HOUSE OF ASSEMBLY

Thursday 13 October 1988

The SPEAKER (Hon. J.P. Trainer) took the Chair at 10 a.m. and read prayers.

SEOUL OLYMPIC GAMES

Mr INGERSON (Bragg): I move:

That this House applauds the Australian athletes who participated in the Seoul Olympic Games and:

(a) expresses its profound appreciation for the quality of their performances and their outstanding achievements during the XXIVth Olympiad; and

(b) commends the International Olympic Committee for its strong stance against drug abuse in sport and urges all sports administrators in Australia to follow this fine example.

The Olympic Games provided a magnificent two weeks of television—and as to those who criticised the coverage, I do not think they know too much about sport. Whilst Channel 10 received a fair amount of criticism with respect to its advertisements, it really was a magnificent sporting event and it was fantastic to see so many Australians do so well. In the final count, as we all know, Australia received three gold medals, six silver medals and five bronze medals. The achievement of Australian swimmer Duncan Armstrong in winning the first gold medal was a magnificent thing to see on television, and to hear Norman May in his usual excited way again saying 'We've got gold, gold, gold' was really a breathtaking and spinechilling event. When a couple of nights later Duncan Armstrong received a silver medal in an event in which he was not expected to do quite so well we again saw a magnificent achievement.

Debbie Flintoff-King's getting up at the very last second—one-hundredth of a second to be precise—to win the 400 metres lady's event was a magnificent effort by her. Also, of course, there was the magnificent team effort by the hockey girls in winning the gold medal for the first time for Australia. While it is important to congratulate those people who won gold, it is also important to congratulate the others who did so well in winning silver and bronze medals.

As South Australians we were very proud to see Lisa Martin do so well—in the event in which the Premier does so well. We were all very proud South Australians to see her come in with that magnificent effort in the marathon. To see Dean Woods, a person who has now adopted South Australia as his home, do so well was very encouraging. The silver medal won by Martin Vinnicombe in the cycling was also a fantastic effort. On the last day we saw probably one of Australia's most celebrated athletes in Robert de Castella come in eighth. The magnificent effort of Steve Moneghetti, where he ran fifth, meant that for the first time ever Australia had two male athletes in the first 10 of the marathon, and that was a marvellous achievement. The South Australians who performed in the Olympics did magnificently well. Lisa Martin was the first South Australian to win a silver medal in the women's marathon, and also, of course, the first Australian to do so well.

The Hon. B.C. Eastick: The girl from Gawler!

Mr INGERSON: Yes, as the member for Light has said, the girl from Gawler, and she did so magnificently well. As I mentioned previously, Dean Woods received a silver medal. He has now adopted South Australia as his home. He has lived here for some three years, and we congratulate him for doing so well in the Olympics. Sandra Pisani, who was part of the hockey team that won the gold medal, also deserves many congratulations from South Australians.

Both the men's and women's basketball teams came fourth, and it is important that we congratulate Julie Nykiel, Maria Moffa, Pat Mickan, Donna Brown, Darryl Pearce (or, as he is commonly known in basketball circles, the 'Iceman'), and Mark Bradtke (a young 19-year old who has done so well with the 36ers). Simon Fairweather is a 19-year old who did well in archery, an event we do not hear very much about. In this high profile sport he reached the quarter finals and did a magnificent job for South Australia and Australia.

Roger Smith was in the hockey team which came fourth. In the first women's cycling event at the Olympics Donna Gould, who represented Australia, came 27th in a road race of some 60 international competitors. Hamish McLachlan was part of the men's coxed eights which reached the final. He should be congratulated, along with Brenton Tyrell, who was part of the men's coxed fours.

In the cycling, where Australia had its best result, we received two silver medals, a bronze team medal in the pursuit and a bronze medal in the sprint. As well, we came fourth in the 50 km point-score. After talking to a member of the Institute of Sport yesterday I was interested to note that, if one compares the performance of the Australian cyclists at Seoul with what occurred at the Los Angeles Games, it would have given the cyclists four gold medals, but that is like comparing chalk with cheese because it is impossible to make comparisons between two Olympiads. However, that puts in perspective how well the cyclists did for Australia. It is also important to note the magnificent effort and contribution that Charlie Walsh made as coach of the Australian team. He, along with other members of the Institute of Sport in South Australia, was able to put together a magnificent cycling team, and it is due to his enthusiasm and professionalism that we were able to do so well.

The second part of the motion relates to the unfortunate use of drugs that always seems to occur in sport today. Members of Parliament would know of my keen interest in stamping out drugs in sport generally but particularly in the horse racing industry. The Games in Seoul have been dubbed the chemical games, and that is mainly because nine out of 9 000 competitors from 160 countries returned positive tests for drugs. It is unfortunate that Seoul has been dubbed that, because in Los Angeles 10 competitors returned positive tests for drugs. This problem did not arise in Seoul; it virtually started long before that. It was identified in Los Angeles and again in Seoul. It is probably because the final of the 100 metres men's track event is the prima donna event of the Olympics and the fact that Ben Johnson returned a positive test to drugs that the whole problem of drugs in sport has been highlighted.

Let us face it: the use of drugs in sport is cheating. There is no question about that. It needs to be wiped out as soon as possible. I believe that we need to support strongly Kevin Gosper and other members of the IOC in introducing a system of testing for drugs not only at race meetings, whether that be athletes or in the animal racing industry, but also random testing prior to any event.

The only way to monitor the use of drugs in sport is to check the whole industry continuously. Drug tests should be performed prior to events, whether they be athletic or race meetings. We should have a testing centre in this State. We have a magnificent forensic centre and there is no reason why, with adequate funding from this Government, we could not set up a proper testing centre in South Australia. All we require is funds, so it is absolutely ridiculous to send all racing industry swabs (or, in the future, athletic

swabs) interstate. I support very strongly Kevin Gosper and other delegates of the IOC. I hope that the South Australian Government will set up a system in South Australia that will enable us to have a proper testing centre here.

Mr De LAINE secured the adjournment of the debate.

ROAD BUILDING PROGRAMS

Mr INGERSON (Bragg): I move:

That the State and Federal Governments be condemned for the low priority they have given to road building programs in South Australia in light of the Federal Government budget decision to further reduce road funding and the continual delaying of major metropolitan and country road projects by the State Government.

In its 1987 report the National Association of Australian State Road Authorities highlighted half a dozen issues which this Government and the Federal Government obviously have not heeded. The report is called the TAROR report and, in the summary, it refers to growing road usage and states:

The demand for travel will continue to increase in the future. By the year 2000 total travel is expected to be about 224 000 million vehicle-kilometres, that is, about 60 per cent above the 1985 level.

In relation to the road freight task, the report states:

The road freight task is expected to nearly double from its 1985 level to 142 million tonne-kilometres by the year 2000.

When those two facts are put together, one sees the need to ensure an increase in road funding. In relation to road assets, the report states:

Maintenance and pavement reconstruction works are necessary to retain the value of the existing road network. Together, they constitute the 'upkeep' requirement of the existing road networks. Upkeep therefore preserves and restores the physical condition of existing road networks to current engineering standards.

Thus the third point is that we should maintain the existing pavement structure. In relation to road expenditure, it states:

Since 1984-85 Federal roads expenditure has been held at $1 250 million per year. It will again be held at this level in 1987-88. This represents a deadline of 20 per cent in the real value of Federal roads funding over the three years between 1984-85 and 1987-88.

At present, about 60 per cent of arterial roads expenditure is directed to maintenance and reconstruction activities. Some local government authorities spend as much as 90 per cent of their local road expenditure budgets on upkeep works.

Basically, the association is saying that in the last three years (and if we look at the 1988-89 budget, we will see this) the Federal Government has maintained the $1 250 million per year and has reduced that figure by a further $50 million to $1 200 million this year. Instead of a real value decrease of 20 per cent at the end of the year 1988-89, there will be a reduction of about 30 per cent. Regarding the consequences of not upkeeping roads, the report states:

Failure to undertake adequate road maintenance and reconstruction imposes large costs on the community and industry. For every $1 million reduction in upkeep expenditure, industry's transport costs would increase by about $3 million... The normally accepted design life for rural arterial road pavements is 20 years. At present, some 55 per cent of the arterial road system has pavements older than 20 years.

The association is saying there that, unless we adequately upkeep our roads, we will have a major infrastructure problem. Last year the Public Accounts Committee of this Parliament presented a fairly scathing report on the lack of funds for the upkeep of our roads and its argument, along with that of the RAA and the Local Government Association, supports the findings of this national road group. It is saying clearly that we are not putting enough money into the maintenance of our roads. The report further states:

Current rates of reconstruction of Australian arterial roads will require to be doubled by the year 2000 if the significant proportion of the arterial roads system built in the 1960s and 1970s is to adequately service the growing travel demand.

As I said earlier, there is an expectation that travel demand will increase by 60 per cent by the year 2000 and that the amount of road freight will double by the year 2000. However, the Federal Government has reduced its investment in roads in real terms by 30 per cent in the past four years. What does that mean? It means that the levels of road expenditure being directed to maintenance and reconstruction of existing road work will have to be increased over the next 10 years if we are to contain vehicle operating costs to an acceptable level.

Thus we have to totally reverse the decision that the Federal Government has taken in the past four years and put more money into roads. Indeed, it is ludicrous that the Hawke Government, which claims that it is interested in infrastructure and employment, has decided that this is the area into which it will not put money. Under the heading 'Federal Government funding' the report continues:

However, whilst no details of the new program are yet available, by the time the new program commences Federal road funding will have fallen in real terms to below the level that existed before the introduction of the ABRD program.

The ABRD program was established by the Fraser Government under the bicentennial program. The situation is that less funds go into roads now than before the election of the Hawke Government. The report continues:

Unless the full Federal road funding excise base is adjusted in line with the indexation increases that apply to fuel excise (including the ABRD surcharge), and is not subject to further cuts, new construction activity will continue to decline from the level that applied during the early 1980s.

If one talks to the Australian Federated Construction Contractors (AFCC) and the Earth Movers Association, who are the people directly involved in the construction of roads, one can get a clear picture. They will tell you that the amount of maintenance and reconstruction required has fallen to a dramatic level. They will also tell you that there has been a significant loss of jobs in South Australia because of a lack of funding from the Federal Government. As I said earlier, less funds from the Federal Government are now being used on roads than was the situation prior to 1982-83.

As a side issue, it is interesting to note that the association conducted a public opinion poll on some 2 100 people. About 72 per cent of the people surveyed were prepared to continue to pay the 2c per litre on fuel tax provided that the funds were used for road improvements. There were 50 per cent who supported an increase in the levy to 3c a litre. The people are saying that the community is quite happy to pay this sort of tax provided that it goes into roads.

At the Federal level we are being totally conned by the amount of money that has been collected for roads. In essence, of the $6 500 million which is collected every year from fuel excises for road funding only $1 200 million is being put into roads. So we have a massive rake-off by the Federal Government from the motorist and the heavy road truck industry which goes into general revenue. Finally, in relation to new construction works the report states:

Recent Federal funding decision mean that as upkeep demand increases the prospect for the 1990s is a new construction program about half that of the 1980s program. Yet an expansion of the existing road network will be required in many areas to provide access to tourism, new mining, agriculture, industry and residential development.

So, here we have a report from the Australian State road authorities, comprising statutory authorities of the Highways Department of all the States, saying that we have a massive funding problem. All that the Hawke Government

has done is turn its back on that problem and reduce funding.

Let us now look at what has happened at State level. For the period 1982-83 to 1987-88, $63 million less than the amount funded by the Federal Government has been funded by the Bannon Government. What does that mean? A standard agreement between State and Federal Governments means that all States should match dollar for dollar the amount of money put in by the Federal Government. But in that five year period the Bannon Government has underfunded the Highways Department on that one-for-one basis by some $63 million. That does not sound very much, but it means that we could have built the third arterial road. It also means that we could have undertaken a lot of other projects in this State if the Bannon Government had put in that $63 million to match the Federal funding during that five year period.

Mr Tyler interjecting:

Mr INGERSON: Why don't you stop chirping? You are supposed to know a bit about transport and you know nothing.

Mr Tyler interjecting:

The SPEAKER: Order!

Mr INGERSON: The Bannon Government increased fuel tax collection. In 1982-83 it collected $25.7 million. In 1987-88 it collected $75 million, an increase of some $50 million in one year. That is a 192 per cent increase over that taxation period of five years. If one looks at that, it sounds good. But where has the money gone? It has not gone into roads. When this Government came into power there was a dedicated fund. The first thing that the Government did was remove that dedication so that it could use that tax in other areas. We now have a situation where the figure of $25 million funded during the period 1982 to 1988 is the same as that put into the fund six years later. So, only $25 million or a third of the money collected from the motorists in petrol tax in this State goes into the road fund.

The fact is that the Bannon Government has collected $280 million from motorists during the period 1982-83 to 1987-88 and put only $154 million of that into roads. In other words, only 55 per cent of all the money collected by this State Government in road taxes has gone into roads. The balance has gone into general revenue and disappeared.

Mr Tyler interjecting:

Mr INGERSON: It has not gone to fund recreation and sport, because that has been virtually funded from Federal areas. What does the restriction of these funds mean? In essence, it means that we must put off or slow down projects. What has happened to those projects? Let us have a look.

First of all, we have sold off the north-south corridor so that we can use that money as part of the funding for major arterial roads. I do not get too up-tight about the sale of land if it leaves us with some options. However, the sale of the north-south corridor has left us with only two options, namely to upgrade South Road or to upgrade Marion Road. Anybody who comes from down south (and I assume that every now and again the member for Fisher comes from down south) will know that South Road and the Darlington corner are an absolute disaster. When we look at our future options and find that all we can do is widen South Road or Marion Road and that we no longer have the north-south corridor, we must ask ourselves, 'At what cost?' We sold that area of land for $12 million. That is all we did: we received $12 million, when we had the option of having that land available for long-term future use. It has now disappeared.

What else has the Government done? It has put the Salisbury overpass off for at least five years. I remember, having lived in the Salisbury district for some 20-odd years, that the Salisbury overpass was going to be funded in the last 15 years. It was always going to be funded, now we find that it is off again for another five years. We also find that work on the Salisbury overpass will start next year but will not be completed for five years. The city western ring route was scheduled for completion during the last 10 years. The Tapleys Hill/Brighton Road extension was going to be completed for the last five years. We have the Mount Barker freeway realignment which my colleague from Heysen will take up, and we have many country roads.

It has been very interesting to look at an independent survey done by the RAA, which asked its members if they would make some comments on the roads. It is interesting to look at the comments that they made. This independent survey basically says that South Road would win the worst road award by a wide margin. Very few people would not have already known that, except, of course, the member for Fisher. The honourable member was involved in a very interesting experiment which he has put forward to the Highways Department and which I support. However, on the very first day that it occurred, whilst it removed the traffic congestion from Flagstaff Hill Road, it caused major congestion on South Road.

Mr Tyler: It did not.

Mr INGERSON: A Highways Department person has told me that it did. So, we have a situation in which, whilst we have solved one problem, we might have created another one. That is a short-term comment that I have made, and I hope that it turns out to be wrong. The reality is that we have solved one problem and created another. The RAA report goes on to state that in the metropolitan area, other areas nominated most often were Portrush Road between Magill and Greenhill Roads. The member for Norwood as well as I would know that very well. We also have Cross Road between Unley and South Roads. A member of the RAA described Cross Road as 'one of the roughest stretches in the State, rougher than many country roads'. 'A small car jumps about like a bucking bronco,' this member said. In the country section, the clear winner of the worst country road award, judging from their responses, was the road between Mannum and Purnong.

Other problems were raised about South Australia's roads, which have deteriorated in the six years that this Government has been in power. Other country roads mentioned most often were the Port Wakefield Road, the Princes Highway between Tailem Bend and Meningie, the Finnis to Clayton Road, the Spalding to Burra Road, and the Burra to Morgan road. So the list goes on. The member for Eyre would know that on Eyre Peninsula many roads need to be upgraded. During the time of this Government, promises have been made about fixing up the Lock-Elliston road.

Many rural roads have problems, as do roads in the metropolitan area. Only last week I was asked to go with a group of people from the earthmovers association, who took me down some roads in Adelaide. We went down Portrush Road between Magill and Kensington, and it was a rough road. Then we had a look at Hampstead Road. We pulled up and they showed me how Hampstead Road is breaking down. They also took me down Grand Junction Road and we had a look at how Grand Junction Road between Hampstead and South Roads is breaking down. We went down South Road and saw how the section of South Road approaching Port Road is breaking down. Despite increasing maintenance problems, less money is being put into roads.

The Hon. D.C. WOTTON secured the adjournment of the debate.

PERSONAL EXPLANATION: SOUTH ROAD

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

Leave granted.

Mr TYLER: During his contribution which has just concluded, the member for Bragg implied that my suggestion of reverse flow lanes on Flagstaff Road resulted in solving one problem and creating another, namely, congestion on South Road on Tuesday morning. The member for Bragg would know—

Mr OSWALD: I rise on a point of order. This is not a personal explanation.

Mr Duigan: Yes, it is. He has been misrepresented.

Mr OSWALD: He has not.

The SPEAKER: Order! The Chair will determine that. Unfortunately, at that point, I was engaged in a discussion that prevented my hearing the member for Fisher's words. If the member for Fisher indulges in what I believe is debate, he will be pulled up very quickly.

Mr TYLER: The member for Bragg suggested that it was my suggestion that caused the congestion on South Road. That is not correct. What occurred on South Road on Tuesday morning was a malfunction of the computer system that operated the lights.

The SPEAKER: Order! That is clearly debate. Leave is withdrawn.

Mr Tyler: You know that was a lie, Graham.

The SPEAKER: Order! The interjection from the member for Fisher is out of order and, because of the terminology used, it should be withdrawn.

Mr TYLER: I withdraw.

ALP URANIUM POLICY

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I move:

That this House condemns the Premier for using his influence as Federal President of the ALP to suppress an open debate on the ALP's three uranium mine policy and uranium enrichment before at least 1990.

This motion is in response to the style of the Premier of South Australia. If there is a matter of controversy, he will avoid it like the plague. The Premier will not rock the boat on any matter with any whiff of controversy about it. The State has suffered badly as a result of the predilection of the Premier to avoid confrontation and controversy at all costs. It may have resulted in his personal popularity being high, but it is my view that that will take an enormous nosedive when the true state of the economy comes out.

Mr Rann: You were saying the same thing in 1985.

The Hon. E.R. GOLDSWORTHY: The member for Briggs says that I keep making the same speech. I have not made this speech before, but I will refer to the activities of the member for Briggs, as I have in earlier debates, to his dirty tactics, his grubby political record as adviser to the Premier—one of the filthiest operators in this Parliament. I shall certainly refer to his record again.

The SPEAKER: Order! The Deputy Leader will resume his seat. I ask him to be more temperate with his references to other members of this House. Even though he may be referring to alleged activities at a time when a member was not a member of this House, I believe the same rules apply with respect to comments made about other members of this Chamber.

The Hon. E.R. GOLDSWORTHY: I congratulate the Labor Party on the good sense shown in not promoting this member, who is much vaunted in the media, to the Ministry. That member, in my judgment—

Mr Rann: The loser's lament from the Deputy Leader.

The Hon. E.R. GOLDSWORTHY: The honourable member protesteth too much—far too much. I make a confession: I have always had a sneaking regard for the good sense of the Labor Party in the way it chooses to promote its colleagues. The Premier's intervention was unfortunate in one regard at least during the last battle for promotion. I have a regard for the member for Briggs' abilities, but I have no regard whatsoever for other qualities which I prize rather more highly and which may not be of much value in the judgment of our friends in the media.

The SPEAKER: Order! The Deputy Leader will resume his seat. The Chair's tolerance has run out. The Deputy Leader is debating matters which have no direct connection whatsoever with the content of his motion, and I ask him to return to the subject of the motion.

The Hon. E.R. GOLDSWORTHY: I certainly will, Mr Speaker. The honourable member's interjections really provoked me into making those comments. I will try to ignore his interjections. He does not like what I am saying because he knows that the record of the Premier and he, as one of the advisers, has been quite appalling in relation to confronting these issues of vital importance to South Australia and to the nation as a whole.

The fact is that this question will continue to arise. The charge of repetition may be made, but the problem will not go away for the Labor Party. There are some realists, for whom I have some regard, in the Federal Labor Party who want to face up to these issues. Senator Walsh and Senator Button are two who have a grasp of some of the fundamental issues of importance to this nation. Those matters were grasped earlier by members of the Liberal Party, as were a number of other issues. I recall the Hon. Doug Anthony seeking to develop this industry. Prime Minister Fraser was dilatory in one or two regards, I thought. He was being a bit difficult in one or two areas when we were trying to develop some of our resources, but nonetheless the thrust of the Liberal Party was to get on with the business of becoming world competitors in the uranium industry. The history of uranium enrichment and the development of our uranium resources is interesting. It goes back to the mid-1970s when Premier Dunstan set up the Uranium Enrichment Committee.

Sir Ben Dickinson was an adviser to that committee. An overseas trip was undertaken and the member with whom I have just had a slight altercation I think went along. Bruce Guerin and Mr Wilmhurst were there, also. In fact, I think Mr Wilmhurst was an Amdel employee at the time. By the way, and just as an aside, when I was at Sellafield it became known that all members of the contingent, except the member I referred to earlier, were held in pretty high regard. I think they referred to him as a 'rabbit'. Anyway, do not let us get on to that. The fact is that the committee—

Mr Robertson interjecting:

The Hon. E.R. GOLDSWORTHY: The cocky member interjecting may not be quite so cocky after the next poll, but let us press on. Several reports were written in relation to that trip. Unfortunately for the then Premier Mr Dunstan, the leader of the left, Peter Duncan, who is now a Federal Minister was busy white-anting the numbers back here in South Australia so, by the time the committee returned, the reports could not all be made public. One

member of the contingent was instrumental in feeding some misinformation to the media and as a result the public of South Australia did not get the facts on uranium enrichment.

However, the Tonkin Government, and I as Minister, pursued the leads which had been opened up very successfully by Premier Dunstan and his team. The Roxby Downs Indenture passed through Parliament and was thereby saved from extinction, against mammoth opposition from our friend the honourable member who interjected earlier. Despite his efforts we got it up and running and we had, I believe, the uranium enrichment project in the bag. South Australia had beaten the rest of the nation. I still keep regular contact with those people in the industry in Britain, and I saw them again this year—

Mr Rann: They must be tired of seeing old losers.

The Hon. E.R. GOLDSWORTHY: Well, they still consider the honourable member to be a 'rabbit'. I do not think anything he has done since or is likely to do in the future will change their opinion with respect to his anti-uranium activities when he visited them. I still receive a warm reception, as I did when I contacted Dr Brian Keogh from Urenco-Centee. I asked him about the current state of play but, unfortunately, their interest in Australia has dissipated as a result of the indecision of the ALP and, in particular, the efforts of the honourable member opposite. In the past he has managed to get some of his mates in the media to write him up as a thorn in our side because we are always taking him on, but his mates in the media did not manage to get him the numbers—

The SPEAKER: Order! The digression of the Deputy Leader is beginning to constitute a flouting of the direction of the Chair. If the honourable Deputy Leader wishes to put a resolution before the House with respect to someone whom he obviously considers his *bete noire*, he is capable of so doing. He cannot simply incorporate it into this resolution.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker, but the honourable member keeps interjecting. He never knows when he has had enough, and I must respond. If he is allowed to interject, it is a bit tough to suggest that I should ignore it. Anyway, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SECONDARY SCHOOLS STAFFING

Adjourned debate on motion of Mr Meier:

That this House expresses its concern at the implications for schools and students of the new 'average enrolment' staffing policy and calls on the Government to ensure that the quality of education in our schools is not reduced as a result of its new policy.

(Continued from 8 September. Page 736.)

Mr MEIER (Goyder): When last we debated this motion, I pointed out how the new average enrolment policy will disadvantage many schools in this State. I am sure that most members of this House have received letters from schools which are very concerned about the implications for education in their regions. Certainly, the issue was brought up in the Estimates Committees. I have noticed that the Minister is starting to throw out a few 'help' calls. In a sense, he is throwing out indications that it will not be as bad as anticipated, that the Education Department will negotiate where necessary.

That is all very well if it actually comes about, but the way in which the statements have come out so far suggests that schools still have a right to be very concerned. In fact, since last debating this issue I have received further letters on the topic, and I will quote from one or two. The first letter, from the Balaklava Primary School Parent Club, is dated 1 September. It states:

Dear Mr Meier. We wish to express our disapproval regarding the new staffing arrangements for 1989. We are most concerned about the effect this will have on our childrens' education. Will you please help us urge the Government to revert to the 1988 formula for appointing staff until a superior formula can be agreed upon. Please help us so our children can have the high quality of education we desire for them and for the future well-being of our State.
Yours sincerely, Rosalie Tiller, Secretary.

Members might recall that I brought the issue of staffing at the Balaklava High School to the attention of the House when last we debated this issue and I stated that the school was concerned about the situation; this time it is the primary school. It is certainly worrying that school after school is coming forward and voicing these concerns. I have another letter from Mr Andrew Thomas, the secretary of the Minlaton Primary School Council. It states:

Dear John. The attached correspondence has been forwarded to the Minister of Education. This copy is forwarded to you for your information and to draw your attention to the school council's concern about the school staffing issue.

Attached to that letter is a copy of a letter to the Minister detailing the concerns of the Minlaton Primary School and the effect, or possible effects, the new staffing formula could have. In fact, the letter states:

The proposed staffing formula would necessitate disruption to the vertically grouped junior primary classes (R-2). These classes rely upon staffing arrangements now in place to function appropriately, allowing our youngest students the stability of the same class for the first three years of their education.

The new proposals would necessitate the regular reorganisation of classes as well as disrupting necessary forward planning with the prospect of increasing the number of contract type positions being put in place as the year progressed.

Surely the Minister must recognise that it is highly undesirable to have unnecessary disruption to junior classes, let alone other classes. Yet, it seems that his proposals are such that disruptions of that kind will occur. Therefore, I again urge the Minister to reconsider this policy. Previously I pointed out how the letter from the Minister tended to be in conflict with SAIT's letter on this same issue, but I will not rehash that point.

I want to refer briefly, though, to a letter to the Editor, published in the *Sunday Mail* of 9 October, commenting on an article that Mr Randall Ashbourne had written earlier. There are some very interesting and pertinent points in this letter from Mr David Tonkin, President of the South Australian Institute of Teachers. In part, he stated that Mr Ashbourne:

. . . asserts that teachers supported staffing changes in exchange for a 4 per cent salary increase and their protests over cuts to school programs demonstrates that they 'don't want to live up to the promise of productivity trade-offs they made to achieve the 4 per cent second-tier rise'. Wrong.

I was very pleased to see Mr Tonkin make the statement that that is wrong, because it reinforced what I had indicated to this House some time earlier. I will be interested to hear the Minister's comments in relation to that matter.

Time does not allow me to go into other details now other than just to refer to the fact that Mr Ashbourne pointed out that South Australia was better off than New South Wales but that Mr Tonkin certainly questioned that assertion and put forward alternative facts and figures, which members can see if they refer to the *Sunday Mail*. Also previously I referred to a letter which indicated that our education system in many respects is that much worse off than the system in Victoria. The letter from Mr Tonkin

simply reinforces the fact that the Minister is going down the wrong track and that he needs to reconsider the whole situation. He must reconsider the implications for schools and students of the new average enrolment staffing policy. I call on the Minister to make amends, to recognise that he has made a mistake, and to ensure that schools are not disadvantaged.

Mr ROBERTSON (Bright): I move:

Leave out all words after 'House' and insert 'notes the Education Department's proposed staffing strategy for schools in 1989 and applauds its commitment that the quality of education will not be reduced by its implementation'.

Of course, I disagree with the original motion, and I point out that the Liberal Party in its own right is not exactly as pure as the driven snow on the issue of school staffing. It is worth reflecting on the fact that since the election of the Greiner Liberal Government in New South Wales that State has slashed some 2 700 teaching jobs from public schools and, indeed, about 2 500 teachers in New South Wales are now out of work because of the change of Government. No jobs have been lost in South Australia. Quite clearly, that is the difference: in one State jobs have been lost, while in the other the jobs are still there. In New South Wales, schools are having to face the choice of cutting out some subjects altogether, reducing time spent on other subjects, or increasing the number of children in each class in order to make up for the lost teachers. At the same time, teachers are having to work additional overtime, to take on increased workloads, and to make up for lessons when other teachers are away. In other words, they have to do more of the relieving time themselves and take many more extra lessons to cover for their colleagues.

The only promise that Dr Metherell (the incoming Minister) seems to be able to keep is that regarding increased funding for private schools in New South Wales. I am certain that schools of the kind to which the honourable member opposite went have benefited handsomely from the policies of the New South Wales Government. I have no doubt whatever that private schools in South Australia would also benefit handsomely if we should ever be unfortunate enough to have a Liberal Government in this State, particularly if the member for Goyder has much say in its education policy.

The new staffing strategy in South Australia does not aim to staff schools on the basis of average enrolments as the motion suggests. What we are on about is matching staff numbers with actual student numbers. The new policy in South Australia is aimed at providing staff where and when they are needed, not having excess staff rolling around the system and being employed in less than efficient ways.

It is also worth pointing out that the proposal which has been adopted by the department was tacitly agreed to by SAIT as part of the 4 per cent negotiations. It was clear to SAIT and to everyone who followed the negotiations that the proposal was an integral part of the second tier wage package that was registered with the Teachers Salaries Board, and out of that package South Australian teachers gained what I regard as a reasonably well-deserved 4 per cent pay increase. I have no problem with that.

However, the point is that the second tier settlement included a consideration of the staffing formula, and that is what occurred. It is also worth pointing out that that solution to the 4 per cent debate cost the South Australian taxpayers $20.5 million per year in additional salaries for teachers. That is no small cost, and the public rightly expects to see some sort of improvement in the system. Indeed, that was the whole thrust of the understanding arrived at between the ACTU and the Federal Industrial Court when the 4 per cent negotiations were initially set in place.

So, the Education Department, in making its staffing changes and in altering the staffing formula to provide teachers where and when they are needed in schools, is in fact complying with that initial agreement between the ACTU and the Federal Industrial Court. The Education Department has done nothing underhand in that regard. The only underhanded behaviour has been on the part of SAIT, which perhaps laid low on the issue until it became politically expedient to raise it.

Another issue of the 4 per cent settlement needs to be highlighted, and that is that the Opposition seemed to be reasonably supportive of the negotiations at the time they occurred. We did not hear any of these complaints when the 4 per cent claim was before the Teachers Salaries Board. Only since it has become politically expedient to do so has the Opposition bothered to raise this issue and try to run with it.

Mr Meier: The details of the negotiations were not released until after the agreement.

Mr ROBERTSON: I did not hear anything from you. It has now become an issue that you reckon is worth running with. You are being inundated with letters from people who have been kept in the dark, and you are responding to it. You are rising to the bait.

The SPEAKER: Order! The honourable member for Goyder, through his interjection, was out of order, and just as out of order was the honourable member for Bright referring to an honourable member opposite as 'you'. The honourable member's remarks must be directed through the Chair.

Mr ROBERTSON: The Opposition made clear, in any statements it made on this issue, that it was supportive of the 4 per cent increase being granted in return for productivity measures. In doing so it clearly fell behind the line that was being pursued by the Federal Government and the agreement in the Industrial Court with the ACTU. No-one queried that until it became politically expedient to do so. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

GRAIN INDUSTRY

Adjourned debate on motion of Mr Blacker:

That this House strongly opposes the deregulation of the grain industry and calls on the Minister of Agriculture to lobby the Federal Minister for Primary Industry to retain grower controlled orderly marketing for the grain industries and further that this House is strongly of the view that before any change is made to the present marketing arrangements such change only be made after a full referendum of all registered growers of grains so affected.

(Continued from 25 August. Page 544.)

Mr GUNN (Eyre): Although the Opposition does not have any problems with this motion, it does have some problems about the imputations made by the member for Flinders. I thank the member for Flinders for his kind remarks about me, as Opposition shadow Minister of Agriculture. During his speech, he pointed out that I supported orderly marketing of wheat, and I certainly did that. Orderly marketing systems are the cornerstone of the Liberal Party's State policy. Under no circumstances should the State Liberal Party's acceptance of a free domestic trade be construed as approval for any breakdown of the orderly marketing system.

The State Liberal Party is totally committed to the grower-controlled orderly marketing of wheat and barley. Orderly marketing was established in the first place because of a

crisis in the industry. We will not support any change unless it is clearly demonstrated that it is both profitable to, and supported by the majority of growers. Mr Kerin's proposals have the potential to destroy the domestic wheat market, while not guaranteeing improvements in cost. He is playing a dangerous and ill-informed game which has serious implications for Australia's 40 000 wheat growers.

The Opposition recognises that the Australian Wheat Board has served Australia's wheat industry well. The overwhelming majority of grain growers in this State do not favour any alteration to the existing arrangements, as it would be contrary to the best interests of the grain industry in this State. The Federal Minister for Primary Industries and Energy (John Kerin) proposes to deregulate, open up the market for wheat and extend the stock feed permit to allow for the export of stock feed by private operators, end within five years the compulsory acquisition powers, and administer prices for wheat currently held by the Australian Wheat Board. These proposals have been universally condemned by the overwhelming majority of wheat growers in Australia. It has been estimated that grain growers would lose between $25 and $30 per tonne on these proposals.

South Australian wheat growers have had their say on the Kerin proposal for deregulating the domestic marketing of wheat. They voiced their opposition to the plan at three meetings in the State and again in a national growers survey, and the message to the Minister for Primary Industries and Energy and the Hawke Government in general is 'keep your hands off the Australian Wheat Industry.' South Australian growers do not want any interference in the current marketing arrangements.

At the Agriculture Conference in Queensland, I understand that the Western Australian Labor Government and the South Australian Minister supported the Kerin proposals, but Victorian, New South Wales and the Queensland Ministers opposed the proposition. It is very important that the State Government appreciates that the changes proposed by Kerin have implications for the State Government as they impinge on State rights established in the Constitution.

In the past, when any alterations have been made to wheat marketing arrangements, it has always been necessary to pass complementary State legislation. Any change to acquisition powers on marketing arrangements may have serious implications for our State Government, which has similar marketing legislation for commodities such as barley, the dairy industry, and the egg industry; and I could go on. The South Australian parliamentary Liberal Party has always supported orderly marketing of our primary products in this State and will continue to support efficient and effective statutory marketing boards within the State and on a national basis.

The parliamentary Liberal Party supports the operation of the Australian Wheat Board and will not support any partial deregulation of the domestic market. Any decision to alter the current arrangements of the Australian Wheat Board would have to have the overwhelming support of growers in this State. No-one suggests that the overall performance of the Australian Wheat Board may not be subject to some improvement, but any change in its operations must be with the support and approval of the Australian growers.

Since the current arrangements started in 1948, it has been generally accepted that the Australian Wheat Board has successfully marketed Australia's wheat in a manner which has been the envy of overseas producers. The Australian Wheat Board has been able to guarantee supply and quality and, because of its sole trading rights, has been able to obtain prices at least equal to, but on many occasions in excess of, those of our competitors, namely, USA, Canada, Argentina and the EEC. In view of the fact that Australia's agriculture is the least subsidised in the world, our system of orderly marketing is one of the few protections which the grain industry has in competing with the mass subsidies of the EEC, Canada and the United States. It is essential that the community clearly understands the value of the wheat industry to the nation as a whole. It has been estimated that last financial year it was worth in excess of $1 800 million to Australia.

Any unwarranted interference by Government in a system of marketing which has proved an outstanding success and benefit to the wheat grower should not be interfered with or tolerated. Anyone who makes a study of the overseas arrangements will see that we have been able to successfully sell our wheat and maintain the viability of our wheat producers only because we have had the current successful arrangements with the Australian Wheat Board having the sole rights, and the Co-Operative Bulk Handling Company being the sole receiver of grain in this State. There are similar arrangements interstate.

Deregulation of the domestic market will open it up to traders, merchants and speculators, and this will not be of benefit to the grain grower, and will eventually lead to total deregulation of the market and the producers will be completely disadvantaged. The basis for the opposition to deregulation from the grower body, the Grains Council of Australia, is that it is possible that domestic wheat prices could fall from the current level 'card price' towards the average export price.

The Grains Council has put forward a set of proposals which it suggests will protect the current domestic price while achieving the aims of greater efficiency and flexibility. The Federal coalition is maintaining contact with the Grains Council and the Wheat Board. The level of concern in rural areas about any form of deregulation in the grain industry is extremely high. The overwhelming view of the Grains Council of Australia and other concerned groups is that the Australian Wheat Board should retain sole export power for wheat and the domestic power of wheat sold for human consumption.

The Grains Council has spoken out strongly against deregulating the domestic market. Flexibility can be introduced into the domestic market without deregulating it. By introducing pricing mechanisms, such as cash payments and electronic marketing, pressure will be put on the marketing system to perform. As a counter for the Kerin proposals, the Grains Council wants support for a marketing arrangement that allows growers to control their own destiny, a domestic pricing structure which avoids importing the total effect of corruption of international prices, and an underwriting arrangement that provides some protection against the might of the United States and the EEC.

Kerin admits that the Government does not have full industry support for its proposals but maintains that the oppostion to his proposals is based on unwarranted fear and misunderstanding. Growers are having their future determined by politicians and bureaucrats who do not appreciate the impact that the Federal Government's proposals will have on their industry. It is estimated that their income will be reduced by as much as $40 million a year. A newspaper report in the *Weekly Times* of 7 September 1988, says that there is even increasing doubt over whether the Prime Minister's Country Task Force will support its Government's proposed wheat deregulation legislation. The task force consists of 16 Federal Labor Party members of Parliament, and they want information relating to productivity gains available to the industry without relinquishing

the Australian Wheat Board's monopoly powers and the effects of letting private traders into the feed wheat export market.

One member of the task force, the member for Kalgoorlie, Graeme Campbell, says that there is too much pain and too little gain in proceeding with deregulation. Campbell says that, although the task force as a whole had not made up its mind whether it would support or oppose Kerin's proposals, he would not be altering his view unless he was given clear evidence of where productivity gains could be made under deregulation. Campbell says that he would not trust the private sector to pass on any efficiency savings. These savings would accrue to traders, not growers. The Liberal Party is prepared to examine the case for deregulation of the domestic market to allow direct access from producer to processor and/or end user, but will not support the removal of any requirement that domestic grain trading be monitored and controlled by statutory authorities.

A lot of anger has been expressed at the attitude of the Federal Opposition and I will quote from certain statements in a moment. The Australian Wheat Board has been in continuous operation since 1939 and is the sole statutory marketing authority for wheat in Australia. If deregulation is implemented, it will have a direct detrimental impact on cities such as Port Pirie. Local grain export facilities in the city would cause employment losses in the industry and the business area, owing to loss of revenue usually spent in Port Pirie and other ports by grain traders and handlers.

Many farmers suffered financial losses from the closure of the private trader in legumes in South Australia, and the big fear with the Kerin proposal without any guarantees from the Government, is that a spate of private wheat traders could see thousands of farmers suffer a sudden downturn or turnaround of the market, and there is no guarantee that they will be paid. I have been dealing with a problem of a number of my constituents, as have the Leader and the member for Goyder. We all know about Gulf Industries. More traders would not mean greater returns to growers through more competition; it would mean more of the cake would be cut and people would receive less.

Farmers are generally sick and tired of continual Government interference in the industry, and the message is very clear to Mr Kerin: their financial security must not be tampered with simply for political reasons. Wheatgrowers have enjoyed financial stability from the pricing and acquisition powers of the Australian Wheat Board.

In his speech, the member for Flinders made comments reflecting upon certain people in the Liberal Party. They were based on a number of assumptions that do not stand up to proper analysis. Elders position in the wheat marketing debate has been made clear: the company fully supports deregulation of the wheat industry while supporting the Australian Wheat Board as the sole exporter of Australian wheat.

Generally speaking, the member for Flinders' remarks are totally misleading. He did not point out that the deregulation of the wheat industry is aimed purely at domestic sales, and sought in fact to imply that it was the domestic and export markets which were sought to be deregulated by the Kerin proposal.

In conclusion, I want to say that there are a number of matters which Mr Kerin, and others involved in this exercise, should clearly understand. Certain members of the Federal Opposition have been painted as the villains, but I would like to draw to the attention of the House an article which appeared in the *Weekly Times*, a well known newspaper which deals with agricultural matters, of 31 August 1988. Under the heading 'National Party Undecided On Wheat', the article states:

The National Party is unlikely to make a decision as to how it will vote on new wheat legislation proposals until the results of soon-to-be-implemented changes to the Australian Wheat Board (AWB) are examined. These changes, to be introduced during this session of Parliament, will implement the recommendations of the Royal Commission into Grain Storage Handling and Transport. Under these recommendations the AWB will lose its sole receivership rights and will have to disaggregate costs to growers as much as possible.

The Government's proposals, based on the controversial IAC recommendations, will not be introduced into Parliament until next year. After a Party meeting last week, National Party Deputy Leader and Opposition primary industry spokesman, Mr Lloyd, said it was stupid to attempt any decision now or in the near future on the proposals when no legislation was coming in until the autumn session next year. Instead, a wait-and-see position was the best option so the impact of the changes to the AWB could be examined.

Mr Lloyd said this was a positive approach and one which strengthened the Grains Council of Australia's (GCA) position because it continued to give the council leverage. However, a spokesman for Primary Industries Minister, Mr Kerin, said the AWB would not be operating that differently by the time the legislation was introduced, anyway. And he said the marketing legislation was a totally different matter from the Royal Commission's recommendations.

I quote from the *Primary Industry Newsletter* of September as follows:

Hansard quoted by the statement contained no such word.

That is a reference to the member for Flinders. The article continues:

GCA President, Lindsay Criddle, must be thankful that it was not the turn for his name to appear on a GCA statement. Elders, which categorically denied the accusation of any conspiracy in the wheat marketing debate, must be wondering following this attack by an NFF affiliate. It contributed over $100 000 to the NFF sponsored International Federation of Agricultural Producers' conference in May in which the GCA was a major participant and which had the disastrous (for Australia) international subsidised grain marketing policy at the top of its agenda, especially with the NFF Public Relations Director, Ian Sutton, having just returned to Canberra from running around Australia drumming up sponsorship support for the Federation.

I wanted to draw that article to the attention of the House, not because I am concerned about Elders—because Elders will look after itself—but because I am concerned about the wheat industry. I am also concerned that there should be a fair, reasonable and accurate debate on this matter because I believe at the end of the day the majority of growers and the community will recognise the value of these kinds of arrangements and the need to maintain them in the overall interest, not only of agriculture but the economic viability of the nation as a whole. I also want to point out to the member for Flinders that BHP has also been involved in grain marketing, and I quote an ariticle from the *Stock Journal* of 26 August 1988, headed BHP grain riddle, which states:

Is BHP about to muscle in on the Australian Wheat Board? That's the question doing the rounds on the grain trade following moves by BHP to establish a grain trading board. A spokesman for BHP denies the suggestion.

BHP advertised last week for a grains trading manager to develop a domestic and international trading business in grains and associated products. A grain trading venture would complement BHP's shipping capacity in bulk carriers. Grain trading is not foreign to BHP. Last year it served as an exporting agent for several contracts of barley destined for Iran.

I do not know why the member for Flinders did not mention BHP, because it is interesting to note that Mr David Asimus, previously Chairman of the Australian Wool Corporation, has recently been appointed to the board of BHP, and it has been suggested to me that he has been a strong National Party supporter over a number of years. I draw to the attention of the House the fact that it is well known

that the National Party has received considerable revenue from the mining industry.

The member for Flinders has attacked certain members of the Liberal Party, but I believe that this situation would never have arisen if the National Party across Australia had stood up to the 'Joh for Canberra' campaign because, if that disastrous campaign had not taken place, Mr Lloyd would be Federal Minister for Primary Industry. We would have a Liberal/National Party Government in Canberra, because anybody who has studied the figures realises that the combined National Party/Liberal Party vote in Australia exceeded the Labor Party vote. Had it not been for that disruptive force from Queensland, we would have received even greater support and now would be on the Treasury benches.

I wanted to say a number of other things, but time precludes me. I want to hear the Minister speak in this debate, because the role of the South Australian Government will be very important in this matter. As I understand it, I am the only wheatgrower left in the House of Assembly and the only other wheatgrower in the Parliament is my colleague, the Hon. Peter Dunn, member of the Legislative Council. I am fully aware of the needs, the difficulties and the value of this industry to this State and nation. As someone who intends to participate in the industry for the rest of my active life, I will not do anything that I believe would jeopardise the livelihood of even one wheatgrower.

I believe that this debate is important. I attended one meeting at which the growers made their position very clear. I therefore urge the Minister and all the other people involved in the industry in this debate to seriously consider the matter before they go down the road proposed by Mr Kerin, because I believe that not only the farming community but the nation as a whole have a great deal to lose if the wrong decision is made. I believe that Mr Kerin has already taken the first step towards making the wrong decision.

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

That the motion be amended by striking out all words after 'House' and inserting 'urges the Minister of Agriculture to take all steps necessary to protect the international marketing arrangements for grain and to ensure the long term production base of graingrowers in South Australia'.

In supporting this amendment, I want to give some facts. It is interesting to see the National Party and the Liberal Party posturing and brawling amongst themselves. As much as the member for Eyre may like to gloss over it, the brawl is very public and those who have been anywhere near the issue have probably seen how vicious it has been between the two Parties and also between sectors of the industry as a whole.

What John Kerin has in mind is a fairly open approach to the whole marketing arrangement for the benefit of the economy and the community. I am not sure that, when he first proposed these particular changes, he envisaged that there would be public brawling between the conservative Parties in this country and within the industry itself. By going back through numerous press cuttings over the days when the debate has raged, one can highlight various statements from various individuals.

It is interesting to note that the national President of the Liberal Party, when wearing his other hat, is a very successful businessman who is in favour of total deregulation of the industry, and the member for Flinders referred to that. Whatever his reasons are for that, one can only make certain assumptions, but I am sure that it is to do with the activities of his company which, of course, is a large organisation dealing in commodities and which would like to be more involved in commodity marketing, particularly of grains. One can only assume that that is the purpose behind his call. He has been particularly successful in a number of areas of marketing Australian commodities in the international marketplace. I am not one to overlook the comments of people who are successful in the international marketing environment. However, in this case, let me make quite clear that my position as State Minister and the position I took at the Agricultural Council meeting was to endorse the support that was given by Ministers for the continuation of the international role that the Australian Wheat Board plays.

Although I am not a wheat farmer, my father, both grandfathers and my great grandfathers were wheat farmers, so I have some knowledge. Over the years I have listened to my father, uncles and other relations talking about wheat farming and about the changing methods that have occurred in the Mid North and northern regions of this State where they farmed. So, I am not a complete novice. Indeed, as part of my economics degree, I did a major in agricultural economics and one of my topics was wheat marketing. That was important exposure because I can step back from this debate and look at it more objectively than someone who must cater to a sectarian or a sectorial interest in the community. I want to look at it in that light to determine what benefits there will be in the long-term growth of agricultural commodities, both at a national and international level.

It is important to record some facts about what John Kerin proposed to the Agricultural Council. I preface that by saying that the matter has not been finalised and the Agricultural Council meeting in late February 1989 will consider the very vigorous and active debate that has occurred throughout the community and the various industry responses to that debate which John Kerin stimulated by announcing certain options concerning deregulation of the wheat industry in this country. As I said, I support the continuing role of the Australian Wheat Board in the international sphere. I see this as being a very important aspect for grain marketing. Let me also say that there is some option at international level. The Australian Wheat Board can adopt a more market oriented approach and benefits can be gained by loosening up the legislation to allow them to adopt a more commercial or market oriented approach. I will make reference to that in the process of speaking to this amendment.

The proposals put forward by John Kerin envisage two segments, international and domestic. Various options have been floated for the community to consider with regard to the international and domestic markets. It is a reasonably complex picture when it is all put together. I am not sure that the debate is taking shape around those options. The debate has become polarised: one is either for it or against it, one is black or white, good or bad, depending on where one stands in the community. We have to examine carefully the options that John Kerin has put forward. I ask the community to look carefully at what is being proposed by the Federal Minister for Primary Industries and Energy with regard to those deregulation proposals. Deregulation has become the word of the 1980s—everyone has jumped on the bandwagon and is enjoying it. I am not sure that one could describe it as wholesale deregulation; in some ways it is a minor change.

In the context of the international arena it is a minor change to the portfolio responsibilities of the Australian Wheat Board. At the domestic level it is a re-arrangement, at best, of the marketing structure that is operating at the moment and could probably operate with those alterations. It is an interestng debate. Obviously, it has to be put into the context of the importance of the grain industry to our exports from this country. To put it in the context of what we are talking about with regard to export versus domestic

consumption, 80 per cent of our grain is exported and 20 per cent remains on the domestic scene. We are talking about a fifth of our national production level. If one concentrates on the domestic debate, which is certainly consuming the attention of public meetings held in this State, one should look at what operates now and what will operate under the proposals floated by John Kerin.

I will run through the broad outline as proposed to us at the Australian Agricultural Council meeting in July. As the debate was placed before the AAC in July, a number of positions with respect to the options were taken by various State Ministers. It saw unanimous support for the continuation of the Australian Wheat Board as the national marketing authority. There were some options on the fringe to alter the proposals to give them greater commercial flexibility. The Minister for Primary Industries and Energy in a press release of 28 July put forward proposals to amend Commonwealth wheat marketing legislation, and the theme he put forward is relatively sensible.

The objective is to maximise the commercial competitiveness in the market. The Federal Minister was looking at the Australian Wheat Board being free from regulation to the maximum extent practicable. The community can read many things into that. I will not embark on that debate as I want it to be careful and measured as emotions can run very high and people can believe, as the member for Eyre has pointed out, that $40 will come off the top of the price returned to producers. One could refer to $85 to $90 per tonne being the break-even point for the average wheat grower, so with a reduction of $40 we are looking at a serious situation. That would cause some concern to the community and, in fact, many of our viable wheat farmers would go down the gurgler. We would face a very serious situation. Given the information I have, that figure would be somewhat exaggerated and one which my expert advisers in the department would not support as an alternative.

In fact, there are swings and roundabouts in this whole debate and we have to try to balance them. The Federal Minister, in terms of the commercial arrangements and the Australian Wheat Board, said:

> In particular, it will be free to conduct more commercial operations including a mechanism to buy wheat for cash at the farm gate, a more flexible pooling operation and a more flexible payments system suitable to individual growers' needs.

There is some sense in what is proposed in that type of arrangement. Again, I call on the community to listen more carefully to what is being put and not say, 'It is rotten; it is no good. This is a socialist plot from Canberra to undermine the whole wheat marketing structure.'

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: The member for Mitcham says, 'That's the one.' He obviously does not know John Kerin and probably will not have that opportunity since he will be sitting in that seat for some time to come, I imagine, if he does not have to move somewhat further behind his present seat, given the various articles written about him. My assessment is that, if one looks at the policies, one sees that the National Party is adopting the most socialist policy regarding this whole marketing structure.

Mr Blacker interjecting:

The Hon. M.K. MAYES: It is not clear what policy the National Party is adopting either. I will not embark on a debate, because National Party members have taken various stances on the issue and one could not be accused of being stupid if one was to say the whole issue was confused in terms of the conservative environment. I have an article from the *Advertiser* of 23 August in which it is stated that the National Farmers Federation took almost no interest in the issue initially. Since then, and given the reaction of many of its members throughout the country, it has changed its position. Initially it was saying, 'We will let the debate rage, not participate and see what comes out of it. We will stand by and let the missiles fly.' They flew all right, and they probably flew in the direction of the federation.

The same could be said for the Liberal Party. One Liberal member in the national caucus opposed the proposal in the broad sense but the remainder supported it. The political picture is certainly confusing. I am trying to draw out the points from the press release and the information that has been supplied to me by the Federal Minister in an attempt to initiate a debate about those things whereby we can come up with the best possible package that offers, as stated in this amendment, 'the long-term production base for grain growers in this State'.

We must look very carefully at the proposals put by John Kerin to improve the commercial competitiveness of the Australian Wheat Board in the market. I mention these options for the AWB. The press release continues:

> The AWB will have the flexibility . . . to market other grains and wheat grown in other countries where that complements the sale of Australian grain.

I was fortunate enough to travel to America to promote our product to the Americans. That was very useful, because I visited the Kansas City Board of Trade, which is a major grain exchange in the United States. I stood in the bull pit the morning following the Memorial Day weekend. The rains were due in the grain States and, if they did not get them, we knew that very little grain would come out of those States for that season. The July/August futures prices went through the roof that morning. It was the largest jump on the exchange for many years, and I had the opportunity to see it. I was there with the Australian Wheat Board representative who was courteous enough to accompany us and introduce us to the major traders and the principals involved in the Kansas City Board of Trade.

It is interesting to note that our Wheat Board operations are very effective and have an international base. This amendment would enhance the operation of the Wheat Board and get us into the other market areas. Let us be quite frank about it: as much as the Americans posture and say what a good job they are doing with regard to respecting our trading relations, at every turn they breach any gentleman's agreement, ignore past historical relations that we have had in the marketplace and proceed with all due haste to undermine our marketing structure.

Therefore, it is quite frustrating to have to deal with them. If that is the way the game is to be played, we must get in and market as hard as the Americans. Through their commercial operations they get into most markets at any stage they can to market their grains. Of course, they are, as we know, reducing their stocks. They released the conservational reserve lands in July so that the store they have been keeping, which is about one billion bushels, can be further enhanced. They have that stock, so they can go into these marketplaces.

Our Wheat Board will be enhanced by its being able to trade overseas grains in the international environment. It would be an added advantage to our Wheat Board (which is seen as an international trader) being perceived as being in a more commercial environment. I think that could apply in the domestic environment as well. Again, that proposal has a good deal of merit.

Another issue is the export situation. There is the unanimous support of all Ministers in this regard. The AWB will maintain control of the export of milling and industrial wheat. It will also be able to export seed wheat, and buyers other than the AWB will be able to export seed wheat under permit if the product is effectively denatured and thereby

excluded from markets for milling wheat. Denaturing is a process whereby dye is put in so that we can differentiate between that wheat and milling wheat. Therefore, one market is kept for the AWB; these other options would be available. On the surface that looks to be a reasonable option. There certainly needs to be some discussion within the industry and between the industry and the Government with regard to denaturing. Again, that aspect will obviously require further debate and expansion within this whole area of deregulation of the grain industry.

The other aspect causing great concern is the domestic market. The proposal is that the domestic market be freed up during the life of the new arrangements. There will be a transition period during which the permit system will be extended to all end users, and the grower to buyer arrangements will be made more competitive. After the transition period compulsory acquisition arrangements will be terminated. The legislation will contain specific provisions to ensure that the AWB's export monopoly for milling and industrial wheat is maintained. So, we can get a better picture, albiet not in a detailed sense, but a very specific outline of what John Kerin has proposed.

The other thing that has not been talked about is, of course, the change in the structure of the board itself. There is a general acceptance in that regard. The Commonwealth put out the white paper several years ago and I have certainly used that in terms of structuring our local boards. The idea is to achieve more management, market oriented expertise on these boards rather than overwhelmingly industry based expertise, in that sense grower or manufacturing based, and so on. Therefore, there would be broader expertise available to the board, which has a very important responsibility in terms of policy determination. It would be worthwhile looking at that. That aspect certainly has not been drawn out in media reports that I have seen as being an important part of the debate. I believe it is a significant part of the debate; to provide greater expertise for the board in its operations is quite significant. I am sure most members of this House would join me in those comments.

A proposal has been made in relation to the underwriting arrangements. I am not saying that this is something that the Government would find acceptable. I think that the underwriting arrangements, outlined in the May economic statement by the Prime Minister, would be such that there would be some phase-out over a period of time. I am not necessarily convinced that that is the best way to go. It is probably part of the economic package which the Federal Government has put forward. However, I think that we would need to see some gradual reduction in the Government's commitment in that underwriting process, probably commensurate with increasing the overall responsibility of the industry for maintenance of the marketing arrangements and the operations of the Australian Wheat Board.

Specific borrowing guarantees would probably be provided to the AWB, in consultation with the industry, and so, in fact, there would be a high first advance payment. The proposal that Minister Kerin is putting forward is probably that that should not necessarily be linked to the level of underwriting, but based on an estimate of the net pool return in the current year. That is worth looking at. I am not convinced that it is the best option, but I think it has to be explored, as obviously there would be some benefits. With a more commercially based operation for the whole industry we may want to have a greater flexibility in the basis of the financial operation of the AWB. I think we could talk about it becoming more financially geared and also more responsive to the market situation.

I hope I have outlined in more detail points which have not been coming across in the debate. Until now it has simply involved the deregulation aspect. I have watched with some interest the posturing of all the parties—for example, the NFF, individuals within the National Party, individuals within the Liberal Party, and the President of the Liberal Party who has taken this total deregulation view, and the majority of Liberal Party Federal members. Now, of course, we hear the State shadow Minister pronouncing that he is opposed to anything that means change. I do not think we can be like that in the 1980s. We must look at things from a much more global oriented point of view. We cannot just stick our heads in the sand and say that it is all too hard or that because we are getting a hammering from our constituents we must withdraw from the debate. We must look at these matters.

As to the Government's position in relation to this matter, we will be interested in the nature of the debate when it comes before the Australian Agricultural Council. I am of the view at present that there are some areas in which we can be more flexible in the domestic environment. I am certainly looking at the Australian Wheat Board's having a greater flexibility in terms of the international situation, although it must maintain its position in terms of its significance as an exporter. I call on the House to consider these matters, which must be debated in a sensible, calm and unemotional way. I seek the support of members for my amendment.

Mr BLACKER (Flinders): I thank the two speakers who have contributed to the debate—the shadow Minister of Agriculture (the member for Eyre) and the Minister of Agriculture. In view of the time, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

That the sittings of the House be suspended until 2 p.m. today.

Motion carried.

[*Sitting suspended from 11.45 a.m. until 2 p.m.*]

PETITION: TRANSPORT SUBSIDIES

A petition signed by 25 residents of Mount Gambier praying that the House urge the Government to make transport subsidies available to country war widows was presented by Mr Allison.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of State Development and Technology, on behalf of the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Urban Land Trust—Report, 1987-88.

By the Minister of Education (Hon. G.J. Crafter)—

Classification of Publications Board—Report, 1987-88.
Court Services Department—Report, 1987-88.
Electoral Department—Report, 1987-88.

By the Minister of Agriculture (Hon. M.K. Mayes)—

Department of Agriculture—Report, 1987-88.

By the Minister of Recreation and Sport (Hon. M.K. Mayes)—

Betting Control Board—Report, 1987-88.

By the Minister of Community Welfare (Hon. S.M. Lenehan)—

Office of the Commissioner for the Ageing—Report, 1987-88.

MINISTERIAL STATEMENT: HOUSING TRUST RENTS

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I seek leave to make a statement.

Leave granted.

The Hon. T.H. HEMMINGS: Over the past week there have been several newspaper articles on the subject of new procedures for Housing Trust tenants on reduced rents. Part of the contents of these articles has been misleading and has worried some trust tenants who are currently benefiting from a reduced rent. It is important that the aim of the new procedures is made clear to all involved, and that tenants are not unnecessarily disturbed by what is now being asked of them.

At present, about 65 per cent of all trust tenants, or almost 37 000 tenants, do not pay full rents. These tenants pay a reduced rent, the total cost of which in forgone rental revenue to the trust was $64.5 million in 1987-88. Reduced rents are calculated for each individual tenant according to household income. While the vast majority of trust tenants applying for reduced rents have been scrupulously honest in declaring their incomes, the Government is aware that a small minority have abused the scheme by lodging false or incomplete statements.

This is not acceptable to the Government, especially at this time when there is unprecedented pressure on the public housing dollar, nor would it be acceptable to the community if it were thought that the Government was not doing all in its power to prevent this abuse. The trust, therefore, has adopted new procedures under which tenants seeking a rent reduction are required to authorise the trust to verify their incomes from all sources. This will enable the trust to contact the Department of Social Security and employers, and confirm a tenant's income statement.

The authorisation will allow these bodies to provide to the trust information on a tenant's declared income. It will not give the trust access to a tenant's Department of Social Security file. The authorisation form specifically refers to the fact that authorisation relates only to information necessary to determine eligibility for a rent reduction, and for no other purpose. Tenants are not being asked to provide any information that they would not have provided to receive their social security benefit. The new procedures are not an invasion of privacy. However, tenants who do not wish, for whatever reason, to provide this authorisation to the trust can choose not to sign the form and, instead, can themselves provide written confirmation of income which they have obtained from the Department of Social Security or their employer.

More than 90 per cent of those tenants approached have signed the authorisation form, and many of them have welcomed the chance not to have to personally obtain the necessary information. A few have chosen not to sign the authorisation, and have reverted to paying full rent. Whatever a tenant chooses to do, confirmation must now be provided in order to receive a rent reduction, otherwise a tenant will be charged the full rent for his or her dwelling. It is important to note that of the 8 400 tenants so far approached, about 500 have had their rents adjusted. If this percentage holds for the entire number of tenants on rent reductions, the new procedures will result in a significant increase in rental revenues to the trust.

The introduction of the additional checks is consistent with the advice of the Auditor-General and, I believe, is supported by taxpayers generally. Tenants who are found to have provided incorrect information on their incomes will be required to pay the rent level appropriate to their income. Any repayments will be geared to the tenant's income. Only by administering an efficient and equitable public housing program can any Government hope to meet the desperate need for affordable housing that remains in our community.

QUESTION TIME

MINERAL EXPLORATION

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Following the collapse in spending on mineral exploration in South Australia that is now even lower than when the Labor Party's change of uranium policy in the mid-seventies under the Dunstan Government caused a flight of capital from South Australia, does the Premier agree with strong criticism of the Government's present uranium policy by the Government's own most senior adviser on mines and energy policy?

Ms Gayler interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: Well, we will get around to that.

Ms Gayler interjecting:

The SPEAKER: Order! The honourable member for Newland is out of order. The Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Will he take immediate action to reverse that policy and, in particular, while he is in London later this month, seek discussions with the Urenco-Centec consortium about the future potential for a uranium conversion and enrichment plant in South Australia? The annual report of the Department of Mines and Energy tabled yesterday shows that spending on mineral exploration in South Australia in 1987 fell to $9.7 million, less than half what it was the previous year. This is also South Australia's worst result since 1976 when the Labor Party changed its uranium policy and forced mineral exploration companies to invest their money in other States. In comment in the annual report tabled yesterday, the Director-General of the department, Mr Johns, stated:

> During the past 20 years, exploration activity has been heavily reliant on the search for uranium as a commodity of particular interest in South Australia. These efforts have been rewarded through the discovery of a number of deposits in previously unsuspected geological environments. Thus the abandonment of the Honeymoon and Beverley uranium projects and of uranium conversion and enrichment proposals has had a detrimental effect through foregone revenue and employment opportunity, and a deterrent to investment.

The comments of Mr Johns follow a recent statement by the Chairman of Western Mining Corporation, Mr Hugh Morgan, that it was time for Australia to resume moves towards the conversion and enrichment of uranium. Such a move would at least double to South Australia the value from the Roxby Downs mine, and it is an issue the Premier can pursue while he is in London in the next fortnight by resuming discussions with the Urenco-Centec consortium which previously expressed strong interest in establishing conversion and enrichment plants in this State. In fact, I believe we would have had that in this State at the present

time if the efforts of the Government of which I was a part had been continued.

The SPEAKER: Order! The honourable Deputy Leader is debating the matter. I ask him to restrict himself to the proper terms of an explanation.

The Hon. E.R. GOLDSWORTHY: The mirage in the desert at Roxby Downs is now about to be opened.

The SPEAKER: Order! The last remark of the Deputy Leader is completely out of order and if he continues to flout the Chair he will be named.

The Hon. J.C. BANNON: The question and the way it was framed is consistent with the approach of the Deputy Leader in particular and his Party in general to this whole matter. Members opposite have always been prepared to say, 'Get in there, dig it out, pull it up and don't worry about the consequences—process, waste disposal—you name it, we will do it'. That sort of attitude resulted in the recent major problems we have had, for instance, in Maralinga where a massive clean-up has been necessary at enormous cost to the British Government and to the Australian Government because of the sort of irresponsibility that said, 'We don't care how you do it, just get in there, as long as we can make a dollar out of it.'

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: My Government does not support that view: we are strongly opposed to it. Not only does it totally brush aside very genuine concern from a very large section of our community—

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader not to continue to interject. He was able to ask his question and to give an explanation, until cautioned by the Chair, with only one person interjecting from the opposite side, and the honourable member concerned was reprimanded for doing so. I expect the Deputy Leader to show the same courtesy towards the Premier with his reply.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker. I would ask you to explain whether there is a different set of rules during Question Time than during debate. This morning, when I was attempting to speak I was interrupted continuously by the member for Briggs with no warning whatsoever from the Chair. The only indication from the Chair was that I should not listen to interjections.

The SPEAKER: Order! I do not uphold that as a point of order. The honourable Deputy Leader will resume his seat unless he can produce a point of order that can be upheld.

The Hon. E.R. GOLDSWORTHY: Mr Speaker, all I ask is for some consistency in rulings from the Chair in relation to—

The SPEAKER: Order! If the Deputy Leader does not immediately resume his seat I will treat that as contempt of the Chair and I will name him for it. The honourable Premier

The Hon. J.C. BANNON: I believe the attitude and performance of the Deputy Leader indicates that the question is not only typical of his irresponsible approach to this issue but of the frivolous nature of the question itself.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I am amazed that the member for Coles interjects, not only because it is flouting your ruling, Mr Speaker, but because I would have thought that she of any member of the Opposition, based on the sort of statements they have made in a number of areas, would have been most concerned about the attitude expressed by the Deputy Leader. I would have thought that she had some concern for environmental health—

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order! I warn the honourable member for Coles.

The Hon. J.C. BANNON: —and all those other very complex issues which are raised around this question.

Mr S.J. BAKER: On a point of order, Mr Speaker. I refer to your ruling in 1986 when you called on Ministers to refrain from irrelevancies or unduly provocative comments in their replies. In his response the Premier has made a number of allegations about the attitude of the Opposition which are not consistent with the question that has been asked.

The SPEAKER: Order! I do not uphold the point of order. The honourable Premier.

The Hon. J.C. BANNON: It seems that the burden of the Deputy Leader's question, apart from the 'dig it up and to hell with the consequences' school, is that we are in some way disadvantaged. The fact is that, despite our general policy and concern in this area, we were prepared to listen to the voice of the electorate in relation to the Roxby Downs project and indeed—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —on at least two separate occasions I personally took the issue to the Federal forums of the ALP—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —and helped to adjust the policy in such a way as to make it possible for the development to go ahead. Why should that be significant? It bears very heavily on one aspect of the Deputy Leader's question, namely, that South Australia is in some way at a major disadvantage with respect to mineral research and exploration because of particular policies in relation to the downstream processing and mining of uranium. I point out that, irrespective of our State policy (and I am happy to stand up and defend it in any forum), these issues are governed by policy at the national level and there is no discrimination between the States.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It has been argued that Federal Government policy probably discriminates in our favour. I ask members opposite to reflect on that before they carry on about disadvantages. In other words, on the contrary—

Members interjecting:

The Hon. J.C. BANNON: I am surprised at members joining in the chorus.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The situation facing the House is quite clear. If certain members continue to conduct themselves with such bad manners that they will bring this House into disrepute with the public, I shall name them. The honourable Premier.

The Hon. J.C. BANNON: I am surprised that some members opposite join in the chorus because I would have thought that they would be somewhat sensitive to the issues involved. I come back to the basic point of logic, that is, irrespective of the policy of the State Government (and I do not back off from that policy—we have stated our policy and have maintained it consistently), we are not in any better or worse position than other States because it is national policy ultimately that will determine these questions. That is where it will be decided.

Members interjecting:

The SPEAKER: Order! The member for Victoria and the member for Adelaide are out of order.

The Hon. J.C. BANNON: We do not want to go into that piece of double dealing.

Members interjecting:

The SPEAKER: Order! The member for Bragg is out of order. I ask the Premier to resume his seat. In the Chair's opinion it is not necessary for interjections to be particularly loud and disruptive for them to be out of order. Certainly, interjections that are loud and disruptive are out of order, but interjections such as those from the member for Bragg, which are repeated and continual, are also out of order, particularly when the Chair has drawn the attention of the House to the situation. The honourable Premier.

The Hon. J.C. BANNON: The chief reason that mineral exploration in South Australia has not been higher in recent years is that it has not been devoted to uranium. Nobody has been out there looking for uranium in a comprehensive way: they have been looking for gold. Prospectivity for gold in South Australia is not as high as it has been in Western Australia, for instance. That is a fact and the Deputy Leader knows that very well. He chooses to ignore that, of course, in what he says.

The Hon. E.R. Goldsworthy: What about John?

The SPEAKER: I name the Deputy Leader of the Opposition for his continued interjections.

The Hon. E.R. GOLDSWORTHY: It is all right for him to abuse me.

The SPEAKER: Order! The Deputy Leader will resume his seat. He has not yet been called upon. Does the Deputy Leader wish to make an explanation or an apology for his conduct?

The Hon. E.R. GOLDSWORTHY: You gave a ruling from the Chair that Ministers in answer to questions should not be provocative, but you expect us to sit here and take abuse from Government ministers, including the Premier. In fact, the Premier has done nothing but abuse me in answer to a straight question. You expect Opposition members to take abuse from the Premier day in and day out without interjection. What happened this morning?

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Eyre.

The Hon. E.R. GOLDSWORTHY: When the member for Briggs kept interjecting at least six or eight times when I was making a speech, without any remonstration from the Chair—

Members interjecting:

The SPEAKER: Order! Will the Deputy Leader resume his seat for a moment.

The Hon. E.R. GOLDSWORTHY: I am giving the explanation.

The SPEAKER: Order! The Deputy Leader will resume his seat for a moment.

The Hon. E.R. GOLDSWORTHY: What the hell is this?

The SPEAKER: Just resume your seat. I warn the Minister for State Development and Technology not to inflame the situation by interjecting on the Deputy Leader. The honourable the Deputy Leader.

The Hon. E.R. GOLDSWORTHY: I would say that this situation has been brewing for weeks, because during Question Time the Leader has only to open his mouth and interject once and you, Sir, are on him like a ton of bricks. It is all right for the Premier to get up and abuse me, impute improper and underhand motives, suggest that I am an idiot and am not asking a straight question, and sit here like a lamb and think that this is lovely, while you jump on us and let them go. Well, you can damn well chuck me out, I think you're bloody hopeless.

Members interjecting:

The SPEAKER: Order! I further name the Deputy Leader for that last remark which was highly offensive to any occupant of the Chair and to the Chair in general.

The Hon. E.R. Goldsworthy: And you're damned offensive to us—we think you're absolutely hopeless.

The SPEAKER: Order! I further name the Deputy Leader for that further remark.

The Hon. E.R. Goldsworthy: What, am I out for a year?

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

That the Deputy Leader's explanation be accepted as being factual and correct.

Mr GUNN (Eyre): I second the motion. Members on this side of the House have, with great tolerance over a considerable length of time, been concerned at the attitude that the Chair has displayed to the Leader, the Deputy Leader, and other members who have been endeavouring to conscientiously carry out their functions as responsible members of the Opposition. Unfortunately, there has been displayed by the Chair an interpretation of Standing Orders that, in the view of members on this side of the House, has not allowed those members to properly discharge their duties. This exercise that has taken place this afternoon is a culmination of that frustration, that view of members that they have been unfairly treated, and it has therefore led to the honourable Deputy Leader's expressing his annoyance and failure to understand the reasons why the Chair would display indifference towards him but allow the member for Briggs and other members on the Government benches to continually interject and defy the rulings of the Chair.

This has caused the situation which has erupted this afternoon and which has led to the Deputy Leader's expressing his annoyance. I believe that the course of action which you, Mr Speaker, have taken is unfair and unreasonable, and not in accordance with Standing Orders. I believe that not only was the honourable member's frustration justified but that you, Sir, should very seriously consider the rulings that you have given over a long time. I believe that any independent observer of Standing Orders would come to the same conclusion—that the Opposition has not been fairly treated. It has been treated in a manner which is biased towards the Government and which is designed to protect the Premier and the Ministers from proper explanation arising from proper questioning. I therefore call upon all fair-minded and reasonable members to support the Deputy Leader.

If the Deputy Leader and other members of the House did not interject or raise their ire in relation to these matters, they would be failing in their obligations. Mr Speaker, as the upholder of the most important office that this House can bestow on one of its members, you have the prime obligation to ensure that every member is treated fairly. It is the view of the members of the Opposition, and I believe of every impartial observer, that that situation has not prevailed. I therefore have much pleasure in seconding the motion.

The Hon. D.J. HOPGOOD (Deputy Premier): I urge the House to reject the member for Light's motion. It is interesting that the member for Light, the Deputy Leader of the Opposition, and the member for Eyre—who has just resumed his seat—and I were elected to this place on the same day and, therefore, collectively, we have a great deal of experience of the workings of this place. We all know that from

time to time people develop what they fancy to be grievances about the way in which things work, and that from time to time they may develop grievances about the way in which whoever might be occupying the Chair at any given time might be directing the affairs of the Chamber.

But, having been here for 18 years, we also know that the Standing Orders of this place are such as would allow us to have due process for a proper redress of those particular matters. The standing of the House of Assembly is demeaned when people seek to express their grievances outside the proper use of the Standing Orders. I am little surprised that the member for Light did not—

Mr. S.J. Baker interjecting:

The Hon. D.J. HOPGOOD: Here is another one. I am little surprised that the member for Light did not seek to speak to his motion, because I fail to see how anyone could advance any sort of argument in favour of this motion in the light of what we have just witnessed—the way that the Deputy Leader continued to defy your rulings, Mr Speaker, from the Chair. I believe that the Deputy Leader condemned himself by the actions that he took. It gives me no great pleasure to stand in place and oppose this motion. If I get the support of the Chamber I am aware that I have to move a further motion. It gives me absolutely no pleasure at all to be placed in this position.

However, I have watched things in this Chamber for quite some time. On one or two occasions I have been led to take a count of the number of interjections which were proceeding from either side of the Chamber. If need be I can make some of that information available. However, I do not think it is particularly relevant to this debate. The member for Eyre tried—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: —to make it relevant, and the Deputy Leader tried to make it relevant. I do not think it is relevant at all because, as I say, even if the claims made by the Deputy Leader, which I reject, were absolutely valid, it would not have any validity whatsoever to this particular debate, which is on the question whether the Deputy Leader defied you, Mr Speaker, continued to defy you, and abused you in unparliamentary language, and it is quite clear that he did all of those things. In those circumstances, if we are to say that Standing Orders can be disregarded, you may as well throw away the green book. Why have Standing Orders if people who have been adjudged by the electors of South Australia as being responsible enough to represent them are not prepared to conduct themselves according to those Standing Orders which we have inherited from a long and very wise tradition?

As I say, I reject the matters which were raised by the Deputy Leader in the very unruly way in which he raised them. In any event, they are not valid or pertinent to the motion that is before us. The only thing that is pertinent is whether the Deputy Leader continued to defy you, Mr Speaker, and whether he continued to defy you with unparliamentary language in a way that I think all people would regard as being completely repugnant. He did all of those things and therefore reluctantly, because I have considerable personal regard for the Deputy Leader of the Opposition, I have to urge members to reject the motion.

Mr OLSEN (Leader of the Opposition): I support the motion which was moved by the member for Light and which was opposed by the Deputy Premier. Today we have seen the tolerance of the Opposition break. This has not occurred without weeks and months of a lack of impartiality by you, Mr Speaker, from the Chair. The Deputy Premier referred to due regard for Standing Orders. I draw your attention, Mr Speaker, to the point of order of the member for Mitcham who drew your attention to a ruling which you gave in this House in 1986. Today you chose to ignore the point of order, and yet it was a ruling given by you to this House for the conduct of the proceedings of this Parliament.

Yet today, you have chosen to ignore that point of order; you dismissed it as not being a point of order. The Deputy Premier referred to the number of interjections occurring in this place. You, Mr Speaker, are hasty off the mark to draw Opposition interjections to the attention of the House, *Hansard*, and the gallery, but not so quick off the mark to call the colleagues on your right to order and place on the *Hansard* record the number of interjections persevered with from your side of the House.

They are the issues of concern which, day after day, we have put up with in this Parliament. There was going to be a breaking point, and that breaking point has been reached today. The Deputy Premier indicated that it was important for us to have due regard to Standing Orders. Of course we must, but that applies to both sides of the House and also to the Chair in impartially interpreting the Standing Orders for the effective and efficient proceedings of this Parliament. However, on any objective assessment, that has not been the case. All the Liberal Opposition seeks is a fair go—no more.

The SPEAKER: Order! The Leader of the Opposition will resume his seat for a moment. Even though the Chair has just received what it believes is unfair criticism, it has tolerated the remarks being made. Indeed, I am obliged to do so, however unfair I may believe those remarks to be. Nevertheless, I point out to the Leader of the Opposition that he should confine his remarks to the question before the House, not continue to reflect on the Chair, and not deal with matters which, if he wishes to pursue them, should only be dealt with by a substantive motion. The honourable Leader of the Opposition.

Mr OLSEN: Like the member for Light, I am merely stating facts in the House today. Although you, Mr Speaker, may believe that the comments from the Liberal Opposition are unfair, they are also criticisms that have been communicated to you in person. The Opposition merely requires and seeks a fair and reasonable go in the conduct of the House in order to ensure that parliamentary democracy can flourish in South Australia.

Mr S.J. BAKER (Mitcham): I support the motion moved by the member for Light. I believe that, if we go back through the records since resuming in August, it will be seen time and time again that the Government has abused the privileges of the House with the protection of the Chair. I do not say that lightly, because if members go back through the *Hansard* record—

The SPEAKER: Order! I require the honourable member for Mitcham to withdraw that gross reflection on the Chair's impartiality.

Mr S.J. BAKER: If it will assist—

Members interjecting:

The SPEAKER: Order! Whichever members of the Government front bench are interjecting, I ask them to desist or they will face the same penalty as may be faced by Opposition members if they persist on that path. The honourable member for Mitcham has been asked to retract.

Mr S.J. BAKER: For the purposes of this debate I shall withdraw the remark and merely refer members to the record, which clearly shows that throughout Question Time since the House resumed we have been subjected to vitriolic

attacks, without provocation, from the Premier and his Ministers. Further, when that issue has been raised, on a number of occasions Ministers have continued their abuse of the Opposition and of the privileges of this House. Over the past few months we have faced a critical situation in terms of our ability to express ourselves in this House and to act as a decent Opposition, which we are trying to do. Time and time again questions without notice have been abused by Ministers, or they have used their own members to make a point, and that has been completely outside the Standing Orders. I could refer to a list of items, such as relevance, which has been the subject of a number of points of order.

I could ask whether there has been consistency in the quality of responses to the questions asked. Time and time again, this side of the House has been abused and I can say that with impunity That is really the issue at stake: whether this Parliament wishes to operate properly or whether one side gets a reasonable go and the other side does not.

What we have seen today is a culmination of an enormous amount of disquiet on this side about the way in which this Parliament is operating. Every Minister opposite has abused the privilege on one occasion or another. We do not believe that that is good enough, and we are sure that the people of South Australia do not believe it is good enough. If the debate boils over as it has done today, so be it, but we must have fairness in the way the House operates. Every member opposite knows that what I have said is true.

We cannot continue as a Parliament if we do not have confidence in Parliament. The confidence is not there. The confidence in you, Mr Speaker, has waned on a number of occasions because we have seen what we believe to be completely unfair treatment, where Ministers have been allowed unfettered licence to abuse us and to indulge in vitriol—

The SPEAKER: Order! I ask the member for Mitcham to resume his seat. It is most unfortunate that I have to do so, because I am precluded from entering this debate and, for me to direct the member for Mitcham that he should not be pursuing such a path, may seem as though I am entering the debate. However, the question before the Chair is whether or not the explanation of the Deputy Leader should be accepted. This is not a free-ranging debate about the entire procedures of the House, how Question Time is conducted or a whole range of other matters. If the member for Mitcham wishes, he can launch a debate on that matter using an appropriate substantive motion at some other time. The honourable member for Mitcham.

Mr S.J. BAKER: Thank you, Sir, that sums up my contribution, except to say that even in a court of law the circumstances are taken into account.

Mr BLACKER: I rise on a point of order, Mr Speaker. I seek some clarification of where we are at this stage. I understand that you have named the Deputy Leader on three occasions. Are we debating the first naming, the consequences of which may involve the honourable member's removal from the Chamber for the remainder of the sitting day? If we are dealing with the three cases of naming, this Parliament is being asked to consider the position of the Deputy Leader of the Opposition in respect of eleven sitting days, and that is a serious situation. I am not sure what we are debating. After the first naming the debate commenced and there were subsequent namings after that.

The SPEAKER: I appreciate the concern expressed by the honourable member for Flinders. The point he raises is hypothetical, because at the moment we are merely debating whether or not the explanation tendered, as referred to in the question put to the House by the member for Light, should be accepted. The honourable member for Davenport.

Mr S.G. EVANS: I enter the debate reluctantly, because—

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, I have more than a passing interest in the outcome of this point of order. In fact, I was named, which led me then to make one or two remarks subsequent to that naming, which then led you to name me twice more. I think it is fairly important that I know, Mr Speaker, whether, as to the penalties which attach to that naming procedure, I am to be adjudged on the first occasion and subsequently on each of those other two, or whether disposing of this motion that will be the end of the matter. That is a fairly important consideration to me because, if you then intend to go through this procedure three times, I would like to have further explanation.

The SPEAKER: Order! The situation being faced by the House is an unprecedented one, one that has never arisen before, for obvious reasons, and I simply repeat that we are dealing at the moment with the initial explanation.

The Hon. D.J. HOPGOOD: Mr Speaker, am I in order in asking you a question which may assist members in this matter?

The SPEAKER: I seek the leave of the House.

Leave granted.

The Hon. D.J. HOPGOOD: Thank you, Sir, and I thank the House. I am in a position to reveal to the House the nature of the motion I would move should this present motion be lost, but I am not sure that I am in order to do so, because that is to presume the outcome of this debate. I just ask you whether it would be in order for me to indicate the nature of the motion I would move if the member for Light's motion is defeated.

Members interjecting:

The SPEAKER: Order! Is it the wish of the House that leave be granted to the Deputy Premier to do so, or is it not the wish of the House?

Members interjecting:

The SPEAKER: Order! Leave has been sought; is leave granted? Leave has been granted.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker, I believe we have got things out of logical sequence, because it is pretty critical that we know whether it is within the competence of the Speaker to name a member subsequent to his being named in this place. I do not believe it is. I believe that what—

The SPEAKER: Order! I do not uphold the point of order. Commonsense dictates that, if the conduct of any member is such that he behaves in a way that is detrimental to the House after having already been named, he be further named. I do not uphold the point of order. Leave has been given to the Deputy Premier—

Mr Lewis: No!

The SPEAKER: Order! I name the honourable member for Murray-Mallee and we will deal with him in due course. The honourable Deputy Premier has been given leave of the House to explain a position to the House. The honourable member for Eyre.

Mr GUNN: On a point of order, Mr Speaker, I ask you under what Standing Order have you named the member for Murray-Mallee? My understanding is quite clear that the member for Murray-Mallee exercised his right as a member of this House and withdrew the opportunity for the Deputy Premier to have leave. There is nothing contrary to the Standing Orders—

The SPEAKER: Order!

Mr GUNN: I am still explaining my point of order, Mr Speaker. Surely the—

The SPEAKER: Order! The Chair has heard sufficient of the honourable member's point of order to understand what he is trying to say. Now, there might have been a misunderstanding. My understanding—

Members interjecting:

The SPEAKER: Order! Leave was sought of the House about three minutes ago with respect to the honourable Deputy Premier being permitted to make a statement to clarify a particular situation. Leave had already been granted. I had not asked again—

Members interjecting:

The SPEAKER: Order! I had not asked again for leave. If, however, the honourable member for Murray-Mallee misunderstood the situation and thought that leave was again being sought and was saying 'No' as a way of saying that he did not give leave for that particular course of action—

Members interjecting:

The SPEAKER: Order! If what I have indicated is correct, I will accept that as a reasonable explanation of what transpired and I will gladly withdraw his naming. The honourable member for Murray-Mallee.

Mr LEWIS: Mr Speaker, I have not been warned today. I have said nothing today by way of interjection. I withdraw my statement if, and only if, you allow the Deputy Premier to state to the House what it is that he wishes to put before the House. If—

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: If members opposite want me to become involved in this debate in a way—

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: —I consider to be necessary, to ensure that all members, regardless of whether or not they belong to a political Party, are able to put before this House their opinion and submission to you, as Speaker, about the proceedings of the House, if they want that—

The SPEAKER: Order! The Chair has heard sufficient explanation from the honourable member for Murray-Mallee. The naming is withdrawn. However, I point out to the honourable member for Murray-Mallee that there is no requirement for a member to be cautioned or warned before being named. If a member's conduct (which includes screaming at the top of the voice and banging the table at the same time) is sufficiently offensive, the member can be named on the spot, forthwith, without any warning being required whatsoever. The second point I wish to make to the House is that I cannot accept that the 'No' called out by the honourable member for Murray-Mallee constitutes a withdrawal of leave, because I was not at that stage seeking leave; leave had already been sought of the House, and by assent—

Mr LEWIS: May I ask you, Mr Speaker, when did you ask the House for leave? I ask you to examine the *Hansard* record—

Members interjecting:

The SPEAKER: I am satisfied that the *Hansard* record will show that the Chair said, 'Leave is sought, is leave granted?' I point out that silence is considered to be assent where leave is sought, and the Chair declared that leave was granted. Accordingly, leave has been granted to the Deputy Premier. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: I take it that the leave extends only to my reading the text of the motion that I will move if the opportunity arises.

The SPEAKER: It does.

The Hon. D.J. HOPGOOD: The motion reads:

> That Standing Order 171 be so far suspended as to enable the three namings of the Deputy Leader of the Opposition to be considered as one naming and for the member to be suspended from the service of the House for one week's sittings.

Members interjecting:

The SPEAKER: Order! I ask honourable members for their cooperation and to conduct themselves in such a way that voters will respect them. The honourable member for Davenport.

Mr S.G. EVANS: I will not say all that I could say now because this has gone on too long. I support the motion that the Deputy Leader's explanation be accepted. In so doing, I point out that I believe that any subsequent transgressions that may have occurred should not be considered because we are talking about the Deputy Leader's explanation only in relation to the first transgression.

It is true that for some time I have expressed the view by way of all sorts of resolutions that this blow-up would occur to make the House realise how Standing Orders are gradually being manipulated. Standing Order 125 provides:

> In answering any such question, a member shall not debate the matter to which the same refers.

Some latitude is given to Ministers in that respect. When Standing Orders were changed to allow for a one-hour Question Time, it was agreed that answers would be shorter, that there would be less manipulation of the House and that ministerial statements would be used in lieu thereof. What happened today was a result of that—

The SPEAKER: Order! The member for Davenport is dealing with matters that do not seem to be sufficiently closely linked to the question before the Chair, which is that the proposition of the honourable member for Light be agreed to. I ask him to restrict himself to the appropriate subject matter.

Mr S.G. EVANS: I was getting to that and, in fact, I am at that point now. The Deputy Leader finds himself in this position because of the interpretation of that Standing Order. It has been going on in this House for a long time, but that is not a reflection on you, Sir. I ask you to stop and think of another ruling that causes some concern, that is, when you ask members on your right not to interject but name those on your left. That is all I wish to say. Think about it, because I really believe that what has happened today may bring some sense into this place. For that reason alone the explanation of the Deputy Leader of the Opposition should be accepted because it will do a service to this place which, as I have said before, has become bastardised.

The Hon. B.C. EASTICK: I will not speak for very long. I take up the challenge issued to me by the Deputy Premier when he identified the fact that he, along with several others, had been here for a considerable time. I did not pursue the debate deliberately because commonsense can sometimes prevail. Fanning the issue was only going to compound the problem. I offered to this House a motion which I believe, with the concurrence of the Chair, could have been accepted. I understand that the problem which exists at this very moment has arisen because of the right-handed deafness that has been so consistently and deliberately promoted from the Chair during the course of this Parliament.

The SPEAKER: Order! It is with great disappointment that the Chair asks the member for Light to withdraw his reflection on the Chair.

The Hon. B.C. EASTICK: I am unable to do so, Sir.

The SPEAKER: Then I name the member for Light and that will be dealt with at a later stage.

The House divided on the motion:

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

Noes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Pairs—Ayes—Messrs Keneally and Payne. Noes—Messrs D.S. Baker and Chapman.

Majority of 10 for the Noes.

Motion thus negatived.

The SPEAKER: Order! Pursuant to Standing Order 171, the honourable Deputy Leader is now required to withdraw from the Chamber.

The honourable member for Kavel having withdrawn from the Chamber:

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

That Standing Order 171 be so far suspended as to enable the three namings of the Deputy Leader of the Opposition to be considered as one naming and for the member to be suspended from the service of the House for one week's sittings.

I do not want to take up very much time on this matter, but in the previous debate the question was raised as to whether a member could be named several times on any one day. I think I should address myself to that, and then address the penalty which is implied in this motion.

First, commonsense would dictate that it should be possible to name a person more than once in relation to the one occasion, otherwise we put ourselves in the same position as we place an umpire in a grand final once he has already reported, say, the ruckman, and the ruckman infringes again. What deterrent is there against that player offending again once he has already been reported?

Mr Lewis: This is not a football match.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Sir, the disorderly interjection is of course spot on. It is not a football match, so let me move from commonsense to the Standing Orders.

Mr Lewis interjecting:

The SPEAKER: Order! The honourable member for Murray-Mallee is completely out of order. Will the honourable Deputy Premier resume his seat. The Chair has been appreciative of the way in which members have conducted themselves for the past five or 10 minutes. The Chair would further appreciate it if members would continue to conduct themselves with a reasonable degree of decorum and not in a way that is a public disgrace. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: Commonsense dictates that you, Mr Speaker, and the House must be in a position where further discipline can be applied where a member has already been named but is within the precincts of the Chamber and is adjudged as acting disorderly. However, the question is not what commonsense dictates but what Standing Orders dictate—what do the practices of Parliament dictate? I draw members' attention to page 445 and 446 of Erskine May which state that, if a member who has been ordered to withdraw from the House does not immediately obey, the Speaker (or Chairman) may either direct the Sergeant-at-Arms to remove him or he can be named.

The only way that a member can be directed to withdraw is after he or she has been named, and that clearly envisages that second and subsequent namings can occur. Erskine May goes on to give one or two hilarious examples where this has been used but, since this is not an hilarious occasion, I will not change the mood of the Parliament. But it makes rather interesting and lively reading and I commend it to members and to any member of the public who may be interested.

Turning to the matter of penalty, it is clear that a greater penalty must be applied than simply the penalty that would apply when a member has been named only once. That was clearly your intention, Mr Speaker, in applying the customs and practices of the House and the Standing Orders as you did, otherwise there was little point in proceeding in that direction.

However, a literal and strict interpretation of the practices of the House and of the Standing Orders would dictate that the cumulative penalty for three namings is suspension from the House for 15 days, but I do not believe that you had that in mind because of the further penalty that applies where a suspension is beyond 14 days. So, if we are to apply the sort of penalty that I believe you contemplated and to support your ruling in this matter, going beyond the normal penalty but at the same time not putting us in a position where a seat has to be declared vacant, it seems not unreasonable, as stated in the motion, that the penalty should be one week's sittings, as I have outlined.

I do not wish to canvass the matter further. Indeed, it gives me no pleasure to move the motion, but I believe I must do so and I therefore commend it to members.

Mr OLSEN (Leader of the Opposition): It is a sad situation that we have in this House when the Deputy Premier must move a motion which, in effect, is to ensure that we do not have a by-election for a seat in this House simply because you, Mr Speaker, lost your cool.

The SPEAKER: Order! I consider that a further reflection on the Chair and I ask the honourable Leader of the Opposition to retract it forthwith.

Mr OLSEN: I withdraw the comment that you lost your cool, but it is fair to say that you lost control of the proceedings of the House and it was clear, with the continual naming of the Deputy Leader as he left the Chamber, that you knew full well the impact of the naming of the Deputy Leader three times for the one incident in this House. The Deputy Premier has taken some licence in interpreting your actions during that time. Suffice to say that the proceedings today are a sad reflection on the conduct of the proceedings of this House, which is in your hands. Indeed, these circumstances have in the main been brought about by the lack of impartiality shown in your rulings.

The SPEAKER: Order! I further ask the honourable Leader of the Opposition to retract that reflection on the Chair.

Mr OLSEN: I retract it because—

The SPEAKER: Thank you.

Mr OLSEN: I have no alternative.

The SPEAKER: I thank the honourable Leader for his retraction. That is all that is required.

Mr GUNN (Eyre): Mr Speaker—

The SPEAKER: Order! The honourable member for Eyre is not in order. The Standing Orders provide for only two speakers in this debate.

The House divided on the motion:

Ayes (26)—Mr Abbott, Mrs Applelby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (15)—Messrs Allison, P.B. Arnold, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Eastick, S.G.

Evans, Gunn, Ingerson, Lewis, Meier, Olsen (teller), Oswald, and Wotton.

Pairs—Ayes—Messrs Keneally and Payne. Noes—Messrs D.S. Baker and Chapman.

Majority of 11 for the Ayes.

Motion thus carried.

The SPEAKER: The Deputy Leader is suspended from the sittings of the House for one week. I now remind the House of the reflection on the impartiality of the Chair and the subsequent refusal of the honourable member for Light to withdraw those allegations that led to his being named. Does the honourable member for Light wish to make an explanation?

The Hon. B.C. EASTICK (Light): I do, Mr Speaker. The statement about which you expressed concern was that you had exhibited right ear deafness so consistently and deliberately from the Chair during this Parliament. That was a deliberate statement by me which reflected the fact of the matter. I draw your attention, Mr Speaker, to statements that you have made to this House on a number of occasions since you first occupied the Chair, more specifically to your statement to the House in August 1986 regarding the way in which Ministers should conduct themselves in answering questions. You referred to this matter again on 11 August 1988 (*Hansard*, page 158); part of your original statement which you drew to the attention of the House is as follows:

> The problem then arises as to what constitutes 'debate' in a Minister's response. Ministers may feel an obligation to provide information to the House that may not have been specifically mentioned in the question, and it is in the interest of the House that they should do so.... The Chair has no wish to unduly restrict the liveliness of Question Time but calls on Ministers to refrain from introducing irrelevancies or unduly provocative comments in their replies, particularly when questions have not incorporated material of that nature. However, the Chair would stress that mere dissatisfaction with a Minister's reply is not in itself an excuse to justify interjections or points of order claiming a Minister is allegedly 'debating' a response.

There are other aspects of the original statement in 1986 and again in the statement of 11 August this year that could be referred to. However, in the interests of brevity, I draw attention to the fact that the reaction obtained from the Deputy Leader of the Opposition and a number of other members from this side of the House was because of the manner in which the Premier and other Ministers since those admonitions of yours—both in 1986 and 1988—have cast them aside as of no import. This afternoon the Premier in reflecting upon the integrity of members of this side, and more specifically the Deputy Premier was flouting—

Members interjecting:

The Hon. B.C EASTICK: Well—

The SPEAKER: Order! The Minister or whoever it was who interjected is out of order, and I ask the member for Light not to respond. The member for Light.

The Hon. B.C. EASTICK: Thank you, Mr Speaker. The circumstances, as already stated in the House, have arisen over a long period in this Parliament because of the manner in which lack of impartiality has, unfortunately, been displayed in your conduct of the proceedings of this House. I find it very difficult to have to reflect upon the Chair, which I had the privilege to occupy previously, but I have no hesitation in refusing to bow to your request that I withdraw the remarks that I believe were deserved.

The Hon. J.L. CASHMORE (Coles): I move:

That the member for Light's explanation be accepted.

When the member for Light reflected upon the way in which this House has been administered by you, Mr Speaker, in the Chair, he did so in a thoroughly considered fashion and it was not a hasty or ill-considered remark that he made. Time and again in the past few months, and particularly in the past few weeks, members on this side of the House have had to submit to rulings that have called into question in our minds the impartiality of the Chair. It was that to which the member for Light felt bound to allude.

As one of the most respected members in this House and as a former Speaker of the House, the member for Light does not lightly in any way cast aspersions that cannot be justified. He did so in defending his colleague the Deputy Leader who had asked a telling question of the Premier. The Premier responded with a considerable degree of personal abuse. Naturally, the Opposition responded, as any human being would. It is more than flesh and blood can stand to sit here day after day and listen to the Speaker of the House protecting the ministry and members of the Government against an Opposition which is simply trying to fulfil its constitutional rights.

The SPEAKER: Order! I ask the member for Coles to withdraw that remark.

The Hon. J.L. CASHMORE: Mr Speaker, I said, that it is more than flesh and blood can stand.

The SPEAKER: Order! The member for Coles has accused the Chair of protecting Ministers.

Members interjecting:

The SPEAKER: Order! That is a clear reflection on the impartiality of the House—the very offence for which the member for Light was named—and I direct the member for Coles to withdraw.

Members interjecting:

The Hon. J.L. CASHMORE: Mr Speaker, if I do as you ask or, rather, if I refuse to do as you ask, the Opposition will be left without three of its members. I believe that to be a quite unreasonable request.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I have directed the member for Coles to withdraw that allegation. As the Chair has previously pointed out in the course of the last hour, if members, presumably members on my left, wish to put together a substantive motion regarding the Chair, they can do that as a substantive motion, but they cannot keep on reflecting on the impartiality of the Chair in the course of this debate. I request and direct the member for Coles to withdraw those words.

The Hon. J.L. CASHMORE: I understood that the substantive motion that we are debating is that the member for Light's explanation be accepted. The member for Light explained the justification for his reflection on the Chair. It seems to me that that is a substantive part of this debate and, if I am not to allude to those matters, there can be no debate. If I were to withdraw, Mr Speaker, it seems to me that the whole purpose of this substantive motion would be of no account.

Members interjecting:

The SPEAKER: Order! The House has worked out procedures over the years to try to cope with situations such as this. If the honourable member wishes to launch an assault on the Chair, she can do so by way of substantive motion. We are merely debating whether or not the explanation of the member for Light will be received and accepted. Since the offence for which the member for Light was named was that he reflected on the Chair, it is hardly appropriate for the member for Coles to defend the member for Light by further reflecting on the Chair herself. I direct her for one last time to retract those words that she used.

The Hon. J.L. CASHMORE: Mr Speaker, in the interests of the debate proceeding, I withdraw.

The SPEAKER: The honourable member for Coles.

The Hon. J.L. CASHMORE: I maintain that the explanation of the member for Light should be accepted. Mr Speaker, members of this House know that the member for Light knows the Standing Orders of the House backwards; he knows the forms of the House backwards. When he was Speaker, he had the respect of the House, and I believe that he had the respect of both sides of the House. He, like other members of the Opposition, referred to the *Hansard* record and has noted, Mr Speaker, that your involvement in the debate (and it is the Speaker's role as most of us would see it and as it has traditionally been seen to be as little heard as possible) in Question Time has been greater than that of any other member.

The member for Light in giving his explanation referred to the record. Mr Speaker, the record shows that of the numbers of times that an interjection has been made during Question Time, the vast majority are by you, Sir. In fact, on many recent days in the 60 minutes of Question Time there have been 31, 45, 26 or 45 calls to order by the Speaker. Those figures indicate to most of us, Mr Speaker, that the House is not administered in a way that exercises some degree of equity to both sides. It is on that basis that the member for Light's explanation should be accepted, because it is on that basis that the member for Light has justly engaged in criticism, which is very strongly felt by all his colleagues.

Mr Speaker, it is essential, if we are to represent people, that we are given a fair go. Half of this House represents half of this State, and the people we represent are simply not being given a fair go, because our right to be heard has been compromised time and time and time again by the Chair. The member for Light—

The SPEAKER: Order! The Chair cannot continue to tolerate the member for Coles' defying the direction of the Chair that the debate is to be kept on a very limited level to an explanation being accepted. If she wishes to launch an attack on the impartiality of the Chair, there are other ways that the member for Coles can do so. The member for Coles.

The Hon. J.L. CASHMORE: Mr Speaker, I have no doubt at all that in due course that will be done. On that basis, I simply say that the member for Light's explanation was reasoned and reasonable. He gave a perfectly well-documented outline of why he said what he did. It was in response to your continued rulings and the fact that they were not maintained in respect of this side of the House in terms of giving us the fair go that any Opposition deserves.

It would be a tragedy if a former Speaker of this House did not have his explanation accepted by the House, particularly when one looks at the substance of that explanation and the fact that it deserves to be accepted by the House. Surely this House has got the generosity of spirit (even if some of its individual members do not have that generosity of spirit), commonsense, equity and sense of justice all of which is supposed to ride in the Chair. Surely it would be a reflection on this House if we did not accept the explanation of the member for Light, and I urge every honourable member to do so.

Mr GUNN (Eyre): I second the motion. The member for Light is a long experienced member who has served in the highest office that this Parliament can bestow on one of its members and he has, under great provocation, been forced to clearly explain to the House the feelings and the frustrations which every member on this side of the House has had to experience over a considerable period. We believe that the Parliament is a great institution, an institution that was designed to protect the rights of every citizen of this State; designed in such a way that the majority shall govern but that the rights of the minority shall be heard and not curtailed in their proper function which is to question, to probe, and to oppose.

Members interjecting:

The SPEAKER: Order!

Mr GUNN: That is what we have been complaining about; there has been continual chatter opposite but nothing has been done, and I call upon you, Mr Speaker, to exercise that impartiality. That is what the Opposition is complaining about. We believe in the Parliament, we believe in the rule of law and we believe that that privilege which this House granted to you after the last State election is such that you must be above Party politics. Your role is to make sure that the Opposition is given a fair go—that we do not create this unfair situation that has boiled over today. It gives none of us pleasure to have to be engaged in criticism, but we would be failing in our obligations as responsible members of the community if we did not stand to protect the role of Parliament. If we idly stand by today, the role of Parliament will go downhill at a rapid rate. The role of Parliament is to question Government; that is what it is there for. It is not the rubber stamp of the Executive. We have seen that disgraceful set of circumstances evolve in Queensland, and surely none of us wants to go down that road because, if we fail, and the member for Light fails to raise his objection and make that criticism of the Chair, the Parliament would be a worse institution.

Surely every member of this House believes in the institution of Parliament. It has taken generations to protect and for our democratic process to evolve, so if this Parliament is to play its proper role you, Mr Speaker, will accept the explanation of one of its distinguished members, the honourable member for Light. If you examine the parliamentary record at the time when the member for Light was Speaker, you will not see that he interrupted Question Time. You will not see the continual disruption and disorderly conduct, because the member for Light and those other people who held that Chair were, on many occasions, under great provocation. I would be very happy to tell you privately what it was. But, the Chair believed that the institution of Parliament was more important and allowed the free flow of debate. Therefore, the member for Light's criticism is not only justified, but is also in the interests of parliamentary democracy, the rights of the Opposition and in the interests of the Parliament. You, Sir, above all have that responsibility more than any other member and, if this motion is carried, I believe that it will be a reflection on every one of us. Because of the action you have taken you, Sir, have given the Opposition no other opportunity but to be critical of the way in which the Chair has carried out its duties, which it is less than fair, in the view of the Opposition.

The Hon. D.J. HOPGOOD (Deputy Premier): I hope no honourable members felt that because I did not defend you in the previous debate it was because I had any lack of enthusiasm for so doing. I merely felt that what was being said there was totally irrelevant to the two motions that we had before us. In a sense the matters that have been raised by the two speakers on the Opposition side again are totally irrelevant to the matter which is before us.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: The matter which is before us is whether you gave a direction to the member for Light; was that a reasonable direction; and did the member for

Light accede to your request? My submission is that you did as a matter of fact. It is my judgment that it was a reasonable direction, and it is certainly a matter of fact because it is an admission by the member for Light that he refused to accede to your request. In those circumstances of course you had no alternative but to do what you did, and the honourable member for Light, had he been in your position, as indeed he was for three years, would have had to act in exactly the same way.

However, I want to take the opportunity just to put a couple of things on the record, because I believe it is important that they should be on the record in view of the way in which honourable members opposite have attacked you this afternoon. You are the only Speaker, in my experience, who has sat down Ministers because of a judgment that you made as to the content and direction of their answers.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Is it suggested that these Ministers are any different from any other Ministers that ever stood before a Parliament or an Opposition? The answer is obviously 'No'.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Political point scoring, of course, goes on in this place. In a sense, what some people are suggesting is that somehow we should take politics out of the Parliament. That is the thing to which I was referring earlier when I said that the member for Light, the member for Kavel and I have been here for a long time. We have seen it all happen, but we know that ultimately, despite the point scoring and despite the fact that people tend to act up rather more when the electronic media is around the place, if you have got certain matters that you want to bring up, there is a proper and an improper way in which they can be raised.

It is also a matter of record that the number of questions that have been asked and answered in this place, under this Government, has far exceeded those which were asked and answered under the Government of Premier Tonkin. It would not be very difficult to obtain that information. A former member of this place, a Mr George Whitten, used to count them. No doubt those pieces of paper are around the place. If they are not, research could be conducted through *Hansard*. So, as for the prolixity of Ministers, that is a nonsense, if indeed the track record of Mr Tonkin's Ministers should be regarded as any sort of benchmark.

The third thing that I want to point out relates to the conduct of Question Time, because that is largely when it all happens; that is when the point scoring occurs. And if honourable members do not believe that from time to time they are trying to score points by the way in which they ask their questions, they are deceiving themselves and no-one else. But the typical conduct of Question Time (and everybody knows this—those who sit in the gallery and the journalists know it) is that the honourable Leader of the Opposition asks a question which is usually directed to the Premier. The Premier is about six or seven sentences into his answer and there is a loud interjection. From time to time, that has been ignored by you because I think there has always been some sort of indication by Speakers that you must allow some latitude to the Leader in the first question over and above other members from either side. I do not know how well grounded that is—

Members interjecting:

The SPEAKER: Order! Is the honourable Leader of the Opposition trying to take a point of order?

Mr OLSEN: Yes, Mr Speaker, I suggest that rather than nodding agreement with the remarks of the Deputy Premier, you show impartiality and question the Deputy Premier as to whether he is reflecting upon your interpretations in the past.

The SPEAKER: Order! The Chair does not uphold the point of order.

The Hon. D.J. HOPGOOD: Question Time proceeds and there are other noisy interjections from the Opposition and at some stage, as is the rule in those things, as can be expected, there will be one or two interjections from the Government benches as well. All those interjections are out of order; all those interjections are unfortunate. However, what we find is that members opposite take the might of interjections from the Government benches as being somehow equivalent to the huge volume of interjections which have come from their own side and, because your rulings, Sir, tend to reflect the flow of interjections, they then accuse you of partiality. I believe that people's interpretations of events must be predicated against matters of fact; that they have to be predicated against the actual behaviour of individuals or, if you want to look at the collectives, both sides of the House.

It astounds me that anybody who would be sitting here as some sort of spectator, be they in the gallery or anywhere else, should be prepared to accept the situation that both sides of the House have been equally guilty in these matters. Sure, there have been interjections from this side of the House.

The SPEAKER: Order! At this stage the Chair does this with a great deal of reluctance. I have had to sit here defenceless and receive a great deal of abuse. It is equally irrelevant for the Deputy Premier to be debating the impartiality of the chair in a favourable way as it is was for all speakers on my left to have made attacks on the Chair's impartiality. I ask him to return to the subject of the acceptance or otherwise of the explanation of the member for Light.

The Hon. D.J. HOPGOOD: I fully accept your direction in this matter, Sir. I admitted before I started on this course that I was probably as equally out of order as were members opposite. I simply say again that the House has no course open to it but to reject the motion from the other side. Again it should be done with a great deal of reluctance because of the regard in which we hold the member for Light. Nonetheless, if your authority is to be upheld we have no other course.

Mr OLSEN (Leader of the Opposition): I rise to support the motion moved by the honourable member for Coles. In so doing I indicate that respect is something that is earned—it is not lightly given. The member for Light earned the respect of both sides of this House when Speaker of this House. That statement is unchallenged by any member in this House today. The member for Light knows full well the proceedings of this Parliament and that is why he has been prepared to state factually the circumstances in the proceedings of this House. The member for Light drew your attention, Mr Speaker, to a statement you made in 1986 and a statement to the House on 11 August wherein you said, 'Questions, with rare exception, should be reasonably brief and to the point.' Like the Deputy Premier, let us look at the facts of the matter.

The Deputy Leader asked a question of the Premier today. The Premier accused the Deputy Leader of being uninterested in people's safety and health. The Premier accused the Deputy Leader of being willing to mine uranium, even if this resulted in the death of people. That is what the

Premier said today. The Premier even accused the Liberal Party of being responsible for atom bomb tests in Australia when the initial agreement on testing was negotiated by the Chifley Labor Government. This is the answer that the Premier gave to the question that brought about this set of circumstances.

The SPEAKER: Order! I ask the Leader of the Opposition, notwithstanding his feelings, to face the Chair and address the Chair and not turn his back on the Speaker. The Leader of the Opposition.

Mr OLSEN: This sort of talk is not surprising from the Premier who, in a few weeks time, intends to open the mine that he tried very hard to close. I draw your attention, Mr Speaker, to the point of order raised by the member for Light. It is a statement of fact that you have no difficulty in identifying and naming the members of the Opposition but have great difficulty in identifying Government members. We have seen that in the course of proceedings this afternoon, quite freely, and quickly identifying and naming the members of the Opposition but when Government members, particularly the front bench and Ministers, have been interjecting, all you have done, Sir, is call 'Order' on most occasions, saying that you have not been able to identify which Minister has been interjecting. We all know who in principle it has been—it has been the Minister of Health who has consistently—

The SPEAKER: Order! The Chair is precluded from entering the debate. This is most unfortunate, but the Leader of the Opposition must not reflect on the impartiality of the Chair in the way that he has done when it is quite clear that on those occasions the Chair's attention was entirely directed to matters on my left and I was facing the individual who was speaking and not anyone on the other side who was interjecting. The Leader of the Opposition.

Mr OLSEN: The Deputy Leader's question today was not provocative: it was based on a departmental report—a report of the Director-General of Department of Mines. It was based on facts. We sought information but what did we get from the Government? In the form of a ministerial reply from the Premier we got nothing but abuse.The *Hansard* record will clearly show that what I have said so far in this debate is factual and accurate. Yet, despite the Premier deliberately flouting your rulings—not on one occasion but on two occasions—you chose to ignore it. You, Sir, totally ignored the tirade with which we had to persevere from the Government side. That is not being unbiased in interpretation of your own ruling, Sir, to this House. What the Premier indulged in today was not an attempt to address that question at all but abuse and simply untruths in this House.

The SPEAKER: Order! The Leader of the Opposition will resume his seat for the moment. The matter under debate is not the manner in which the Premier may or may not have addressed the House. The matter under debate is whether or not the explanation of the member for Light be accepted. I ask the Leader to restrict himself to that topic.

Mr OLSEN: I am tracing a sequence of events, as indeed did the Deputy Premier in his remarks to this House. I am merely doing exactly the same as you allowed a speaker on your right to do preceding me. The member for Light made a statement of fact, it was accurate, and in those circumstances this House ought to be big enough to accept the explanation of the member for Light.

The House divided on the motion:

While the division bells were ringing:

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition and the Minister of Health to order.

Mr Lewis: Shut up hee-haw.

The SPEAKER: Order! I ask the member for Murray-Mallee not to interject and reduce an unfortunate situation to a level of farce.

Members interjecting:

The SPEAKER: Order!

The House divided on the motion:

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

Noes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Pairs—Ayes—Messrs Allison and Chapman. Noes—Messrs Keneally and Payne.

Majority of 11 for the Noes.

Motion thus negatived.

The SPEAKER: I remind the honourable member for Light that he is required to now withdraw from the Chamber.

The Hon. B.C. EASTICK: Thank you, Mr Speaker—I leave, having dared to speak the truth.

The member for Light having withdrawn:

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

That the honourable member for Light be suspended from the sittings of the House.

The House divided on the motion:

Ayes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

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

Pairs—Ayes—Messrs Keneally and Payne. Noes—Messrs Allison and Chapman.

Majority of 12 for the Ayes.

Motion thus carried.

The SPEAKER: The honourable member for Light is so suspended from the service of the House.

LAND TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

The Hon. L.M.F. ARNOLD (Minister of State Development and Technology): I move:

That the House at its rising adjourn until Tuesday 1 November at 2 p.m.

Motion carried.

BOATING ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Marine) obtained leave and introduced a Bill for an Act to amend the Boating Act 1974. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

The SPEAKER: Is leave granted?

Mr Lewis: No, Sir.

The SPEAKER: Leave is not granted.

The Hon. R.J. GREGORY: The objects of this Bill are twofold. First, the Boating Act 1974 has been in operation in its present form since 1980 and it is now considered appropriate to amend the Act to satisfy current day requirements and to streamline administrative procedures in the interests of the boating public.

The Bill proposes a number of significant amendments in relation to the registration of motor boats. There are approximately 45 000 motor boats registered under the Act and the department has for some time been concerned that the registration procedures currently in force are in some cases inefficient and cumbersome.

Mr LEWIS: On a point of order, Mr Deputy Speaker: the honourable member for Hayward may not show her back to you during the course of discussion with other members of this House.

The DEPUTY SPEAKER: The point is well taken. I remind all honourable members that anyone not speaking should be sitting down.

The Hon. R.J. GREGORY: Amendments proposed provide for the issue of a temporary registration permit to enable a motor boat to be operated legally in those instances where an incomplete application for registration is submitted. At present no such provision exists and this has caused difficulties for the boating public on occasions. Provision is also made to allow transfer of registration in cases where a motor boat changes ownership. Approximately 8 000 registered motor boats are bought and sold each year and this new facility will simplify procedures for the boating public by introducing transfer arrangements similar to those applying to motor vehicles.

The Bill also provides for the issue of a temporary licence to operate a motor boat. This is a new procedure intended to overcome present inconsistencies and the problem of visitors to this State who do not have an equivalent licence to operate a boat. It is not intended that there be a pass or fail test associated with the issue of the temporary licence but, rather, a means of certifying that the applicant is conversant with the operation of the type of craft to be hired and has been made aware of the relevant navigation and safety rules. The department will liase with the operators of various classes of vessels, particularly larger powered vessels and charter yachts, in order to ensure that potential hirers are forwarded information about the safe operation and navigation rules applicable to the craft. Where appropriate the department will produce information booklets for this purpose. It is intended that a charge be made for the issue of a temporary licence to operate a motor boat.

The second major object of this Bill is to introduce a licensing system for persons who carry on a business of hiring out boats, commonly known as 'hire and drive' boats. The department has, in most instances, managed to maintain a reasonable standard of safety of hire and drive vessels by way of recommendations to operators of the various types of craft. However, without formal legislation the department is poorly placed to effect any safety standards on vessels operated by persons who choose to ignore these recommendations. Section 18 of the Australian Transport Advisory Council's uniform shipping law's code contains the provisions developed by the association of Australian ports and marine authorities in respect of hire and drive vessels and is in use in other States.

In recent years there has been a substantial increase in aquatic recreational activities generally. Consequently, many existing and potential owners of vessels are keen to participate in these developing commercial opportunities. Obviously, not all craft are adequate for their intended use and there is growing concern in regard to the safety of persons, particularly groups of young persons, who may be at risk on craft which are unsuited to the area of operation or lack proper safety equipment. South Australia is the only State that does not have regulations controlling these hire and drive vessels.

The department proposes to issue annual licences to operators of hire and drive vessels subject to compliance with certain conditions which will include satisfactory inspection of construction and equipment of the various vessels and their designated areas of operations. Small vessels (that is, catamarans, small power boats and other small craft) operated close inshore and within inland waters will be inspected by marine safety officers (boating inspectors). Larger vessels, particularly those with overnight accommodation, and vessels operating offshore, will be inspected by the department's marine surveyors. It is intended that the fees for inspection of these vessels will be the same as those for commericial vessels. Therefore, charges for these vessels currently subject to survey under the Marine Act will remain the same. Charges for inspection of small craft will be less, and appropriate to their size and the degree of work involved.

It is also proposed that the licensing requirements for various classes of vessels be introduced progressively over 12 to 18 months from the time of commencement. This will ensure orderly administrative procedures and permit consultation with the operators of various classes of vessels. Provision is made to permit existing vessels, which are otherwise safe but below the required standard, to continue to operate for a specified period at the expiry of which the designated standards must be met.

The department has for some time been criticised for its lack of consistency and control over hire and drive operations. The Boating Industry Association of South Australia has previously voiced its concern in this regard and related matters are raised in the recently released draft Murray Valley Resource Management Plan. This Bill should go a long way towards addressing these problems. Finally, sundry other minor administrative changes to facilitate the operation of the Act and to provide for an increase in penalties, which have applied since 1974, are proposed in the Bill.

Clause 1 is formal. Clause 2 provides for commencement on proclamation. Clause 3 inserts a definition of 'registered' and 'unlicensed person'. Clause 4 provides a more sophisticated power of delegation, including a power for the Director to delegate his or her powers to Public Service employees. The Director may delegate the power to issue temporary motor boat operator's licences to persons who are licensed under the Act to hire out boats. Delegations may be subject to conditions.

Clause 5 increases a penalty from $50 to division 11 ($100) and modernises the format of the provision dealing with exclusive use of certain waters under licence from the Minister. Clause 6 repeals Part II which deals with the registration of motor boats and substitutes a new Part. New section 11 sets out the application of the Part. Certain classes of boats may be exempted. New section 12 creates the offence of operating an unregistered motor boat under power on waters controlled by the Minister. The penalty is increased from $200 to division 9 ($500). A similar defence as is in the Act as it now stands is provided for a person

who has made due application but has not been notified of the outcome.

New section 13 sets out the requirements for applying for registration of a motor boat. New section 14 provides that the Director may refuse registration if the boat does not comply with prescribed standards or carry prescribed equipment, or is unseaworthy. Provision is made for the issue of permits pending determination of an application, and for the refund of fees in case of refusal to register. Registration is for 12 months. Common expiry dates may be fixed for owners of more than one motor boat. The Director is required to keep a register. New section 15 provides for registration numbers to be assigned and certifcates and labels to be issued. If a new number is assigned to a boat at any time, a new certificate must be issued.

New section 16 creates the offence of operating a registered boat without its label being properly affixed or its registration number being properly displayed. Again, the penalty is increased from $200 to division 9 ($500). The same defences as are in the Act at the moment are provided. The offence of operating a boat while displaying a false registration number or another boat's number also carries the new penalty of a division 9 fine. New section 16a provides for transfer of registration on due application being made to the Director and on payment of the prescribed transfer fee.

New section 16b provides for cancellation of registration if registration was improperly obtained or if the registered owner applies for cancellation. Registration labels (if not lost or destroyed) must be surrendered to the Director. Provision is made for the refund of fees.

Clause 7 provides for the issue of temporary (not more than 60 days) motor boat operator's licences. It is also provided that licences may be granted subject to conditions. The offence of failure to comply with a licence condition carries a penalty of a division 9 fine. Clause 8 increases two penalties from $200 to division 9 ($500).

Clause 9 inserts a new Part IIIA that provides for the licensing of hire and drive boat owners. New section 23a creates the offence of carrying on a business of hiring out boats of a prescribed class without being licensed under this Part to do so. The penalty is a division 9 fine. New section 23b sets out the requirements for applying for a licence. The applicant must make the boats that are to be hired out in pursuance of the licence available for inspection. Fees will be payable for inspections, but no licence fee is proposed. The applicant must be 18 or over, and the Director must not issue a licence unless satisfied that the applicant is a fit and proper person to hold a licence and that the boats to be hired meet all the prescribed requirments. However, the Director may grant a licence despite non-compliance with these requirements provided that the boat in question is not unsafe and also that the licence is granted subject to conditions requiring compliance with a specified period. Failure to comply with conditions carries a penalty of a division 9 fine.

New section 23c provides that the term of a licence is one year. New section 23d provides for the transferability of licences under this Part; transfers are subject to the approval of the Director, which may be conditional. New section 23e provides for the cancellation of licences if improperly obtained or if the licence holder is found guilty of an offence against the Act or contravenes a licence condition. A cancelled licence must be surrendered to the Director.

Clause 10 repeals the section of the Act that deals with the reporting of boating accidents and re-enacts it in substantially the same form but with penalties increased to division 9 fines and with an additional provision permitting the reporting of accidents at police stations. Clauses 11, 12, 13, 14, 15 and 16 all increase penalties. The penalties for operating a boat in a manner dangerous to any person or while under the influence of drugs or alcohol are rationalised by increasing the fine significantly (from $200 to division 8 ($1 000)) and by dropping imprisonment as an alternative.

Clause 17 effects consequential amendments to the powers of entry and inspection and further provides that a person apparently carrying on a business of hiring out boats may be required to produce his or her licence. The penalty for failing to comply with a police officer's directions or requirements is amended by increasing the fine to division 9 and dropping imprisonment altogether.

Clauses 18 and 19 increase penalties. Clause 20 re-enacts the section of the Act that deals with the enforcement of the Act. The provision permitting prosecution only by the police or persons authorised by the Minister is dropped. A provision is inserted extending the period for commencement of prosecution to 12 months. Clause 21 repeals the penalty provision that is redundant now that penalties appear at the foot of each offence.

Clause 22 effects consequential amendments to the evidentiary provisions. Clause 23 strikes out from the section dealing with fees the provision that currently prevents differential fees being prescribed for the registration of motor boats. Clause 24 amends the regulation-making power by making it clear that regulations can vary according to the various classes of persons or boats, etc., to which they are expressed to apply, and by empowering the incorporation of codes or standards into the regulations.

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

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 October. Page 969.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill. Only a few minutes ago this House was embroiled in a heated debate which reflected on the conduct of the House, and in some ways this Bill reflects on the conduct of the Attorney-General, because it tries to clean up some areas relating to the actions of certain land brokers which could have been more adequately addressed by other means. The Bill facilitates the repayment of money owing to creditors of those land brokers, but many of the claims would not have been made had the Attorney ensured that proper auditing procedures were adhered to. Therefore, in some ways this Bill reflects on the inadequacies of the Government, which has not acted responsibly in its areas of management.

I do not intend to go over the sad and sorry history of the abuse by certain land brokers, the most notable being Hodby, Schiller, Swan Shepherd and Field. The results of their actions must be addressed methodically and equitably to ensure that mistakes and criminal activities are compensated for. I could be critical of the Attorney's department in its investigation of the Hodby-Schiller case, because the departmental officers failed to identify the other accounts into which money had been shifted for some time. As a result of incompetence, a number of injustices occurred.

However, this Bill is not about that matter: it is about facilitating payment, so the Opposition supports it.

This is a complicated issue. If amending legislation were not introduced, all those creditors who submitted a claim to the tribunal after 18 February 1988 would have an unfettered right to be fully compensated, whereas those creditors who submitted claims before 18 February would have been able to share in the repayment to the extent of only 10 per cent of the Agents' Indemnity Fund. Clearly, the Government intended that creditors who had been defrauded would be entitled to only up to 10 per cent of available funds, which currently stand at $6.8 million. However, during the sittings of the Commercial Tribunal, under the chairmanship of Judge Noblet, the question was raised as to where equity lay in the circumstances.

The tribunal's decision perplexed and frustrated the 200 people who attended a meeting on the understanding that they would be compensated for the full amount owing. They were told at that meeting that a legal wrangle had resulted from a technicality that would prevent payment. The tribunal exposed the inequitability of compensating some creditors fully and others only partly, so it was wise in not making a determination in that regard. The tribunal's decision is interesting and I fully appreciate how people who were apprised of that decision could be concerned, because the decision is written in legal terms. Now, presumably, justice is being done and difficulties in interpretation are being resolved by allowing all claims that have been placed before the tribunal post-1980 to be reconstituted.

The tribunal also raised the very serious question of how to deal with creditors who have already been recompensed in part. The Liberal Opposition has received some correspondence on this matter. It has been suggested that it is totally unfair. The creditors of Swan Shepherd received a certain amount of money as part payment when the Official Receiver went through the estate. A portion of that part payment was deemed to be interest, because the law prescribes that interest shall be paid first. The remainder was principal. Of course, those people have been taxed on the interest that was refunded to them.

Since that time they have received further payments: not against the principal but against the interest and, again, the Taxation Department has taxed them. However, the tribunal has deemed that the full amounts paid are to be offset against the total capital investment, so there has been some difficulty or difference in the way in which these people are being treated. Indeed, it is a matter of principle as to how everyone should be treated when a land agent or broker defaults.

Having read the legislation and the judgments, I am not sure in my own mind that all the problems have been overcome, but I will direct some questions to the Minister during the Committee stage to satisfy myself that all the areas are properly covered—if I can get any answers. If members want all the intimate details, I refer them to the debate in another place. However, it should be noted that about $11 million is outstanding from the four major cases: Hodby, Schiller, Swan Shepherd and Field. Against that, the indemnity fund has assets of about $6.5 million, which means that there is about a $4.5 million shortfall in the fund at present.

The receipts from interest on the trust funds are a very healthy $250 000 per month, which means that, in the space of four months, the fund increases its asset base by $1 million. The amount accrued by the indemnity fund itself is about $80 000 per month. They are significant amounts. There is expected to be a very large recovery from the Hodby case where the Hodby debtors have been called to account. In the Schiller case, the same potential does not exist.

It is expected that, within a two-year period, between the efforts of the Official Receiver in the Hodby case and the ability of the fund to raise significant amounts of capital, much of the deficiencies of the fund will be made up. There are some questions about how the fund will operate and what decisions will be made by the Commissioner in the circumstances pertaining. I would like to know—perhaps the Minister can provide information—about the item called 'total entitlement'. At what point is that assessed? How much of the interest at the due rate is applied to reach that amount? If the total entitlement is not fully settled at the date at which the amount has been determined, will further interest accrue to the amounts outstanding? In terms of partial payment, who rules what part of that partial payment shall be capital and what part shall be interest?

If the Official Receiver rules that 10c or 20c of the 30c or 45c in the dollar that the creditors will receive is interest, that will be of particular interest to those people who have to face the Taxation Commissioner. I have already mentioned the problems with the Swan Shepherd case, and that, depending on how the rules are applied, the creditors of Swan Shepherd could receive twice as much as if the other set of rules were applied. It is critical that the rules are consistent and that they are sorted out so that no-one is left lamenting.

In terms of the decisions that must be made by the Commissioner and the sort of items that must receive prime consideration, how much of the account shall be emptied? At what point should the books be closed? Another item is when all the liabilities will be known. It has been deemed that final payments cannot take place until all those amounts are known.

We know that in respect of certain of the creditors going back to the Swan Shepherd and Field case there is some doubt in those areas. Logically, one would suggest that payment should be made as soon as possible, because the interest on the $11 million outstanding would exceed $1.6 million, yet the capacity of the fund to earn is only $1 million.

Basic economics suggest that the fund should meet its obligations as soon as possible. However, on another evaluation one may not be inclined to do that in case of a further default of a considerable amount and there will be insufficient moneys to meet even a small portion of the defaulted amount. Certainly, there are questions about how the fund will be managed. I hope that the Minister can give clear direction so that creditors can ultimately be told not just whether their first payment will be forthcoming shortly but also when all the amounts can be settled.

The changes proposed in the Bill are significant. There is a wider definition of the mortgage financier to include other people associated with the land agent and broker. The excellent initiative in the Bill allowing for quicker determination of claims by allowing the Commissioner to make the determination and then only referring disputes back to the tribunal for conciliation or arbitration is probably more appropriate in this situation, rather than the to-ing and fro-ing contained in the Bill today.

The requirement about the way in which money can be given in exchange for a mortgage and how secure that mortgage should be is important. If people are pursuing interest rates of 25 per cent, a huge amount of risk is involved. If they are on a first mortgage with a lower return, then one would suggest that the trust funds will be maintained with a reasonable degree of certainty. The Bill states that the mortgage document must be registered if that is

where the moneys are being used, and it must involve a first mortgage. The Bill also updates penalties. With those few comments, the Opposition supports the proposition.

Mr S.J. EVANS (Davenport): I support the Bill because it is an improvement on the present legislation, but I am amazed at the reluctance of Governments and their departments to wake up when things are going wrong. I refer to Field, a so-called land broker, who took quite a few people for a ride about eight years ago. I believe that by about 1982-83 it was a conspicuous case of fraud, with the Swan Shepherd episode coming into it, and anyone alert to the situation should have known that there needed to be better surveillance of the operations of this type of business.

Obviously, Field was not over-smart. He was one of the first to go. People who understand the human brain realise how some people will always try to make a quick buck and take a risk with the money of other people in the hope that they will come out in front. Whether they gamble with it or deliberately pull it out of the system and hide it in some other country or under their floor boards, we know that the next group of people are just a bit smarter. In all probability, for every one who has either been caught or caught themselves out, there are others who have never been caught.

Regarding the Field matter, it is quite disgraceful that people who operated schemes were told several years later that the books of the fidelity fund, relating to money held in trust on behalf of those operators, had never been audited according to the law. The buck stops with the Government. It does not stop with the Minister: it goes further than that, because any observant group of Cabinet Ministers would say to the Minister responsible for the portfolio dealing with land brokers, 'There have been a few cases of fraud, misuse of money or bad business practices. Are you keeping an eye on the rest of the mob?' If the Minister replied 'Yes', it is obvious that the Minister was either ill-informed or telling an untruth and, if the Minister was ill-informed, the departmental officers down the line were at fault—and at serious fault.

In one instance, a young couple placed $92 000 with a person to invest for approximately nine months after selling their first home and small business prior to building another home. It is a disgrace that they could lose that money. The potential is still there. More particularly, it is a disgrace when Parliament passed laws and said to the community, 'We have fixed it so that you are protected in relation to land brokers who use your money and mortgages. Parliament has given the Government of the day all the tools it needs to protect you. Have no fear. If they are licensed brokers, they can be trusted, because Parliament has given Government the power to protect your money.' In many cases something went wrong, and one case looks like involving in excess of $10 million.

In any sense of fairness, one would have to say that the community was misled either by the Parliament or by Government, or by both. There can be no argument against that. That is the truth. If that is the truth (and I say quite clearly it is), there should be no argument about these people getting back their money, whether or not the fund has enough money in it at this point of time. I am not just talking about Hodby, Schiller, or Swan Shepherd; I am going back to those who trusted their money with Field—the lot. There should be no hesitation by whoever was in Government to say, 'Prove that you invested the money with them. We guaranteed that you would be protected. We will pay it and we will fight for the money from the fidelity fund some time down the track or the general taxpayer pays it.' The Parliament was elected to legislate on behalf of the people. The Parliament passed the law and told the community, 'There is the protection. Have faith in it.'

Once the Parliament or the Government does that, people become dependent upon that piece of legislation. It is no longer 'buyer beware'. People are not told 'buyer beware'. They are told, 'We have licensed these people. These people have been vetted. They pay money into a fidelity fund, and that is there to protect the odd one that might go a little bit bad.' That is the truth, and if this legislation makes it harder for land brokers or people in the investment field who are covered by this Bill to misuse other people's money, that is a start. I hope it makes it nigh on impossible for them and, if that is not the case, we should ensure that in the future. The fund will have enough money to pay everyone full tote odds.

Someone who has had $100 000 tied up in one of these evil weevil deals for, say, eight years at 15 per cent has already lost $100 000 in purchasing power, because $100 000 in 1980 should be worth $200 000 today. Some elderly people might have invested their life savings in the belief that that will see them through, provide them with a comfortable life until death, but they are suddenly denied that because Governments have squandered time in trying to solve the problem. They have said, 'There is not enough in the fund.' Whose fault is that? It is not the fault of the people who trusted the Parliament and the Government. In any sense of fairness we would all agree and vote tomorrow to pay out all of those who can prove their claims. I would even go so far as to say that interest should be paid, but I know there would be a lot of squealing if I suggested that. But that would be justice.

I know and every member of Parliament knows that we could never prove what some of these rotters did with that money. We do not know whether it passed through a spouse to another account, whether it was used for cash, whether some fictitious name was created, or whether a mortgagee company for a South Australian operation was created in Geelong. Each of us in our own heart knows that at least some of that money was not just lost. Whatever term these people may serve in gaol, when they come out some of them will have an opportunity to use some of the money and we will never be able to trace it. The point I make quite strongly is that I believe that this Bill gives the Government the opportunity to pay a higher percentage while there is some money in the fidelity fund, but that is not good enough. I hope that the Government and the Parliament would have the courage to say, 'Pay them all out. It will be more difficult to cheat in the future because we have tightened up.'

The fund will grow at the rate of millions of dollars and we will use it to pay back Treasury. I challenge anyone to stand up and say that that is not a fair proposition. As much as I know that this is a tightening of the legislation, I hope the Minister will indicate whether we are saying that we will try eventually to pay all who can prove their claim, whether it involves Field, Hodby, Schiller or the more recent case that might show its head in some action in the near future. When will we pay them all? It is the intention to pay 100 per cent of what they can prove they invested and do it quickly, regardless of the fund. I have a gut feeling that some persons involved in the Field case will be forgotten. Some are probably dead or at least a good many years nearer to death, and it might be easier to forget them. However, their loss is just as great as those in more recent times.

While Parliament continues the practice, as I believe it has a tendency to do in modern day, of passing laws which tend to indicate to the purchaser or customer that there is

no need for the buyer to beware as the Parliament has protected them (that is the case in point here), when it fails, responsibility lies with the Government on behalf of the people through the power given by the Parliament, to pay the full tote odds as quickly as possible. The Government could collect from that fidelity fund. If I am told by a Minister that the fidelity fund cannot pay it today, I expect that it should be able to pay in the future. If it cannot pay ever, surely the debt is one that the people should honour because the people's place, the Parliament, gave power and publicity to say to the community, 'We have protected you, have no fear, the buyer does not have to beware.' I support the legislation because it strengthens the situation, but I would like to know whether everybody will be fully compensated if that is the goal.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its contributions to the debate, for its support for this measure and, indeed, for facilitating the measure in the circumstances in which it comes before the House, with only a limited time for the preparation of speeches by the Opposition. The member for Mitcham made allegations about the Attorney-General's role in this matter and criticised the department for failing to identify accounts where money was shifted in the particular cases of Messrs Hodby and Schiller. It should be pointed out to the House (and this was raised in another place) that the responsibility for ensuring that proper auditing procedures were adhered to was that of the appropriate independent statutory authority—the Land and Business Agents Board.

To blame the Attorney-General for neglect in some way associated with that matter is indeed drawing a long bow, particularly when dealing with people who are involved in delicate acts of fraud and deceiving not only their clients but also their auditors as well as the relevant authorities. The department has done, and is still doing, all it can do to identify accounts where money was shifted, particularly in the cases of Hodby and Schiller.

It was also raised in the context of the total entitlement. The following queries were raised: at what point is it assessed; at what point is interest applied; and, if the entitlement is not settled, does further interest accrue? I think that the member for Mitcham raised the questions of partial payment, what part is capital and what is interest. I understand that entitlement is assessed when the Commissioner has investigated the claims and determined the amount of actual pecuniary loss. An assessment is then forwarded to the claimant.

If the claimant accepts that assessment, payment can then commence. However, if the claimant rejects that assessment or does not respond within three months, then the claim is referred to the tribunal and the entitlement is determined by the tribunal. If the entitlement has not been satisfied within 12 months of the claim being lodged, then the interest accrues at the prescribed rate from the first anniversary of the lodgment of the claim. I understand that the current rate of interest is 5 per cent.

With respect to the claim made by the member for Davenport that the Government has squandered time concerning payment of these claims and his query about the amount in the fund, it is simply not true that the Government and the department have squandered any time. The Government has moved to amend and broaden the base of the fund as much as possible. The behaviour which brought about these claims on the fund was, in some respects, broader than that envisaged in the original legislation. If the old Consolidated Interest Fund had remained and the time was not taken to replace it with a broader-based fund, then the claimants' future would have been bleaker than is now the case.

The Bill allows all claimants, including those to whom the member for Davenport referred (the Field claimants), as from 1 January 1980 to have their full entitlement paid, either by means of an assessment by the Commissioner or by an *ex gratia* payment under section 76f of the Act, with the approval of the Minister. I think that the fears expressed by the member for Davenport have been covered in the Bill.

The amount that will be paid out to the claimants will be determined by the amount in the fund. We anticipate that, once the Bill is assented to, within a few weeks a payment or a dividend will be provided. I do not want to specify the amount, but it will be about 50c or 60c in the dollar. Remaining payments will then depend on the amount of money in the fund. The Government's aim is still to try to ensure that the payment of 100 per cent of the capital, subject to there being no major claims on the fund, is achieved over a period of time. The intention in that respect of paying 100 per cent of capital has always been subject to there being enough money in the fund to do so. That, of course, will be determined to some extent by whether or not there are any other major claims in the future.

I should also put on the record some other comments about this matter, which may assist those members of the community who, naturally, are concerned about the progress of this measure. In order to ensure that there is no misunderstanding about procedure that will take place if this Bill passes, I wish to clarify the procedure that will be followed. The Commissioner for Consumer Affairs will assess the entitlement and make a determination, which will be communicated to the claimant. If the claimant rejects the Commissioner's assessment of his or her entitlement or does not respond to the notice of assessment within three months of receiving it, the claim is then referred to the Commercial Tribunal for a determination of the entitlement. In either of those circumstances, it is the tribunal that determines the entitlement, not the Commissioner.

In relation to the question about outstanding claims, it is intended to ensure that all claimants with outstanding claims from 1 January 1980 to the date of commencement of this Bill will be paid in the same proportion. If it is possible to pay them 100 per cent of their entitlement, they will be so paid. If it is not possible to pay them 100 per cent of their entitlement, they will all be paid in the same proportion, as far as is possible.

The procedure that will be adopted if this Bill is passed will be as follows. Those claimants who have made claims between 1 January 1980 and the date of commencement of this Bill, and whose claims have already been determined by the Land and Business Agents Board, will be paid further amounts as *ex gratia* payments, under new section 76f(6). Payments under this section will be made to such claimants to the full extent of their entitlement as determined or as the fund allows. The remaining claimants who have made claims between 1 January 1980 and the date of commencement of this Bill will be processed under the new procedure.

The Commissioner will make an assessment of the amount of the claim. If the claimant accepts the assessment, the Commissioner is then able to pay out, subject to whether there is a need to make a proportionate reduction, in accordance with section 76f. If the claimant rejects the Commissioner's assessment or does not respond to the Commissioner's assessment within three months, the claim will be referred to the tribunal for a final determination of the entitlement. Once that determination is made, it remains

subject to section 76f (the proportionate reduction provisions).

In either case, if at the time at which the entitlement is determined there are insufficient funds to pay all outstanding amounts, the Commissioner will make a proportionate reduction in the amount paid out and the claim will then be discharged. The Commissioner, however, is able to make further payments to the full extent of the entitlement, under new section 76f (6).

I draw the attention of members to new section 76f (6) *(a)*, in particular, which specifically allows such a payment to be made where the amount of an entitlement has had to be proportionately reduced. It is intended that further payments will be made to the full extent of the entitlement for these claimants under this provision, as the fund allows. It is the Commissioner's intention, I understand, to operate the fund in a manner which will result in as much of the full entitlement being paid to the claimant as is viable to extract from the fund at the point in time at which the entitlement is determined.

At the moment there is a large number, involving significant amounts, of claims against the fund. The maximum amount of the entitlement that the fund is able to make will be paid to the claimants. However, it may be that in future there will be fewer claims, and of lower amounts, made against the fund, in which case at the time at which the entitlement is determined the Commissioner may be able to make a 100 per cent payment of the entitlement.

In order to ensure that all claimants against the same broker or agent are treated in the same manner there is provision for the Commissioner to defer payment of a claimant's entitlement in order to allow the entitlements of other claimants to be determined. The intention is that the entitlement to payment from the fund will only be deducted by any amount of principal not interest which claimants receive from the liquidator. I am assured by the Commissioner that he will ensure that this is the case.

In relation to the delays in finalising Swan Shepherd claims, it should be noted that the investigation of those claims was referred by the Land and Business Agents Board to a firm of solicitors in 1980. That firm delayed completion of its investigations until the liquidator completed his work. Several complex actions between the liquidator and creditors further delayed finalisation of the investigations. The relevant files were only received by the Commissioner for Consumer Affairs late last year and since then have been dealt with as quickly as possible by the same task force established within the Department of Public and Consumer Affairs to deal with the Hodby-Schiller claims. It is not the intention of the Commissioner for Consumer Affairs to deduct interest paid by the liquidator when computing the liability of the Agents' Indemnity Fund to Swan Shepherd claimants.

Once verification of these claims is complete, it is the intention of the Commissioner for Consumer Affairs to pay under section 76b and, with the Minister's approval, under section 76f (6), a total of 100c in the dollar of capital lost without taking into account, as mentioned above, interest which claimants may have received from the Swan Shepherd liquidator. Those claimants have also already received an average of 60c in the dollar of capital from the liquidator. Once again, it is not possible to say precisely when a payment can be made from the Agents' Indemnity Fund to those claimants. These matters will be resolved as soon as possible.

It is the intention that Field claimants also receive 100c in the dollar of capital lost. They have already received about 60c in the dollar of capital lost. The Commissioner for Consumer Affairs has indicated that when the Agents' Indemnity Fund is able to bear further payments to those claimants, he will seek the Minister's approval (subject of course to the Bill before the House being passed) under section 76f of the Bill for additional payment. It is not possible at this time to indicate when this can occur because it depends on the income the fund itself generates, the interest derived from agents' trust accounts and the resolution of claims which have not been verified in respect of Nichols.

In relation to the issue of claimants who have had their claims determined by the old Land and Business Agents Board the Bill enables their claims to be dealt with as follows. New clause 13 of the transitional provisions of the Bill enables the Commissioner to make payments pursuant to section 76f (6) in respect of claims against the Consolidated Interest Fund determined by the Land and Business Agents Board if those claims were made on or after 1 January 1980.

With respect to clauses 7 and 9 of the Bill, it is expected that the scheme will work as follows: Under clause 7 the Commissioner is required to assess the amount of the compensation to which the claimant is entitled. That assessment is either accepted or rejected by the claimant. If the assessment is rejected the claim is then heard by the tribunal and the determination of the amount of compensation to which the claimant is entitled made. Clause 9 deals with a separate procedure whereby if the fund is insufficient to pay outstanding amounts to which claimants are entitled the Commissioner is required to make a proportionate reduction in the amounts paid out.

Where the Commissioner pays out an amount having had to make a proportionate reduction in the amount to which a claimant is entitled that entitlement is then discharged. It is the intention, as far as possible, to pay out entitlements as assessed by the Commissioner or the tribunal to the full extent. Where entitlements need to be proportionately reduced under clause 9 it is the intention to pay those entitlements. This will have the result of discharging the entitlement. However, the provisions in clause 9 under which the Commissioner, with the approval of the Minister, may make further payments will allow further payments to be made over a period of time to the full entitlement. It is intended to use these provisions to make those further payments.

If an appeal provision is inserted to allow appeals where the Commissioner makes proportionate reduction in an entitlement, there will be considerable delays before claimants will receive any money and it would be almost impossible for the Commissioner to operate the proportionate reduction provisions since he would not know at any point in time whether the fund would be insufficient to pay outstanding amounts. For example, by the time the claimant had heard an appeal against a proportionate reduction in the amount paid out, the fund may be in far less of a position to pay out money than it would have been had the Commissioner been able to pay it out earlier. It is true that the converse is also the case. However, the intention is not only to maximise payments but also to make payments as quickly as possible.

In my view it is preferable that the claimants be allowed to obtain payment as soon as possible and the provisions in proposed new section 76f (6) be used to make the further payments than to introduce further procedural mechanisms which may only prejudice claimants. I draw members' attention to clause 9 and new section 76f (6) *(a)*. This section has been inserted specifically to ensure that, where the Commissioner makes a proportionate reduction in paying

out an entitlement and as a result that entitlement is discharged, the Commissioner can make further payments on that entitlement.

In respect of clause 4, there is no intention at this stage to prescribe other persons under paragraph *(c)* of the Bill. In respect to the audit provisions of the Act, it is the practice of the Commissioner for Consumer Affairs to cause his officers to attend offices of persons licensed under the Act to carry out what is commonly known as a 'surprise' audit when, first, a qualified audit report is received from an agent's auditor; secondly, an audit report is not received within the time required under the Act; thirdly, a bank advises that an agent's audit account is in debit; and, fourthly, a complaint is received in respect of the activities of an agent which the Commissioner believes should be investigated by using the surprise audit power.

The Commissioner for Consumer Affairs also authorises surprise audits in respect of agents' records when there is no reason to suspect that there is a problem in respect of that agent's records. The objective is to conduct an audit in respect of the trust account records of every agent as soon as that can be achieved.

A copy of the Bill was forwarded to the Law Society on 4 October 1988 and, as a result, it made comments on the Bill. Some of the issues raised are dealt with in the regulations which will be prescribed shortly. Other general comments will be taken into account when the Act is reviewed over the next 12 months. The Commissioner for Consumer Affairs has discussed the content of the Bill with the President of the Land Brokers Society, and no suggestions for amendments were made by the President. The content of the Bill has also been discussed in general terms with the Real Estate Institute of South Australia, and I am advised that the Bill is supported by that organisation.

I place those comments on the record at this stage not only because they will assist members in answering a number of the queries that were raised in this debate but also because they will be of interest and importance to claimants against this fund and to those who are advising them.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: My question concerns the definition of 'mortgage financier'. This Bill places certain responsibilities on mortgage financiers. The definition of an associate of an agent or landbroker is so wide now that it could take in other legitimate areas of financing. Would the prescriptions of this Bill apply equally to those other people simply because they are an associate of a landbroker as detailed in the Act?

The Hon. G.J. CRAFTER: Obviously, there has been an attempt, as I said during the second reading stage, to provide a broad base of access to the fund, and that point has been under close consideration. If, within the definition contained in the Bill, the financier receives money from another for his own benefit, he is not a person caught by the definition unless he receives that money from another person for the purpose of lending it to a third person. I am advised that that makes clear that a person raising money for his own purposes would not be caught by the definition 'mortgage financier', but in other circumstances they would naturally fall under that definition where applicable.

Mr S.J. BAKER: The net is quite wide. My contention is that legitimate financial intermediaries in the marketplace who are not land agents, brokers or valuers but who have an association with a land agent by definition have been caught up in this legislation. Can the Minister explain whether that interpretation is correct because these people receive money which they lend to a third person, and that is what the definition says?

The Hon. G.J. CRAFTER: I can only repeat that the definition of 'mortgage financier' means a person who is either an agent or a 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 the mortgage. That narrows or defines that group to include a person who deals with people in this category and who requires and seeks access to the security of the fund.

Mr S.J. BAKER: I point out that two different sets of principles are involved here. By association, it is deemed that these strictures shall relate to that particular person. The clause states quite clearly that a mortgage financier is a person who is an associate of an agent or a land broker and receives money from another. It does not mean that he receives money from a land agent or broker. He has only to be vaguely related to the principal land agent to be caught within the provisions of the Bill. I will not go on with the point, but it has not been satisfactorily resolved. Perhaps my interpretation will be subject to further dispute at a later stage.

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

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

Motion carried.

The Hon. G.J. CRAFTER: I am not quite sure what it is that the honourable member is seeking to achieve by arguing that this definition is too wide, that it is a catch-all definition and, in that sense, is dangerous. Indeed, Messrs Hodby and Schiller used other associates or legal structures to defeat the very protections built into the legislation. Naturally, that is why the legislation is written in this way and why it is a catch-all provision. It is specifically designed to catch the situations which have brought about the large-scale defrauding that has been experienced in South Australia in recent years. The Government does not deny that.

Clause passed.

Clauses 4 to 6 passed.

Clause 7—'Establishment of claims.'

Mr S.J. BAKER: I noted the Minister's further explanation during the conclusion of the second reading debate. Of course, this was the subject of a second reading explanation by the Attorney-General in another place and, if the word processor had been working correctly, all this information would have been in the second reading explanation presented in this place and we would not have had to delay the Committee. When a determination has been made and the first payment has been made to creditors, does that absolve the Government from paying any interest on any funds further outstanding?

The Hon. G.J. CRAFTER: The only obligation the Government has is where the 12-month period has expired and there is obviously a penalty effect being applied. There is also provision for an *ex gratia* payment, although that would be unusual. There would be very real concern whether the fund could withstand wide-scale use of that provision. That would be an exception rather than the rule.

Mr S.J. BAKER: That answer is pretty indefinite. It is all an act of faith, as the Minister has clearly told us. If one reads section 7 in conjunction with section 9 one sees that the matter is still unresolved except for a promise that has been made by the Minister because section 9 provides:

Entitlements in respect of which payments are made under this section are discharged notwithstanding that they may not have been satisfied in full.

Nothing in the legislation binds the Minister to make a payment of 100 per cent with respect to an entitlement, nor is there an obligation to meet the accruing interest, albeit at 5 per cent. Now that I know that it is 5 per cent, it is probably in the Government's best interest to partly pay the amount now and then hold off for as long as possible, because the fund will accumulate faster if the moneys are not paid over. There are questions about when people will receive the 100 per cent entitlement about which the Minister has talked. Perhaps the Minister can indicate when the entitlements will be settled in full, given that there is no obligation to settle beyond that part payment.

The Hon. G.J. CRAFTER: I am not sure whether I can add more by way of an undertaking than what the Attorney-General has said in another place. Of course, the undertaking is subject to there being no other large claims on the fund in the near future. Obviously, the Attorney's undertaking is substantial and the understanding is that funds will be paid as quickly as possible to claimants. Apart from giving an undertaking that the Government would underwrite fraud in the community, the Government obviously has gone a very long way to redress the very unfortunate situation that has arisen in this State with respect to the very large number and substantial nature of those claims against the fund at this time.

Mr S.J. BAKER: Given the Attorney-General's statements in another place, why was not some guarantee contained within the Bill that provided in a legislative form that the fund shall ultimately be responsible for full compensation, if that is what the Attorney is telling us will happen?

The Hon. G.J. CRAFTER: It is simply not a practical thing to do. One would be deluding the community at large to try to give an undertaking or a guarantee of that nature. It depends on the nature and extent of claims and the amount of money in the fund as to what undertakings can be given to those who claim against that fund.

Clause passed.

Remaining clauses (8 to 12) and title passed.

Bill read a third time and passed.

ELECTION OF SENATORS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 578.)

Mr S.J. BAKER (Mitcham): This is a relatively brief Bill which addresses the State's responsibilities in respect of Federal elections. As members would be aware, the Senate is a State representatives house which has been expanded to include the two territories. The two machinery items included in the Bill will bring the South Australian legislation into line with the Commonwealth Electoral Act.

The first amendment involves an extension of the maximum time between the issue of writs for the election of Senators and the return from 90 days to 100 days. The Commonwealth Parliament must meet within 30 days of the return of writs, thus the maximum period between the issuing of writs and the sitting of Parliament after an election is 130 days rather than 120 days.

The second item is the removal of any limitation placed upon the Government to alter the election date. Currently that power can be exercised only within 20 days before or after the date set for polling. A further provision is that the polling day cannot be postponed to any time later than seven days before the designated date has been removed. The Opposition recognises that these amendments are required to bring the State Act into line with Commonwealth legislation but our concurrence in no way signals support for similar changes to be incorporated into State legislation.

Members would recall that it is the State's responsibility to issue the writs, and that is the reason for this change. We maintain that whilst extraordinary conditions such as national disasters may present problems for the holding of elections, the removal of any checks and balances could provide opportunities for the Government of the day to vary set election dates should political conditions become adverse. On balance, however, one would assume that such manipulation would incur the wrath of the electorate. It should also be borne in mind that the time limitations are a relatively recent innovation and have no particular historical flavour. The time limitations have been imposed only during the 1980s and now they have come out. Thus, the Opposition supports the legislation.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this measure, which really brings into line the relevant South Australian legislation, that is, the Election of Senators Act 1903 with the recent and substantial amendments to the Commonwealth Electoral Act 1918. I do not share the cynicism of the Opposition in the area of constitutional proprieties and reforms. The ultimate decider, of course, is the electorate and the Government has no fears that these amendments will better serve not only the people of this State but also the electoral machinery that operates throughout this country.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Power to fix dates in relation to election.'

Mr S.J. BAKER: Regarding the amendment from 90 to 100 days, the second reading explanation states:

It could also be a useful precaution against the possibility of a long delay before all Senate vacancies are filled, given the manner in which the Senate scrutiny is now required to be conducted.

Will the Minister explain that marvellous statement? Intuitively I would have thought that that was not the case, given that we were extending the time available, but perhaps the Minister can inform the House accordingly.

The Hon. G.J. CRAFTER: I do not know the precise details of how the Senate vote is proposed to be counted and the scrutiny of that vote conducted but I know that there has been criticism of the sample method which is currently used in counting the Senate vote. This legislation and the Federal legislation, I understand, provides for a different methodology to be used with respect to the count and scrutiny of the Senate vote. Therefore, that has been one of the bases for the extension of this time for the return of the writs.

Mr S.J. BAKER: With all due respect, is the Minister saying that, if a few extra days are provided, the quality of the sample is improved?

The Hon. G.J. CRAFTER: Not at all. I am saying that there is machinery in place that will obviously improve the current method of counting the vote. This, as I have explained, is consequential to that, the basis of it.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

TELECOMMUNICATIONS (INTERCEPTION) BILL

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

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PERSONAL EXPLANATION: FIREARMS ADVERTISEMENT

Mr ROBERTSON (Bright): I seek leave to make a personal explanation.

Leave granted.

Mr ROBERTSON: I claim to have been quoted out of context in an advertisement in the *Advertiser* of Friday 7 October. The advertisement was run by the Combined Shooters and Firearms Council of South Australia and in part quotes me as stating in the House of Assembly (page 452 of *Hansard* of 23 August 1988):

> That group of people worries me. Their views are unknown and to all intents and purposes they remain anonymous. It is my belief that they may possess up to 100 000 firearms in this State. Their views were not represented to the committee . . .

I have checked that quote and indeed find it to be accurate but incomplete. I have no objection to the Combined Shooters and Firearms Council quoting me to recruit members, but I have an objection to being quoted out of context for that purpose. My statement to the House continued:

> Their views were not represented to the committee because, quite clearly, they did not see it as a *bona fide* forum. I am still uncertain as to how those people feel and as to the effectiveness of any laws in containing their behaviour and restraining some of their excesses.

The point I was making in my contribution to the House, contrary to the implication in the advertisement, was that the council does not represent many of these people and probably never will.

ADJOURNMENT

At 5.17 p.m. the House adjourned until Tuesday 1 November at 2 p.m.