally make such information available to the State Parliament, simply by means of a ministerial statement and tabling once a year, for example, so that this Parliament can ensure that it remains in touch with and in control of the actions of its own Police Force and the discretions of its law enforcement officers in this very sensitive area of crime detection.

The Hon. G.J. CRAFTER: I certainly undertake to relay those comments and concerns of the member for Elizabeth to my colleague for his due consideration.

Amendment negatived; clause passed.

Clause 15 passed.

The CHAIRMAN: I refer to the amendment to clause 11. I assume that it means that in each case the numeral 8 is to be replaced with the numeral 5. That amendment is

worded slightly differently from the other amendments, and we can adjust those.

The Hon. G.J. CRAFTER: That is the purport of the amendment.

Title passed.

Bill read a third time and passed.

CULTURAL TRUSTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 October. Page 862.)

The Hon. J.L. CASHMORE (Coles): The second reading explanation of the Bill states:

> The principal object of this Bill is to enable the regional cultural trusts to implement aspects of the new organisational structure for regional cultural management and artistic programming adopted by the Government after extensive study and consultation.

That sounds pretty high flown—I think it means that the purpose of the Bill is to enable better use of resources to bring the arts to country people in an effective and equitable fashion. Of course, the Opposition supports that goal. Obviously, the Bill has its origins in the Regional Cultural Centres Act, which was assented to in 1976 and which provided legislative recognition for the establishment, incorporation and operation of regional cultural centres. Those centres have since been established in the South-East, at Mount Gambier, in the Riverland, at Berri, in the northern regions, at Port Pirie, and for Eyre Peninsula, at Whyalla. The establishment of those centres enjoyed bipartisan support. The Whyalla centre was built under the Labor Government Administration, while I think I am correct in saying that the centres at Mount Gambier, Berri and Port Pirie were built between 1979 and 1982 under the administration of the Hon. Murray Hill as Minister for the Arts.

The cultural needs of regional areas have also been serviced by the Arts Council of South Australia, which was formed in the 1940s. The Arts Council received annual funding of about $600 000 from the State Government to support a staff of 12, located in its Adelaide headquarters and in the regions. The council had 37 branches, in five regional zones, and it thus provided a valuable network to promote the arts in country South Australia. However, because of concern about the duplication of effort, the Government commissioned Mr Murray Edmonds to review the activities and directions of the voluntary Arts Council and the Government initiated trusts. The Edmonds report was published in 1985, and I believe it is worth quoting briefly from that report, in terms of the tributes that Mr Edmonds paid to the work of the voluntary Arts Council.

He recognised that the Arts Council—its originally established goal being to ensure that the arts were brought to country areas through touring companies and exhibitions—had in the late 1970s and early 1980s begun to question whether touring alone really did anything to develop and extend the arts as a feature of rural community life, as distinct from simply sustaining the already established tastes and interests of a minority within each community. At page 6 of what was the Edmonds report in its then confidential form, in January 1985, it is stated:

> Certainly in the past few years the Arts Council has moved strongly and swiftly—many argue too swiftly—towards creating opportunities for the development and growth of the arts as an integral, influencing factor in local community life.
>
> It has worked with enormous energy and commitment to transform its previous touring organisation into one that can service local initiative and local development.

Mr Edmonds then goes on to say that, in 1985, there was—

> a good deal of evidence to suggest that, while the Arts Council was right in its reading of the changing picture of need and opportunity, and was right to draw attention to it by changing direction accordingly, it was not organisationally well placed, nor especially well equipped, to pursue these new directions.

That is undoubtedly why the Government chose to reorganise the manner of the delivery of regional arts activity through a voluntary branch network and ensure that it will now come under the umbrella of the Regional Cultural Council, the four regional cultural trusts (which I have already mentioned), and the newly established Central Regional Cultural Authority which embraces the Fleurieu Peninsula, Kangaroo Island, and the outer metropolitan area.

I believe that the second reading explanation could have contained greater clarification and better background. Some of that background is contained in an answer by the Premier to a question from the member for Light on page 41 of *Hansard* of Estimates Committee A on 13 September 1988. That explanation is very helpful to those who are studying the Bill. In any event, the Regional Cultural Council will act as a central body for policy development, funding, monitoring activities and progress in the four country regions, coordinating Statewide tours of cultural activities and servicing the central region.

The Bill provides for persons, art groups and community organisations to become members of the Cultural Trust and to seek election as trustees. It is interesting that in the Riverland over 800 members have already joined, and that constitutes the best response so far to the Government's initiative. Eight trustees are to be appointed to each region. Trustees must be residents of the relevant proclaimed trust region. One must be nominated by the local government body where the trust is based, and seven are to be nominated by the Minister. Four of the trustees chosen by the Minister are to be chosen from persons elected (in accordance with the regulations) by the subscribers, and one must be a representative of business where the trust is based.

Obviously, the Opposition supports the Bill and the concept of a more cost-effective use of the resources that are available for promoting appreciation of and participation in the arts in country areas of South Australia. However, during the Committee stage we will question whether the composition of the trust may lead to the control of the various regions resting in the hands of persons resident in the town or city where the trust is based. If this were to occur it could be inimical to the role of the trust, which is to 'encourage the development and appreciation of the arts within the community served by the trust'.

We have barely had a week to consider this Bill, and three of those days have been holiday or weekend days. The Opposition would like the opportunity to consult further. If such consultation reveals that protection is required to ensure that there is no regional city dominance of the Cultural Trust then we would be moving amendments in another place to modify such control. We are also critical of the fact that neither the newly established Regional Cultural Council nor the regional advisory committees (which both play key roles in the new structure) are mentioned in the amending Bill. We assume from this that the composition and powers of these two bodies are to be provided for by regulation, which appears on the face of it to be an unsatisfactory situation.

The Opposition supports the general move to make better use of resources, and in doing so pays a tribute to the work of the Arts Council in pursuing what, in decades past, must have seemed a thankless task with relatively little support. I am pleased that the Arts Council has determined, I gather unanimously, to continue as a voluntary and non-funded

organisation. We are also pleased that the paid staff of the Arts Council has either been accommodated in the new structure or has found alternative employment. The Opposition supports the Bill but has some questions about the way in which it will be administered. We hope that those questions can be satisfactorily answered by the Premier during the Committee stage.

Mr S.G. EVANS (Davenport): I am not enthusiastic about the Bill for several reasons. First, I believe that it does not tell members what is really intended and how the goals will be achieved, particularly in relation to setting up the Central Regional Cultural Authority and the Regional Cultural Trust. I had great faith in the Arts Council and have admired the work that many people have put into it, particularly in the early days when it received very little funding from the Government. Quite often the Arts Council only saw Government people at big functions when they wanted to get their names in the paper for being present or for sitting in the front row, to say what a great show it was, but then they went away and forgot about the hard work that many people put into its activities.

The Bill provides for persons to be nominated as trustees and for organisations to become members of a particular regional trust. Can individuals who belong to an organisation be nominated to become members of the boards of those trusts? For example, a reasonably successful amateur players group might wish to become a member of one of the regional cultural trusts, whether it be the central one or one of the other four. Do those persons have to become members of that regional trust before they can be nominated, or can a member of a certain amateur group be nominated to become a board member of a regional trust?

The other area that concerns me is insurance. Under the old provisions, the Arts Council was insured against public risk through its central body so that any branch was automatically insured against public risk wherever it existed in the State whenever it was carrying out a function under the umbrella of the council. The council as we now know it will be a non-funded body which will have to generate its own funds, and it will also be considered to be part of the overall cultural trust organisation, perhaps falling under the central regional authority.

Will the policy carried by the the regional authority cover Arts Council activities in respect of public risk? Will regional cultural trusts and affiliated organisations and their activities be covered for public risk? In my district about eight years ago a stage collapsed and several people were injured. That did not result in large claims but, if it happened today, I can visualise the sorts of claims that would be forthcoming as a result of changed community attitudes.

I see from the Bill and the Premier's explanation that each trust will be a legal entity and an incorporated body. Therefore anyone with a claim will sue that entity because it will be one person in law. In the event that a regional cultural trust is sued, how many assets will be available to it, if each is seen as a separate entity? There could be five separate entities in South Australia and it would appear that people would be lucky to get much at all if they sue unless the Government had some arrangement whereby public risk was guaranteed for that incorporated body.

Given that there will be a trust at Port Pirie, the Riverland, Whyalla, the South-East and for the central region, I sense that it will be easy for trust members to come from the main town—whether it be Mount Gambier, Port Pirie or Whyalla—and the other areas will be lucky to receive much representation. That is the scenario that can occur not deliberately but because of the pressures of travel. I know that some travel for delegates to attend meetings was paid through the Arts Council and that may continue.

The Arts Council received about $600 000 a year in the latter stages. It would have been good if the Premier had told us in the second reading explanation what he believes will be paid into the new authority over one year. Although I have respect for Murray Edmonds, the author of the original report, one needs to know what effect this sort of structure is likely to have on the little local art or theatre group that has worked hard over time. Sometimes they have difficulty generating efficient clientele to attend their performances and in encouraging people to watch a one night show which the local cultural trust may have thought desirable to encourage in the area. In fact, in the past sometimes a loss was incurred through the Arts Council or some other group trying to bring a different form of usually performing art or culture to remote communities from the bigger centres, including the metropolitan area. Such groups could apply for a guarantee against loss because they would know beforehand that certain performances might not attract an audience of sufficient size to meet all the costs.

One needs to be aware that in that way different performing arts and cultural pursuits visited different regions. However, I sense that by having a central cultural trust—not the authority—we will end up neglecting the outer urban areas. I say that openly in Parliament because I believe that that will happen. In four or five years, in places like the near Hills and further out and in areas to the north and south, although they will be recognised initially and there will be much pandering to prove the point, the thrust will be so great that it will all orientate around the city square (or close to it) and other small areas will be forgotten.

I believe the same will apply in regard to appointments. This even happened with the Arts Council and the appointment of delegates. It became very difficult to break into and I remember attending a meeting where we tried to make the break and have a delegate from the Hills area. When one must resort to such scheming to try to ensure some spread of representation, it is bad for the whole structure of the cultural pursuit to be promoted. There is no doubt that, when a council or councils nominate a person for appointment from the council or councils covered by the regional trust and more than one council is involved, it would be wise if appointments were alternated so that representation is not always from the same council.

People might say that we need not put that in the Bill because it will occur anyway, but I know that it has not occurred in the past where there has been the opportunity for that to happen. The power base works. The same applies to business representation. Although the present Minister might say that he will guarantee that that will not happen, he is like a bird of passage who flies by. We all move on. We are passing a law and leaving an opportunity for people to exploit this area.

Also, reference is made to elected members from cultural trusts serving only 12 months, but appointments through the Minister can serve for three years, with any one of them from either group serving for a maximum of six years. That in itself is biased and makes one suspicious. Why are they not all elected annually or, if continuity is preferred, half elected for two years and the other half for one year, the names for each term being drawn out of a hat. It could be done separately for each group of four. That may be a fair system, whereas we are now saying that we will trust people for only 12 months but the Minister of the day may appoint members for up to three years. So, we are saying that the Minister has far better judgment than the local people. With all due respect to the present Premier who may have better

or worse judgment than the next man, the only logical explanation is that we as politicians think about power for ourselves. Indeed, we must be egotists to try to get here. However, the people who elect those four members can also make a judgment and I suggest that to have the two methods of appointment is wrong.

Some questions will have to be asked in Committee. I do not support the Bill because I fear that we are going back to the idea of regionalisation and that the little local kid who shows some talent but who lives, say, 60 miles from a regional cultural centre will not get a fair go. Previously, that youngster could be helped by local players and performers, but he will now suddenly find that the capable players can drive the distance to make the necessary communication at the regional cultural centre. The local players and musical groups will have bled off from them some of their best members, whereas their good juniors, especially those from poorer families, will be unable to travel the distance to be in the big swim at the regional cultural centre.

I realise that one of the main purposes of the regional cultural centre is to bring performers from other parts of the State, from other States and even from overseas to communities whose members may not be able to get to Adelaide to see them. However, the important purpose to us as a State is to give the opportunity for locals to be part of the scene as near as possible to their home. I know how difficult it is for a young person to get from the Adelaide Hills to the city regularly on a week night: one cannot rely on public transport or hitch-hiking. So, if the person is a member of the poorer section of society, he or she has no opportunity except as a member of a local group. In this regard, I refer to the Hills Arts Group, the only group in South Australia that runs a school for choral singing around Christmas. It has done this for years virtually from its own resources and it encourages those in that area who wish to perform.

It is a matter of big ideas and big dreams, but in every other activity of our State regionalisation has failed to achieve its objectives. Even regional motor vehicle registration offices have been closed because, it is said, they are no good. I fear that the regionalisation implicit in this Bill will not encourage local participation. Indeed, it will destroy it in small communities that are divorced from the big regional centres with the result that fewer people may well be active in the performing arts in this State, even though we may have more performers visiting country areas to show how good they are. However, I hope that the latter is not the main aim of the Bill. I do not intend to support the Bill in its present form and I hope that the Premier will give members answers about insurance, the term of appointment and other matters that have been raised.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Membership of trust.'

The Hon. J.L. CASHMORE: The Opposition would appreciate clarification of the Premier's intentions as regards proposed new section 6, which seems somewhat ambiguous. Specifically, will he indicate the intention of new section 6 (2) *(b)*, which provides that one of the trustees nominated by the Minister must be a person representative of business in the part of the State in relation to which the trust is established? It is not clear whether the words 'the part of the State in relation to which the trust is established' refer to the city in which the cultural centre is built or the region that it serves.

During the second reading debate, I canvassed the possibility that the control of a council could be concentrated heavily in the city in which the cultural centre is built. In our opinion, that would not be a good development. Proposed new section 6 provides:

(1) A trust is to consist of eight trustees appointed by the Governor and of these—

(a) one is to be nominated by the council or councils in the part of the State in relation to which the trust is established; and

(b) seven are to be nominated by the Minister.

(2) Of the trustees nominated by the Minister—

(a) four must be subscribers chosen by the Minister from persons elected (in accordance with the regulations) by the subscribers.

In other words, the Minister may choose from a panel of names, but that accounts for only four out of the seven members. Whence will the other three members come?

The Hon. J.C. BANNON: The other three can come from anywhere. It is intended that persons nominated as subscribers would live in the area of the trust and the words 'the part of the State in relation to which the trust is established' means the regional trust area. The honourable member is thinking back to the previous procedure where regional cultural centres were established and based in a specific location. We have now gone beyond that and the trust is a trust for an area. There is a physical facility, but in some cases the trust has more than one such facility. For instance, the trust that has a cultural centre in Whyalla also has outlets in Port Lincoln and Ceduna. The Riverland has a number of locations and I guess that this network will be built up and reinforced over time.

So the reference is to the area. As stated, four of those trustees must be subscribers chosen from persons elected. One of them must be a person representative of business in that part of the State, that is, someone conducting business there.

The Hon. J.L. Cashmore: Could that be a farming business?

The Hon. J.C. BANNON: Yes, although I believe that the concept is to have someone with commercial expertise. That may well be a farmer, certainly, or it may be the owner of a commercial trading business retail or whatever. That person, in turn, could be one of the four elected by subscribers. It simply imposes an obligation on the Minister, who has the right of nomination of three of the trustees, to consider the composition and make sure there is at least one person representative of business. In practice there probably will be more, as there is at present; in practice, too, there will certainly be a mix in the area. The intention is not to concentrate membership in a particular town or location and that is one reason, I would guess, why the Minister has certain powers of nomination. If, for instance, the election resulted in a concentration of nominees (and there is a fairly large panel of nominees, so for a start the Minister can choose from those who have been selected,) if there was a concentration of geographical area, obviously the Minister would look for others to balance it, which is exactly the way in which the trust membership operates at present. In other words, it is not envisaged that there be any change of policy composition, but we will provide the ability for the locals to have a say in who is nominated.

Mr S.G. EVANS: I take it that every person must be resident in the area that is covered. Why will those selected as member as representatives serve only 12 months while those appointed by the Minister can serve up to three years?

The Hon. J.C. BANNON: Proposed new section 6 (3) provides:

A person is not eligible for nomination . . . unless the person is a local resident.

The difference in terms was negotiated and desired by those involved. The normal trustee appointments were for a period

of up to three years. That has varied between one, two and three years in practice, and reappointment is also possible. It was thought desirable that those elected should have the opportunity to look at the situation afresh each 12 months. In practice, I imagine we would find some members continuing on over quite a period of time. But the primary aim is that the trustees are people who the locals want to be on the trust, and the locals have that opportunity to reconsider every 12 months. That is true in relation to most of the bodies and groups that make up the Arts Council organisation; there are annual general meetings, officers change annually, and so on. It is to comform with that that the term is included.

Clause passed.

Clause 5—'Powers of trust.'

Mr S.G. EVANS: In the second reading stage I raised the issue of public risk insurance. Under the old system, the insurance of the Arts Council covered all of its branches. Each branch was not required to take out its own cover. Under the new arrangement, if this Bill becomes law, the Arts Council will become part of the cultural trust and organisations such as local theatre groups will seek to join the cultural trust as members. Once these trusts are incorporated and therefore one body at law which can be sued, will all those groups or persons who are members or affiliated with the cultural trusts be covered by one overall public risk policy and, if not, will the Premier consider that, because it is very important given the present attitudes of society?

The Hon. J.C. BANNON: The cultural trust and cultural centres carry public risk policies so users of those facilities would be covered by those policies but obviously if a group, say an amateur dramatic society that happened to be a member of the trust, was performing in some other venue, not under the trust's aegis, it would have to have its own insurance. That is no different from the situation in which they operate now.

Mr S.G. EVANS: I point out that under the old arrangement, the central body of the Arts Council had a public risk policy and every branch of the Arts Council in the State was covered under that policy. The Arts Council is to come under the cultural trusts. If, for example, the Bull Creek Players Group is asked to perform by the Hills branch of the Arts Council and if an unfortunate accident occurs, will the public risk policy of the organisation we are attempting to set up under this Bill cover that activity of the Arts Council?

The Hon. J.C. BANNON: I am advised that an overall general risk policy will be negotiated.

The Hon. J.L. CASHMORE: Why are the advisory committees not mentioned specifically? I appreciate that paragraph *(b)* (i) of this clause provides for the formation of a body to provide advice on funding and policy matters, but the wording of clause 5 (1) 'subject to this Act, a trust may' presumably, establish an advisory committee. I take it from the way this clause is worded that the advisory committees are optional rather than obligatory. I also ask the Premier why is the regional cultural council, which is referred to in the second reading explanation, not specifically mentioned in the Bill?

The Hon. J.C. BANNON: In relation to the last point, the council has no statutory powers; it is an advisory body, an administrative way of handling the overall policy direction. Therefore it was felt that it was not required.

The Hon. J.L. Cashmore: Is there a regulation?

The Hon. J.C. BANNON: The regulations relate mainly to classes of membership and method of election. The advisory committees are being formed now. It is true, that, given the way in which the Act is worded, it is something that the trust 'may' do and it is left on that basis. The group that comprises the trust may decide on some occasions that it does not wish to form a specific body. However, in practice all those bodies are being formed and set up, and I imagine they will continue on because they have a role within the general structure. If for some reason a region decides it is no longer appropriate, the legislation provides that it does not have to set up a shell just to perform.

Mr GUNN: I refer to the financial aspects of the trust which have been operating for some years. I am rather concerned when I look at page 265 of the Auditor-General's Report and I want to make sure that the people invested with this power have a clear understanding of their financial responsibilities. I draw to the Premier's attention what the Auditor-General had to say. Under 'Significant Features' he states:

The combined operations of the trusts show:

- operating deficits totalled $4.7 million, an increase of $227 000;
- operating grants provided by the State Government amounted to $3.9 million—up $84 000;
- three of the trusts (Northern, Eyre Peninsula and Riverland) have funds deficiencies totalling $1.3 million;
- the four trusts are indebted to the South Australian Government Financing Authority for a total of $16 million.

They are significant amounts of money and, in view of the stringencies that other sectors of the economy have had to face (and to which I will refer in relation to another Bill shortly), if the Government has funds of this nature to put into these cultural trusts, why does it not have funds for other purposes?

The Hon. J.C. BANNON: There is tight control on the current funding of the trusts and the trusts are increasingly being required, and are taking initiatives, to generate their own finance. For example, when the local cinema closed the South-East Cultural Trust instituted a very successful series of film shows which has generated a good income base. The $16 million to which the honourable member refers is the capital cost of the facilities, that is, the centres themselves, the various venues. They are operating theatres and community centres, and they have catering facilities and all these other things. They were developed as part of a program of construction that commenced around 1976 or 1977 and concluded only a couple of years ago after a false start with the Whyalla theatre. As I recall, that theatre was twice affected by fire, although insurance covered it. Eventually that venue was opened and it was the last completed. That debt is held by SAFA, as it holds all capital debts of Government. It is charged out against the cultural centres. That $16 million is well budgeted and accommodated in the long-term plan. Assets exist to set against that amount of capital money.

Clause passed.

Clause 6—'Regulations.'

Mr S.G. EVANS: Proposed new section 17 (2) *(e)* provides that the regulations may prescribe fees to be paid by subscribers. Does the Government intend that fees may vary according to a person's financial status or whether a family membership or individual membership is required? More particularly, when a group wishes to join, whether it be the local craft group or local players group, will its membership be significantly higher or will it be nominal to encourage participation in the exercise?

The Hon. J.C. BANNON: First, the fees will be prescribed by regulation, so obviously the House will have an opportunity to scrutinise the level of fees. The intention is, effectively, that they be nominal fees. The scheme as suggested involves a limited membership, which would provide information only with no voting rights and so on, and that would be available for $5 per annum, presumably entitling

a member to newsletters and other information. Individual membership, which gives a vote and a membership card, would be $10 per annum. Family membership, providing two votes and two cards, would be $15 per annum and group membership, with two votes and two cards, would be $25 per annum. A corporation can join for $25, and the more that join the better. No doubt corporations would be requested to make donations or provide other general support. The idea at this stage is to keep the fees nominal in order to attract maximum membership, then to work the membership to raise more revenue by way of sponsorship, support, and so on.

Clause passed.

Title passed.

Bill read a third time and passed.

STATUTES REPEAL (AGRICULTURE) BILL

Adjourned debate on second reading.

(Continued from 24 August. Page 501.)

Mr GUNN (Eyre): This is a particularly small Bill relating to the Chaff and Hay Act 1922 of which, I suppose, most members of the House and the community would have little knowledge. It also relates to the Tobacco Industry Protection Act 1934 and the Veterinary Districts Act 1940. The measures are of a rural nature. It is obvious that Governments in the past had a high regard for the rural sector and were therefore concerned to ensure reasonable standards and facilities in those areas. The Chaff and Hay Act relates to the days when in agriculture the main source of power was Clydesdale and draught horses. It was essential that noxious weeds were not spread around the country and that there was a reasonable standard to ensure that the horses were well fed. With the Tobacco Industry Protection Act, no-one would argue that we have missed out on much and that we do not require a tobacco industry. The Veterinary Districts Act, I am advised by my colleague the member for Light, was set up to help establish veterinary practices in country areas. There was only one occasion (in the Wudinna district) when it was put into effect. The Opposition supports the repeal of this legislation and agrees that there is no further purpose for it.

We have just debated the cultural trusts, which have run up debts of $3.9 million. In dealing with the Statutes Repeal (Agriculture) Bill 1988 I am afforded a brief opportunity to refer to the difficulties that many constituents in rural areas of South Australia are facing and what appears to be the peculiar financial arrangements of the Government. The Premier told us that there was strong financial control over the cultural trusts, that they could run at a loss of $3.9 million—no problem! But, the Government has steadfastly refused to help my constituents, particularly those on Upper Eyre Peninsula. I refer the Minister to the problems outlined in a letter to him (a copy of which I received) of 6 October, as follows:

> We are following this up with a special and urgent request to have water carted into the area to try and retain as many breeding stock as possible, which is essential for both the short and long-term future of farmers in this area. Many farmers don't have adequate equipment to cart long distances and to get contractors to cart water individually, the cost is prohibitive and cannot be budgeted for 12 months in advance. We face the prospect of carting throughout the summer which will place a huge financial burden on people already having financial difficulties.
>
> We feel this request is not unreasonable, owing to the dry season we are now experiencing, that is, less than 3.5 inches of rainfall in the past seven months, and also owing to the non-existence of a reticulated water supply west of Ceduna to cater for our water requirements. Certainly the long-term remedy is a reticulated supply which is essential for the farmers in this area, to diversify into more stock as being advocated by you. We await your early . . . reply.

I received an early reply from the Minister of Agriculture, and his letter stated:

> As for the request for subsidies on water carting west of Ceduna, I have made it clear on several occasions, and to the local farmers on my recent visit, that we do not support this type of subsidy because we see it developing an unhealthy reliance on Government support which is also capitalised into the value of land which in the long term is detrimental to farming. Rather, the more comprehensive package which the Government has prepared is more appropriate.

Further, I again refer to page 265 of the Auditor-General's Report, where the following statement is made:

> The combined operations of the trusts show: operating deficits totalled $4.7 million, an increase of $227 000; operating grants provided by the State Government amounted to $3.9 million—up $84 000; three of the trusts (Northern, Eyre Peninsula and Riverland) have funds deficiencies totalling $1.3 million; the four trusts are indebted to the South Australian Government Financing Authority for a total of $16 million.

Also, I understand that in excess of $26 million has been written off by SAFA in relation to the clothing factory, the Central Linen Service, and the deplorable management in which the South Australian Timber Corporation is involved. Yet, a few hundred thousand dollars is not available for assisting people on Eyre Peninsula. My contribution in this debate gives me an opportunity to raise these matters on behalf of my constituents and other people in South Australia. I believe that the overwhelming majority of fair and reasonable people in South Australia would support the Government's spending a couple of hundred thousand dollars to cart water to the tanks west of Ceduna—which matter has been brought to the attention of the Minister of Agriculture.

I say to the Minister that, no matter how much long-term assistance is provided or how much thought has been put into these matters, there is an urgent need to meet these short-term requests. The Tonkin Government provided for carting water, as did previous Dunstan Governments. Areas were declared as drought stricken, and assistance was given for both cartage and agistment of stock, as well as for subsidies for the freight on fodder. These people were not asking for a lot. After all, they are the best people to have on these farms. Their requests on Government are limited.

This Bill gives me an opportunity to raise these matters. In the past, these people have used very large quantities of hay, they have certainly required the assistance of veterinary practitioners and, although they have not grown tobacco products, a lot of them have used them—thus, I can link up my remarks in relation to this Bill. I feel very strongly about this matter. One gets few opportunities in this House to refer to these matters at any length, and as we are not pushed for time on this occasion I believe that it is appropriate that I do so now. I would be derelict in my duty if I did not raise these matters on behalf of those people in the district who are suffering. I also say in all sincerity that if some action is not taken very soon to assist people on various parts of Eyre Peninsula they will be placed in an impossible situation.

I appeal to the Minister of Agriculture and to the Premier to take some short-term positive action. I cannot put the case any more simply or in any more reasonable fashion other than to say that, in my judgment, the overwhelming majority of these people are the best people to have in these areas. These areas will probably respond to a good season more quickly than anywhere else in the State. I believe that, on the law of averages, these difficulties will be over in future and that the farmers on Eyre Peninsula will have a run of good seasons. Sensible decisions made now will

benefit the total community of South Australia, not just those people who are suffering at the moment. The hardships that are being experienced and the run-down of services and facilities must be of concern to all thinking and responsible people.

I believe that the overwhelming majority of South Australians support what I have been saying. I have much pleasure in supporting this Bill. I believe that we need to cleanse the Statute Book of as many unnecessary Acts and regulations as possible. However, at this stage, the Government cannot run away from its obligations in this matter. There is an urgent need to help the people on Eyre Peninsula. One can put forward as many theories as one likes, but unless they relate directly to the people who need the assistance they will be about as valuable as what Paddy shot at—and that was nothing. I support the Bill.

Mr BLACKER (Flinders): I support the Bill, which provides for the repeal of three now obsolete measures on the statutes, and I think all members would agree with this tidying up process. I take this opportunity to point out that the Government of 66 years ago did have a considerable empathy for the people on the land, and that is demonstrated by the legislation that was put on the statutes.

Mr Lewis: Can't say that today, can we?

Mr BLACKER: That is the point I make—that we cannot say the same today. It is perhaps ironical that we should be repealing the Chaff and Hay Act 1922, because if ever there was a need for chaff and hay it is right now—and that relates to many parts of Eyre Peninsula, and to Upper Eyre Peninsula in particular, where the hand-feeding of stock will certainly become an absolute requirement if the nuclei of breeding flocks are to be retained. It is recognised that the prime intent of the Chaff and Hay Act was to have some control over weed seeds and things like that. The Pest Plants Act now deals with these measures, and they are also covered elsewhere in the statutes. Thus, the Chaff and Hay Act is now obsolete. The Tobacco Industry Protection Act 1934 is now also obsolete, as is the Veterinary Districts Act. I support the Bill.

The Hon. M.K. MAYES (Minister of Agriculture): I thank members of the Opposition, including the member for Flinders, for their support for the repeal of the Chaff and Hay Act 1922, the Tobacco Industry Protection Act 1934 and the Veterinary Districts Act 1940. I think all relevant comments have been made, and certainly the second reading explanation encompasses all aspects of this matter. I appreciate the latitude that has been shown in relation to this debate. I understand the member for Eyre's reasons for raising the various grievances relating to his constituents. I do not think that it would be appropriate to respond to those at this stage. However, I understand the reasoning and I certainly have no objection to the comments that he has made. Finally, I think that this measure indicates the Government's commitment to deregulation and to removing from the statutes Acts which are no longer relevant to the economic or social activities of the community in this State.

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

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

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

Motion carried.

ADJOURNMENT

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

That the House do now adjourn.

Mr BLACKER (Flinders): I draw to members' attention the contents of an article on page 3 of the *Stock Journal* of 6 October. The article, by Mr Brenton Rehn, is entitled 'Threat to one million hectares'. Thereunder, in smaller headlines, it states 'Two hundred farmers may go bankrupt'. The seriousness of this situation is only starting to come to a head. The article states:

> South Australia could lose the production capacity of more than 1m hectares of land if a group of drought-stricken farmers on Eyre Peninsula carry out a plan to walk off their farms.
>
> Up to 200 farmers are secretly planning to petition for bankruptcy—all on the same day—if they are unable to get help to sow a crop next year.
>
> The desperate farmers, who live in an area from Nundroo, 150 km west of Ceduna on the far West Coast, to Kimba on eastern Upper Eyre Peninsula, hope the shock waves of their actions will reverberate right through to the financial heart of Adelaide.
>
> Lost production is already thought to run into hundreds of millions of dollars.
>
> And the campaign by the same farmers, seeking help to sow a crop next year, has now been stepped up following Agriculture Minister Kym Mayes' visit to the region.
>
> But a spokesman for the still-secret group said it had been a waste of time speaking to Mr Mayes, as he said 'straight out' that some farmers on Eyre Peninsula would not survive.
>
> The farmers say Mr Mayes gave them no hope of retaining their farms or their future.
>
> He had repeated many times on his Eyre Peninsula trip that 'many farmers on Eyre Peninsula have lost equity in their farms and no matter what happens they have lost their properties.'
>
> The farmers say they have considered their options and unless they are given help to carry on next year they will all petition for bankruptcy on the same day.
>
> They claim this will have a devastating impact on the economy of South Australia, as up to 200 of them could be involved.

The article goes on to quote other persons and an accountant in the area who indicated that he, too, had heard of this so-called plan. I raise this issue because it demonstrates the concern that many of these people have and their determination to draw this serious situation to the attention of the Government. The problem is that one relatively small part of the State has experienced its lowest rainfall ever, whereas other areas have probably had the highest rainfall ever (certainly it is amongst the wettest years).

With this wide diversity of season across the State there seems to be some reluctance on the part of the Government to treat the plight of these people with some sincerity. One should consider the implications of a number of farmers—and this article suggests 200, but let us assume 20—declaring themselves bankrupt on the same day. My immediate concern would be for the communities and the small towns and businesses that are directly related to these areas. In many cases these small business people are creditors to many of the farmers and they, in turn, would collapse if the farmers declared themselves bankrupt.

The Government cannot take this as an idle threat. It has been talked about previously and I believe it has, to a lesser degree, occurred in the past, with two or three farmers in the same locality declaring themselves bankrupt. If this threat is carried through—and I hope, for the sake of South Australia, let alone for the sake of the small country businesses and the individual farming communities, that it is not—the Government would have a problem of immense proportions on its hands. I do not think it could come to grips with the enormity of the problem that it faced. The financial institutions, which would stand to lose the most, would get off their backsides immediately and put pressure

on the Government of the day. If it served that purpose, perhaps it would be a useful exercise.

A series of articles in the *Stock Journal* of 6 October follow on from the Minister's visit to Eyre Peninsula. It contains quotations from a number of people, including the Reverend Eric Kirkham who raised the social impact that such a situation would have on the community. I commend that article to members and trust that they recognise the impact of this drought. Also speaking at the Kimba meeting was a Mr Colin Butcher, whose business as machinery agent in the Kimba area reflects the impact that this situation is having on him.

Previously I have raised the matter of rural businesses closing down. When the tide turns and we have a good year, there will not be enough viable businesses in this State to be able to supply the machinery and equipment that will be required. We will be facing a dilemma in a shortfall and the unavailability of appropriate equipment. I am given to understand that until three years ago an average of 13 000 top of the range headers were sold in Australia each year, but that during the past three years only 3 000 machines have been sold each year.

When top of the range machines are sold, a farmer trades in his other machine, which becomes the top of the range for the middle grower, who, in turn, trades in his machine, which becomes the machine for the smaller grower. When there is no input of machines at the top of the range, there will be a drastic shortfall of second-hand machinery down the line. That is already happening; Header World of Cowra is importing second-hand headers because of the unavailability of machines in this State. The consequences of what we are experiencing with this drought will flow on and on. One can combine that with an article which appeared on page 5 of the *Stock Journal* of 6 October entitled 'Crucial talks on cutbacks'. It explains what the Government is doing with Sagric and the reduction of services and staff in the area. Further articles talk about the reception that the Minister received when he visited the peninsula.

The initial threat by those '200' farmers—and I use 200 in inverted commas because that is a journalist's view of it—is brought about because they see a risk that they may not be allowed to plant a crop next year. I again raise in this House a request that I made of the Government some 18 or so months ago that it should seriously consider a crop planting scheme that is somewhat similar to the scheme that the Labor Government of Victoria introduced to guarantee that productive land of that State was producing. It would be utterly ludicrous for potentially productive land in this State not to produce because the Government of the day failed to allow the owners (or someone else, for that matter) to sow crops on it.

It is important that the productive land of this State be allowed to produce. I trust that the Government will take up this issue and will allow those farmers to sow their crops next year or work out some tangible way in which the farmers can help themselves get back on the track. The farmers do not want handouts as such. They want a fair go and they want Government restrictions taken off their backs so that, given the opportunity, they will be able to help themselves through these difficult times.

Mr TYLER (Fisher): I would like to take this opportunity to talk about matters relevant to my district and to relate them to what the Government has been doing about these matters of concern. Residents of the District of Fisher have much to be pleased about with the Bannon Government.

Mr Hamilton: Particularly their local member.

Mr TYLER: I thank the member for Albert Park, and I hope that that is the case. Certainly, I try to work for the benefit of my local constituents. In the budget just passed through this House there are areas that assist constituents considerably, particularly in respect of health, education, water resources and roads. First, I indicate that this is a Government of balance. It recognises both the greatest advances made in the past financial year and it is also determined to see those advances continue for the benefit of all South Australians.

That is reflected in this latest budget, which was positive in relation to industry, families, job creation and, above all, the need to exercise responsible control over Government spending. I have mentioned in this House before, that in the last few weeks we have seen the final removal of the last traces of the Tonkin Government, because we have just eliminated the $63 million budget deficit that we inherited from that disastrous Administration. It is important to remember that the current Leader—

Mr Lewis interjecting:

Mr TYLER: The member for Murray-Mallee interjects, but the current Leader of the Opposition and much of his front bench were a vital part of that deficit raising Government.

Mr Duigan: Yesterday's men.

Mr TYLER: As the member for Adelaide points out, they are all yesterday's men.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr TYLER: Because this debt has been eliminated South Australians will now pay $10 million less in interest payments. Indeed, because of the contributions made by all South Australians during the past difficult years we now enter this financial year with a small surplus and this is after fully paying off Tonkin's debts. While the State Government has been mindful and concerned about job creation and continuing control over Government spending, this year's budget has a special emphasis on families.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr TYLER: Thank you, Mr Deputy Speaker. We are determined to ensure that families who experience difficult financial decisions receive care, support and understanding from all State Government agencies. The most important aspect that we have seen recently has been the initiation of the social justice strategy, which earmarks $25 million at no extra cost to the taxpayer. These funds will come from a fundamental change in the way in which Government money is spent and it is an extension of a decision by the Premier in 1982 to concentrate resources in the areas of most need by developing a sound economic base for the State. He has been spectacularly successful in achieving this, just as the budget recently presented to the House demonstrates.

Just to highlight a few of those areas which can affect families in my district, I point out that families of 33 000 children throughout the State will receive extra help in meeting costs for school trips, books and materials. Nearly $2 million will be spent to provide better opportunities for students in disadvantaged schools. Nearly $3 million will be spent to help low income families move into secure, affordable accommodation. A new scheme will be introduced to help families in need to meet their power bills. There will be new programs for employment and training, including disadvantaged students. There will be an upgrading of services to the disabled.

Small business, a major employer in South Australia, has also been helped by the raising of the payroll tax exemption

level and reforming the land tax scales. These measures will be worth nearly $20 million in a full year. Small business will be the main beneficiary. This builds on the other initiatives that the Bannon Government has taken to help small business over a number of years.

It established the Small Business Advisory Unit, which has assisted hundreds of people in providing assistance and information. The Bannon Government has also reduced the payroll tax burden progressively over the last six years. In 1986 it significantly cut land tax. In my electorate, we will see the completion, nearly two years ahead of schedule, of stage 1 of the Happy Valley water filtration plant. Some $85 million would have been spent on providing filtered water from the Le Fevre Peninsula to the Onkaparinga River. Some 40 per cent of Adelaide, some 400 000 people, will directly benefit from this initiative. This is a very important initiative that was—

Mr S.J. Evans interjecting:

Mr TYLER: It was set back disastrously by the Fraser Federal Government.

Members interjecting:

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

Mr TYLER: Thank you, Mr Deputy Speaker. The project was retarded by the Tonkin Government. I concede that it started in 1982 in the dying days of the Tonkin Government, but it should have started three or four years before that. The budget also makes provision for the start on improvements to Flagstaff Road. This is a local road, which I have spoken about many times in this place before. Members would have seen yesterday the trial reversible flow lane option begin. Members will recall that I gave details of how this scheme will operate in my Address In Reply speech just a few weeks ago.

I might add that it worked very successfully, although it is still too early to tell. The scheme will run for at least another three months, but we need to look at a few lane configurations in the area. Widening and reconstruction of South Road between Castle Street and Daws Road is also scheduled to commence in February 1989. This will significantly help traffic flow from the southern suburbs. It is expected to be completed in December 1990 at a cost of $7 million. South Road, between Marion Road and Seacombe Road will be widened, and this is due to commence in June 1989. This is complementary to the work that will take place further down South Road.

South Road has been a nightmare for some time. It is one of the busiest roads in our State. It is gratifying to see the State Government taking some initiatives in this area. I know that my constituents and others from the southern suburbs will appreciate this extensive work. Although it will cause some inconvenience as the construction stage commences and proceeds in the short term, I am sure that most people in the southern suburbs are prepared to put up with some short term inconvenience because we know in the future we will have a road scheme that will operate much more efficiently.

The long awaited Noarlunga Hospital is due to commence in January next year. The project has to go to the Public Works Committee next week. If approved, the hospital will have 120 beds, with 90 public and 30 private beds. It will provide a full range of out-patient/in-patient treatment and support services. The construction of this hospital will cost about $20 million. This hospital will be consistent with those of a level 1 community district hospital and will serve the southern metropolitan area, which includes my electorate. This is a much welcome initiative and I congratulate the Minister of Health, the former Minister of Health and the State Government for this very important health initiative in my area.

Education is also a very important provider of services for families in my area. I note that Kingston TAFE college will continue to be improved. Primary education is another major beneficiary of the last budget, as the area will receive two new primary schools. In the past I have spoken about Aberfoyle South Primary School and how it will be a relocation of the Aberfoyle Hub Primary School. It will consist of 16 classrooms, library, administration and activities space.

Mr S.J. EVANS (Davenport): Many members, even though they were young at the time, will remember the saying and the campaign, 'Yanks go home.' I remember only too well the socialists of this country conducting a campaign that the Yanks go home, that they did not want them buying real estate in Australia, or buying our farms. We did not want them buying our companies. They claimed that we did not want the Yanks here, that we did not want foreign investors here. They bought a few stations and they bought into a few companies.

Suddenly today, when they are in office, they are saying that it is all right. The money can come from anywhere, including a European common market country. Indeed, something like 30 per cent of total moneys invested in this country now come from that area, as well as from the Asiatic countries. Some also comes from America and Canada, and a lot comes from New Zealand. Excluding New Zealand, I ask what that has done for us. The business people from other countries pay insignificant taxes compared to us, and our people, whether they be wage earners, companies, partnerships, or farmers, have been bled dry by taxation. They could not accumulate wealth to go and buy real estate on the scale at which these foreign investors outside Australia, are buying our country now.

Interest rates in Germany are 4 per cent to 5 per cent and recently the inflation rate was down to .8 per cent. It was never above 4 per cent or 5 per cent. In Japan there is no high taxation compared to us, and there is a low inflation rate and low interest rates allowing for the accumulation of huge wealth. Hong Kong became the central point for a lot of trade activity, with interest rates for companies running at about 16 per cent, while ours were up to two-thirds of the dollar or close to it at times, although it is down now.

They accumulated wealth and came here and, because we have laws that zone land and limit the amount of land that can be used for commercial, industrial or other purposes in certain areas right through the country—not to such a great degree in Queensland—those manipulators of wealth bought a lot of our prime real estate. What is the result of that? Let us think about it. Why do we have a high inflation rate and high interest rates in this country? Why is it that the moment some people who do not have agreed overdraft arrangements with their bank face interest rates of up to 23 per cent while others come in with money that they have been able to secure by paying rates of 4 per cent to 7 per cent.

Our people who are trying to buy a home are looking at 14 per cent as the lowest rate. Why do we suffer that? One of the reasons, although not the total one, is that these people have come in and bought our biggest commercial properties. Governments have encouraged them to come here under tourist projects and, when our small business people want to rent an office or a shop, the interest rates are high and more particularly, the rent has gone through the roof. Look at the latest local incident at Glenelg, where the amount of rent being asked has increased by 200 per cent.

Because the price of land has risen, the price of real estate has also increased. If five Australians combined to purchase a property on the Gold Coast that they believed to be worth $15 million, they would have to pay high interest rates. If five buyers come from another land where they pay low interest rates, they push a property which was worth $15 million yesterday up to $20 million today. This means that our people are priced out of the market. If we want to rent it back, we pay an extraordinary high rent, and where does the rent go? It does not stay here: it goes back over there.

If they want to come here and invest money in technology and in research at the universities where they retain the right to any success through patent rights on knowledge or particular articles, they should be encouraged by all means. However, they are spending their money on technology and development in their own country, selling us the technology and then bleeding us dry, whilst at the same time buying the best of our real estate. What have we ended up as? We are a race of people who are working agents for money lenders and slaves to interest rates. I do not care whether it is the electorate of the member for Fisher, the member for Hayward or my own electorate—go out and ask those in small business or home owners whether they would like to have money to buy their own homes at 5 per cent to 8 per cent interest as do the Japanese and the Germans. They would jump with joy and think it was fantastic.

We sit back and say that foreign investment is all right as money is coming into the country. It is coming in in the short term, but when the rent comes along later it goes out. They are not worried—whether they are from the European Common Market or New Zealand—about the short-term benefit but only the long-term benefit. Ask any of our young people what hope they have of ever owning a place when real estate prices in this State hit the high level they have in the Eastern States, particularly in Sydney where one cannot buy a reasonable home under $200 000. What sort of deposit does a young person or couple have to raise to be able to buy a place and pay the overdraft that has to be taken out to come up with the balance above the deposit? How many of us would like to face that?

The Hon. Ian Wilson raised the other side of the issue today. He did not go far enough in looking at the way these people have kept our cost of living dramatically high. They are bleeding us and we do not need them in that field. If they want to come here and explore for onshore and offshore oil or minerals, develop technology, work with the universities (whilst retaining the rights to any development they may create, and sell it anywhere in the world and take the revenue with them, apart from the amount they agree to give to the universities), I have no objection because it is doing something constructive for our country.

What is the result when foreigners come in and buy our prime real estate? They are manipulators of wealth. People work with companies which help them buy real estate so that we do not know who they are. They use nominee shareholding. I agree with people in the community—mainly the young—who say that we should be able to find out who owns our country, who owns the real estate and who are the nominee shareholders. I hope that we will have a register of the names of all people who own land here but live outside this country. I do not care whether or not they are naturalised and, if they live here, there is no argument. However, we need to know the names of those who own Australian land and live outside this country and how much they own. As a community we have a right to know that.

If anybody disagrees with me and does not believe that we are now slaves to interest rates and working agents of money lenders, they have only to ask those who are struggling to raise a family today and to pay off ordinary household commitments. Tell them that we have not forgotten them and that overseas money has made their lives easier. Tell them that it is easy to live in Australia or South Australia and they will tell you that you are a liar because it is not easy. This attitude is not racist—it is the survival of our country for our young people who want to buy a home, go into business, have a chance of security and not be commissioned to paying high interest rates for the rest of their lives whilst never owning their own home or business.

Motion carried.

At 6.10 p.m. the House adjourned until Thursday 13 October at 10 a.m.

HOUSE OF ASSEMBLY

Wednesday 12 October 1988

QUESTIONS ON NOTICE

EDUCATION DEPARTMENT

34. **The Hon. D.C. WOTTON (Heysen),** on notice, asked the Minister of Education:

1. Which primary schools have used the Education Department's Capital Works Assistance Scheme over the past three years?

2. What was the commitment of each of these schools to the capital works involved (both in dollars and as a percentage of the total program), and what was each school's student numbers during the program?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The following primary schools have used the capital works assistance over the past three years:

Challa Gardens Primary School
Unley Primary School
Coorara Primary School
Hamley Bridge Primary School
Morgan Primary School
Fulham North Primary School
Dernancourt Primary School
Port Noarlunga Primary School
Prospect Primary School
Port Lincoln Primary School

2. Commitment to the project and enrolment numbers:

Year of settlement	Total school and community commitment	Percentage of total primary program for financial year	Enrolments
	$	%	
1985-86			
Challa Gardens Primary School	74 000	7.51	233
Fulham North Primary School	17 015	1.73	357
Unley Primary School	56 000	5.68	256
Dernancourt Primary School	36 000	3.65	176
Coorara Primary School	26 100	2.65	428
Port Noarlunga Primary School	20 250	2.05	290
Hamley Bridge Primary School	3 250	0.33	134
1986-87			
Nil			
1987-88			
Prospect Primary School	51 800	7.93	336
Morgan Primary School	55 350	8.48	50
Port Lincoln Primary School	81 320	12.45	474

DYNIX SOFTWARE PACKAGE

49. **Mr S.J. BAKER (Mitcham),** on notice, asked the Minister of Education: What was the contract price paid by the Education Department for the Dynix (resources management) software package to be used in primary and secondary school libraries, and how many schools are expected to be utilising this package within the next two years?

The Hon. G.J. CRAFTER: The replies are as follows:

a. $500 000.

b. 44.