HOUSE OF ASSEMBLY

Thursday 3 November 1988

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

WORKCOVER

Mr S.J. BAKER (Mitcham): I move:

That this House opposes the schedule of fines relating to the Workers Rehabilitation and Compensation Act 1986 as published in the *Government Gazette*, page 1257, of 6 October 1988.

I raise this very important matter as a result of numerous complaints that I have received about the way that WorkCover is operating, particularly with its heavy-handed attitude to employers in this State. I will read to the House from the *Government Gazette* of 6 October 1988 so that those who read *Hansard* can gain a full appreciation of the draconian fines which have been promulgated by the corporation. On page 1257 of the *Gazette* it is stated:

Where an employer fails to pay a levy as and when required by the Act or a determination of the corporation ('a Default'), the following fines shall apply:

2.1.1 Where a default is the first default by an employer in any period of 12 consecutive calendar months, the fine shall apply to any levy or portion of a levy remaining unpaid by the 17th day after the end of the month and shall be equal to 100 per cent of the levy payable or portion of the levy remaining unpaid as at the 7th day after the end of the month.

2.1.2 Where a default is the second default by an employer in any period of 12 consecutive calendar months, the fine shall apply to any levy or portion of a levy remaining unpaid by the 7th day after the end of the month and shall be equal to 150 per cent of the levy payable or portion of the levy remaining unpaid as at that date.

2.1.3 Where a default is the third default by an employer in any period of 12 consecutive calendar months, the fine shall apply to any levy or portion of a levy remaining unpaid by the 7th day after the end of the month and shall be equal to 200 per cent of the levy payable or portion of the levy remaining unpaid as at that date.

2.1.4 Where a default is the fourth or subsequent default by an employer in any period of 12 consecutive calendar months, the fine shall apply to any levy or portion of a levy remaining unpaid by the 7th day after the end of the month and shall be equal to 300 per cent of the levy payable or portion of the levy remaining unpaid as at that date.

I do not know of any other penalties as draconian as those. Of course, they are not in the legislation, but they should be. I cannot remember anything as draconian as this. Indeed, I suppose that Parliament is at fault for relying on the corporation to make decisions that were in the best interests of the employers and employees of this State.

Under section 71 of the Workers Rehabilitation and Compensation Act the corporation is allowed to impose penalties up to three times the levy. One would presume that this absolute maximum penalty would be applied only in the most outstanding cases of default, where people had deliberately not paid their bills and had not met their obligations to the corporation. However, that is not the case. After seven days there is a 100 per cent loading; for a second offence there is a 150 per cent loading; for a third offence it is 200 per cent; and for a fourth offence it is 300 per cent. Employers in this State, especially small employers, have had a gutful of this Government. Indeed, WorkCover is high on the agenda for reform. I assure the House that there are many complaints about WorkCover. I have discussed WorkCover on many occasions and I have moved motions about it in the House. There is no doubt that there will be a huge movement towards the Liberal Party at the next election by the small business community, because these people are heartily sick and tired of being the kicking dogs of the Labor Government in this State.

How anyone can justify imposing a penalty of 100 per cent for a late payment escapes me. Can Government members imagine what would happen if their constituents, who are invariably late in paying ETSA or E&WS bills, received a penalty notice saying that because they had not paid within seven days their bill would be doubled? Indeed, one must question the Government extensively about why—

Members interjecting:

Mr S.J. BAKER: Members opposite interject, but they have an opportunity to contribute and justify these fines and penalties. Let them justify them, and let them talk to their small business people and see how they feel about it. What is happening at the moment? I know that some members opposite are not too happy about the way that WorkCover is operating at present because, if payment is in the post and it arrives later than the prescribed seven days, the computer, which has not worked well up to date but which seems to work effectively in this area, sends out a notice detailing clearly the severe penalties, despite the fact that by the time the notice reaches the employer often the bill has been paid.

I note that SGIC, which is the agent for WorkCover, is forming a group to assist employers to meet the demands placed on them by the Act and by WorkCover. I will tell the House why it is doing that. It is because its reputation stinks as a result of the way that WorkCover has operated to date.

I cannot recall any piece of legislation that has operated so poorly as has this one. I have outlined to the House on a number of occasions the faults with WorkCover and the way it operates. I do not wish to go through the same arguments again, because everyone well understands them and I am sure that every member of this place at some time has received a complaint on the way WorkCover operates, as it is simply not managed properly. People do not trust this Government, because time and again they are made the scapegoats of either poor Government decisions or demands for more revenue when the Government seems to embark on a policy of 'Let's spend up big and make the taxpayers pay the bills.'

A need exists for penalties in all systems. Up to ten times a week this Parliament prescribes penalties for offences. Penalties should be imposed on these people who do not pay their dues to WorkCover. However, I also expect fines and penalties to be reasonable, but these penalties go far beyond what anyone in this place would regard as reasonable. They reflect the jackboot mentality of kicking small business in this town. The small business community is absolutely sick and tired of WorkCover and many of the other initiatives of this Government.

Mr Oswald interjecting:

Mr S.J. BAKER: The member for Morphett reminds me of the electoral material put out by the Bannon Opposition in 1982 and the Bannon Labor Government in 1985. Pages were written on how it would assist small business, help it out, pick it up off the floor. It said that small business was the hope of the side, that that is where all major initiatives for employment opportunities would come. I do not believe that its credibility extends to 1989 because every small business person out there knows that the problems they are facing are as a direct result of the Bannon Labor Government's imposts and lack of attention to their needs. I assure this House that the Liberal Party will certainly find a great deal of heartland in that area because of WorkCover, land tax and a whole range of other measures.

I will not take the time of the House on this measure, even though it is important. I ask every member to look at the Bills they receive every day of the week and to put themselves into the position of the late payer. How would one feel, if the doctor's bill was not paid on time, one was required to pay $44 instead of $22. How would people feel, if the electricity bill was not paid on time, if instead of paying $125 they had to pay $250; if the gas bill was not paid on time, instead of paying $70 they had to pay $140; and if the insurance bill was not paid on time, they lost their coverage and also incurred a penalty so that instead of paying $300 they had to pay $600? The whole system would fall apart. Yet this Government continues to operate under the protection of heavy penalties and fines and will not take account of the circumstances faced by small business people. Everyone in this House would understand that 20 per cent or 30 per cent of small businesses are continually shuffling dollars, trying to stay liquid under desperate circumstances. The retail industry is on its knees.

In some areas of commerce the situation is very difficult, and all the time people have to work with overdrafts. When they reach the limits on their overdrafts, they must either go to the bank and ask for a higher limit at further penalty or decide whether to close their business. In some cases, the WorkCover levy is not insignificant so, when people are shuffling their dollars, if they want to avoid the penalties associated with overdrafts, they may be one or two days late in paying, not deliberately trying to avoid their responsibilities but, importantly, trying to keep their heads above water.

I also mention that this 'you beaut' scheme which the Government brought forward under promises by the then Minister and Mr Wright, who addressed a number of public meetings, was to achieve a 40 per cent reduction in premiums for all the people in the system. That is a blatant untruth. Over 60 per cent of employers in this State are paying more; some are paying 50 per cent, 100 per cent, 500 per cent and even, occasionally, 1 000 per cent more for workers compensation cover. This is the Government which was to deliver cheaper premiums!

I suggest that, when the costs of administration and bureaucratic bungling are taken into account, 80 per cent of employers in this State are paying more under WorkCover than they paid previously. What did they get? They got late payments; people were suffering further injury because they were not reimbursed by WorkCover; and they were hassled by notices which said 'If you haven't sent in your aggregate remuneration estimates for the previous financial year, there is a $50 000 fine and, if you haven't got your money in on time, we'll embark on these draconian fines and penalties.' The Opposition is bitterly opposed to these penalties.

We believe that a far more suitable penalty system could have been implemented than the one we see today. No-one in this State will be assisted by being continually threatened by a Government which is absolutely incompetent in the way in which it administers its portfolios. The Government does not apply the same sanctions to its own operations as it applies to employers in this State. I commend the motion to the House.

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

POVERTY

Mr ROBERTSON (Bright): I move:

That this House acknowledges the steps already taken by the Federal Government to eliminate poverty in Australia and urges it to continue its assault on the causes of poverty and inequality in this country.

I move this motion simply because there is a myth abroad in the community suggesting that, somehow, the Hawke Government has favoured its rich mates at the expense of the rest of us. I am not denying that a few of the rich mates have done rather well out of the tax system, and I think there is a separate argument that we should look at the number of deductions available for certain classes of individuals and businesses. I am not altogether sure that the Hawke Government needs to wear all of the odium for that because many of those lurks and perks have been in the system for many years. It is simply that businesses are using them more creatively than they used to.

My purpose in moving this motion is to debunk what I regard as a myth. I have prepared some statistics on this to demonstrate the point. I will outline the background to the myth. There are in Australian society two beliefs or cardinal rules which, to an extent, are mutually contradictory. Those rules are that people know intuitively whether they are better or worse off. Everyone would subscribe to that as popular logic and, to an extent, I do myself. Running counter to that is another fundamental belief that people have short-term memories on political matters, and the feeling of well-being arises largely from comparison with people around you and not necessarily from your own absolute well-being or otherwise. In other words, people tend to compare themselves with their peers in society, and from that they deduce whether they are better or worse off when they may or may not be better off in material or absolute terms.

It is true that, prior to the election on 11 July last year, Bob Hawke said that every Australian family had taken a $2 000 pay cut. That pay cut was basically on what those people would have been receiving had it not been for a fairly fundamental plunge in the world prices of commodities that are vital to the Australian economy. It is not necessarily a pay cut on what they were getting two years earlier. It is pointless to argue the case because of the two countervailing axioms that I have talked about, but the average Australian may even have been marginally better off in constant dollar terms in mid 1987 than he or she was in mid 1983.

That argument is largely academic because the prices of some commodities and goods and services in Australian society have not necessarily kept pace with the CPI and some have outstripped it, so it is difficult to make that statement. It is not the kind of economic analysis of which I am capable. I do not want to argue that some people are better off in absolute terms, although that point could be argued. I make the point that there is a need to attack the notion that the Hawke Government has favoured its rich mates at the expense of the rest of us. I believe that notion to be misdirected and, to a very large extent, inaccurate.

I turn to an economic analysis of individual incomes corrected to constant 1986 dollar terms. I have had figures prepared for the financial years 1981-82 to 1985-86 to illustrate the point. In the financial year 1981-82, the modal class of individual income was $10 000 to $15 000, and 30.3 per cent of the population earned an income in that class. That was the mode, the most popular score. The following year, 1982-83, the first year in which the Hawke Government took over the Treasury benches, that percentage dropped to 26.7 per cent and, although it was still the most popular class, it was also still the modal class. The number in that class had decreased as a number of taxpayers and income earners moved into the next class, which is the $15 000 to $20 000 class. The following year, 1983-84, the first year in which the tax policies of the Hawke/Keating Government took full effect, that mode had been spread

fairly evenly across three income classes. The $5 000 to $10 000 income class had 24.1 per cent of the population; the $10 000 to $15 000 class had 24.2 per cent, only marginally higher; and the $15 000 to $20 000 class had 23.4 per cent. That took the top off the peak, and the peak income in the years prior to the accession of the Hawke Government had been at the relatively low rate of $10 000 to $15 000 income per annum.

In its first tax year the Hawke Government effectively smoothed that out and pushed a number of those income earners into higher income earning classes. Indeed, in the following year that continued. So, in 1984-85 the income structure for individual Australians was, for the first time, a bi-modal distribution with 22.7 per cent of the population falling into the $5 000 to $10 000 class and 23.2 per cent falling into the $15 000 to $20 000 class. The intermediate class ($10 000 to $15 000) continued to decrease and was down to 21.8 per cent of the population.

This indicates several things: first, that the people who previously had been in that peak modal class, which started off at $10 000 to $15 000, had been pushed upwards into the next income class. Lower down the income scale, because of the 1.1 million jobs that had, by then, been created by those policies, people had been brought back into the work force on a part-time basis because, quite clearly, incomes in the range of $5 000 to $10 000 are not full-time incomes. This indicates that very large numbers of Australians had been drawn into work on a part-time basis, and those people had previously been either declared or undeclared unemployed but had not been participants in the paid work force. It may also be that they declared their income more than they had previously because the policies of Hawke and Keating, in forcing all income earners to declare income, had been successful.

In 1985-86 (the last year that I looked at), the distribution was still bi-modal but the number of people in the bottom section of that ($5 000 to $10 000) class had diminished further to 21.5 per cent (against 22.7 per cent in 1984-85) which indicates, I suspect, that more of those people had moved into full-time work and out of part-time work.

The other mode (the higher mode of $15 000 to $20 000) had 22 per cent of the population falling into that class. That is also a decrease on the previous year. I suspect that indicates that more and more people had been pushed out of those two modal classes into higher income classes. If one looks at the whole distribution for the years 1981-82 to 1985-86, one finds, under the last years of Fraser and Howard, that from a very strongly peaked distribution with a strong negative skew and a relatively flat tail which quickly dropped down to the axis, the peak has been diminished and has been pushed forward and people have moved up through one or two income classes (remembering that they are constant dollar terms). So, considerable numbers of people are a good deal better off. Not only that, but also the tail has been raised off the axis a little, and the distribution with the strong negative skew has fallen away and has been inflated to the point where people in higher income classes are also doing rather better.

I suspect that that is no great cause for sorrow. It is certain that we have a bi-modal distribution; it is certain also that there are a few rich mates. But effectively the thrust of the Hawke and Keating economic and tax policies has been to move not more people into the 'rich mates' category but to move a lot of fairly average mates into being rather better off mates. In other words, those of us who were on average to slightly below average incomes have done rather well out of the Hawke Government and its policies. I am not denying for a moment, as I have suggested, that perhaps some company and tax laws need to be looked at, but the rich mates syndrome has not come at the expense of ordinary taxpayers.

Each year more and more people are in the above average (above the modal) class. So, rather than having a sharp negative skew, more people are being pushed beyond that. More Australians are better off in comparative terms than they were and, more significantly, fewer people are poorer. So, I would argue that the assault on poverty and inequality in this country has been largely successful. I would think that with the tax file number that assault will increase and become more successful. The Hawke Government, in my view, has been extraordinarily successful in distributing a decreasing number of resources and dollars more fairly amongst the people of Australia, and for that I believe it deserves our commendation. I commend this motion to the House.

Mr OSWALD secured the adjournment of the debate.

VEGETATION CLEARANCE

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

That the regulations under the Electricity Trust of South Australia Act 1946 relating to vegetation clearance, made on 27 October and laid on the table of this House on 1 November 1988, be disallowed.

This motion would have been moved, but for other circumstances, by my colleague the member for Kavel. However, he will be entering the debate in a very positive way in the future. It is necessary to take the reason behind this motion for disallowance against the background of events of the past 12 months approximately. In late November-December 1987 the Hon. Ron Payne, as Minister of Mines and Energy, introduced a Bill to look at various aspects of ETSA activity but, more specifically, sought to provide for the indemnity of ETSA in its distribution system with regard to any fire which might occur from a power source.

That Bill was debated over a length of time and included a select committee phase which, when the matter was brought back to the House, was praised by members on both sides as having been a very worthwhile select committee which got a better hold on the number of matters directly associated with the trust and its interface with the community, as there had been a clear misunderstanding in some quarters of the involvement which would flow. The committee members accepted that, amongst persons in local government and a number of individuals, there had been a complete lack of cooperation with ETSA in helping to prevent fires which might have been caused by the distribution system.

Members may wish to refer to the debate on 22 March 1988, which is recorded in *Hansard* at page 3367, and on 23 March, extending into the wee small hours of 24 March. This is recorded at pages 3483 to 3492, with the final stages of the debate in the House and a report from the Legislative Council on 24 March at pages 3538 to 3546. It was pointed out in that debate by the member for Florey, the now Minister of Labor, that somebody had been foolish enough to plant a Tasmanian blue gum in the Adelaide Hills immediately under power lines. That tree has a growth capacity of between 150 feet to 200 feet. The person had refused ETSA the opportunity to remove or trim back that tree which was obviously going to be a source of great problem in relation to fire-risk control.

Members of the committee have all gone on record in the debate and have accepted a need for better cooperation and understanding to reduce fire risks resulting from ETSA distribution. However, the indemnity factor which ETSA

had sought was eventually removed from the Bill in another place and that action was accepted in this place. A number of commitments were given by the Minister and members of the committee supporting the decisions which had been made, and they are on the record. They were also canvassed in the Upper House where the matter was given a great deal of attention.

Against the background of those statements made by members in this place and elsewhere, it is clear that the regulations introduced to the House by the now Minister of Mines and Energy are beyond both the capacity of the Act and the intent of the people who were party to the discussions directly associated with the passage of the Bill. In due course that matter will be raised. I believe that members on both sides of the House will recognise that it is a statement of fact.

The document, which was presented to His Excellency the Governor in Executive Council, contains about 135 pages that include a number of maps that determine where possible fire prone areas may be located. More is the pity that, at this stage, we have introduced into the system a series of maps which are not even consistent with other maps indicating fire prone areas and which are being circulated by the Minister's colleague, the Minister for Environment and Planning, in relation to fire prone areas directly associated with the Mount Lofty Ranges. I draw attention to that, because one has only to look at recent newspaper articles to accept how widespread the confusion and concern is about problems associated with these regulations. The problems have occurred because the Ministry has not got its act together and integrated the activities of two major Government departments in order to produce one set of plans. If that did occur, the community would not be so confused.

I draw attention to the report relating to the regulations that was presented to this House by the Minister when he stated:

> The regulations were prepared by Parliamentary Counsel on advice from a working group comprising representatives of ETSA, Environment and Planning, the Department of Lands, the Highways Department, the Department of Local Government, the Local Government Association, Country Fire Services, the United Farmers and Stockowners of South Australia, and the office of the Minister of Mines and Energy.

The Minister indicated when that working group met. It is quite apparent from information supplied by the Local Government Association to the public that it does not believe that the document which was presented to the House is a correct interpretation of the working group discussions. I believe that that argument will be continued in the public arena by the association, because concern and disbelief has been expressed about the manner in which the regulations have been presented. My colleague, the member for Kavel, will refer to relevant information which has already been supplied from several sources in local government.

I also draw attention to the report which was presented by the former Minister of Mines and Energy (Hon. Ron Payne) when the committee reported to the House on 22 March this year. Among other things, point 5 of the report states:

> The committee recommends the amendments to the Bill set out in Appendix 3. The more significant changes are to the provisions concerning vegetation clearance, and the trust's liability for property damage.
>
> *(a)* The duty of vegetation clearance placed on the occupier is restricted to the clearance from private supply lines of vegetation that is not naturally occurring: all other vegetation clearance is the trust's responsibility.

The Minister began his comments on 22 March and sought leave to continue them later. He referred to that point specifically in his statements to the House on 23 March. The key factors associated with this matter are embodied in paragraph 5 *(a)* of the select committee's report. Initially, there was a clear intention that the trust wanted local government to be responsible for all clearances on roads. That was indicated in a document circulated approximately 12 to 15 months ago, prior to the Bill's introduction. Subsequently, when the Bill was brought in, local government was not included in the provisions but following the passage of the Bill and in the discussions on the regulations which we are now seeking to disallow, local government has been drawn in and is being threatened by the current Minister with rather diabolical consequences regarding responsibility in this matter, with very heavy costs associated with vegetation clearance under power lines.

Again, the other important word contained in paragraph 5 *(a)* is 'private', referring to power lines not those which are part of the public distribution. Initially, it was believed, and in fact indicated by the way the Act was administered, that trust lines passing over private property were involved. That was resolved quite effectively by amendments to the Act and we ought now to be looking only at those responsibilities of people involving a private line or of those persons who have been foolish enough to plant trees under existing lines after the passage of this measure.

It was very clearly understood by members of the select committee and by the trust itself that the trust had been responsible for locating many power lines where they exist at present. The trust had taken the opportunity to take short cuts across vegetation, placing those lines where it so desired, and not at the insistence of individual ratepayers, property owners or local government. I commend the motion to the House, and I would like to believe that it will have been established that the trust, through some of its officers—and in this House through the Minister—has sought to act beyond capacity.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I second the motion to disallow these regulations, which go further than anything envisaged by the select committee when we were considering the legislation. The select committee was ably chaired in a very conciliatory manner by the former Minister of Mines and Energy, who I believe would agree that the committee was very successful. We reached agreement on all but one fundamental matter of principle relating to indemnity to which my colleague has referred, but the committee reached amicable agreement on all other matters. Unfortunately the former Minister has now departed the scene and we have a brand new Minister who obviously has not studied too closely the committee's deliberations, judging from the way he has continued the drafting of these regulations. The reaction to ETSA's tree pruning program has been quite vigorous. I do not feel that the Minister's choice of the word 'emotional' reflects the true situation.

A majority of people and councils have been outraged by some of the recent pruning programs that ETSA has undertaken. In the brief time available to me in this debate, I want to refer to some of the objections that have been made in relation to areas where I believe the regulations go beyond what was envisaged by the select committee when it agreed to the legislation. There is still a strong suggestion in the regulations that local government will be involved in a cost sharing arrangement for this pruning program. I think all members have probably received a letter from the City of Unley—no doubt together with other information. Members of the Opposition have certainly received this letter, and we have received a submission from the Local Government Association, which is very concerned, on behalf of

all councils, about the regulations. Also, I understand that a submission has come from the City of Burnside. However, in discussion with councils generally, it is quite clear that they are greatly disturbed by what is proposed in these regulations—and I do not blame them.

There was never any suggestion but that ETSA would bear the cost of a reasonable pruning program and that such a program would be similar to the program that has been undertaken for years—not the program that has been undertaken in recent months where, obviously, pruning has been very severe indeed. Quite obviously, this idea of a five-year pruning program was something which was dreamt up during discussion on the regulations so that the pruning would be so heavy that councils would have no alternative but to request that ETSA undertake a lighter program and agree to bear the additional cost. Clearly, that is not on, and it was never envisaged by the committee. The regulations that have been amended as a result of the furore retain this idea of agreements being reached with councils, any additional costs over and above those that ETSA wished to bear being borne by the councils. If the arrangements are then not agreed to, an arbitrator, chosen by the Minister would have the final say.

The Hon. B.C. Eastick: That's arrogance!

The Hon. E.R. GOLDSWORTHY: Well, it is arrogance, but clearly it is also loaded in favour of the Minister, who in this instance is the advocate for ETSA. I would also point out that the Minister for Environment and Planning was specifically nominated in the legislation as having the oversight of the regulations—maybe not the oversight, but the regulations had to have the concurrence of the Minister for Environment and Planning. That was specifically spelt out in the original unamended legislation and it reappears in the final draft: there is no dispute about that. Its purpose was to ensure that no environmental damage was caused as a result of this legislation. Where has the Minister for Environment and Planning been during all this furore?

The Hon. P.B. Arnold: Nowhere to be seen.

The Hon. E.R. GOLDSWORTHY: The whole argument has embodied the environmental issue from day one—but we have not sighted the Minister. I want to refer to a number of specific objections. The fact is that it was never envisaged to have this arbitrator. It is quite unsatisfactory. What was envisaged was a widely representative active consultative committee. The former Minister thought this was a good idea, and we agreed with him. In fact, I think it might have been his suggestion. Such a committee would have representatives from, for example, the UF&S and the Local Government Association. If any arbitration is to take place it should be by means of a consultative committee such as that. It should certainly not involve an arbitrator appointed by the Minister. The people involved should be appointed by the respective representative organisations. That was what was envisaged—not some arbitrator who would do the Minister's bidding if agreement was not reached. So, that is certainly not on.

There is a problem with the nurturing of trees, particularly in relation to stands of existing trees. At this stage, I will have to abbreviate my remarks in order to accommodate other business of the House. However, in relation to the nurturing of trees, concern has been expressed about past practice. If we are talking about immediate past practice, that is just not on where trees have been butchered. 'Past practice' is not defined, and that is certainly not on. There is another series of objections that I will detail at a later date. However, I will deal with the regulations that refer to cost-sharing. Regulation 7 (3)*(b)* provides:

> Unless the occupier undertakes to carry out the inspections and clearance on behalf of the trust, the payments agreed between the parties in respect of the costs of the additional work required under the agreement;

That is where these agreements are to be arbitrated. Further, regulation 11 (3) *(e)* refers to cost-sharing arrangements, as follows:

> Cost-sharing arrangements, having regard to past practices and the nature of the clearance work proposed to be undertaken by the trust . . .

That is just not on and has never been envisaged. During the select committee hearings I asked about the position with respect to local government. In fact, I said that the trust decided to take on the landowners but was not prepared to take on local government. The response from the then General Manager was, 'No, we are not. We are not going to take on local government because it has been tried interstate and it did not work.' That is in the record of the select committee hearings. The regulations are unsatisfactory. The Minister's response—that he will set up the working party because he now acknowledges that the regulations may need modification as a result of the dissention they are causing—is an admission that they are not satisfactory. Why on earth proceed with them when they are not right? I think that the Minister's decision to invoke regulations knowing that they are not satisfactory and that they will need amendment is foolhardy. I urge the House to disallow the regulations. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DROUGHT RELIEF

Mr GUNN (Eyre) I move:

That this House—

(a) calls on the Minister of Agriculture to immediately put into effect short-term financial assistance to the drought affected areas on upper Eyre Peninsula, including carting water to the Government tanks west of Ceduna;

(b) calls on the Government to provide special funds to immediately commence construction of a pipeline west of Ceduna to Penong to provide a reliable supply of water to residents at Koonibba and Denial Bay; and

(c) calls on the Department of Social Security to take a more sympathetic attitude towards people on upper Eyre Peninsula facing severe financial difficulties caused by drought conditions which have prevailed in the area.

The purpose of this motion is again to bring to the attention of this Government and the Parliament the most difficult financial situation that many of the people of upper Eyre Peninsula, and one or two other parts of the State, are experiencing. I believe that this is the most serious financial situation to arise in my time in Parliament. It has been caused by a combination of factors, most of which are beyond the reasonable control of any agricultural producer, or any person involved in any form of business. If short-term assistance is not given, the provision of long-term restructuring as proposed and explained at great length (in an attempt to justify it), by the Minister will not be worth anything because there will not be sufficient people left to avail themselves of it. Therefore, whatever long-term funds are available, the short-term problems must be solved immediately so that people may, if they so desire, enter into these long-term arrangements.

Fundamental to their economic survival—particularly those people in the west of the State—is access to a reasonable supply of water so that they can maintain the nucleus of their stock. This motion was drawn up last week as I became increasingly concerned about the failure of the Government to completely understand this drastic situation which is deteriorating on a daily basis. After drafting this motion I asked my colleague, the Deputy Leader of the Opposition, to put it before Shadow Cabinet on Monday. I

could not attend that meeting because I was on Eyre Peninsula looking first-hand at the problem and discussing it to make sure that I was properly briefed so that I could make a reasonable contribution today.

The motion was approved yesterday and this is my first opportunity to speak to it. I appeal to the Government, the House and the public of South Australia, who I believe are very sympathetic to the difficulties of the people of upper Eyre Peninsula. In fact, I believe that the public would support the Government's giving financial assistance for the carting of water and the construction of a pipeline and for other short-term measures such as the agistment of stock, the payment of freight rates on fodder and funding to enable these people to put in a crop next year.

There is no doubt that the overwhelming majority of people who are facing difficulties are best placed to run, manage and occupy those farms. They have the experience—and many of them have generations of experience—and they understand the difficulties and the way to manage their farms. It would be deplorable if they were driven off their farms and, if that occurred, who would take their place? If the people who replace them do not understand the area, they will not make a go of it, either. Therefore, it is in the interests of the economy of South Australia that these people be given a fair go and receive reasonable assistance.

I do not want to see a situation created where we have absentee landlords because that will not help the problem. Not only is this problem affecting rural producers directly, but it is having a flow-on effect. Recently I spoke to a number of people at Kimba—as I have around the rest of the State—and I discovered that there has been a downturn in the number of children attending schools. In fact, this situation is affecting sporting organisations, employment, garages, machinery agents and shops as people are forced to leave country areas. A considerable number of these people have been fortunate enough to find employment at Roxby Downs—no thanks, of course, to the Premier or this Government.

The motion sets out to clearly bring to the attention of the Government the urgency of the situation. A decision cannot be put off any longer—urgent action must be taken. A number of people have expressed to me concern that it is difficult to get benefits from the Department of Social Security. I realise that the current Government has altered the arrangements, but I believe that every assistance should be given to these people so that they can organise their affairs to comply with those arrangements. One person told me that he was having great difficulty in obtaining social security because of his family's financial arrangements. An officer suggested that they should declare bankruptcy. When it was suggested that that would put six people on the dole, he did not seem perturbed. That is not the way to solve the problem.

I believe that these people are entitled to short-term emergency assistance so that they can lead a normal lifestyle. There are not enough jobs available in South Australia now without throwing more people on to the scrap heap. I have received a copy of a letter written by the Minister of Water Resources, which states:

> Where the cost of carting water causes hardship individuals can seek assistance through the Minister of Agriculture under the Rural Adjustment Scheme. Rural adjustment loans provide assistance with all farm operating costs for people who have exhausted sources of commercial credit. I therefore suggest that farmers should consider an approach to the Department of Agriculture for financial assistance.

The remaining agricultural areas of South Australia have access to reticulated water which is supplied to their gates. However, these people do not have reticulated water so their request is most reasonable. I urge the Minister of Water Resources, the Minister of Agriculture, the Government and the Parliament to support this measure.

There are many other things that I wish to say. According to my information, certain press comments about motions carried at a meeting at Chandada are not only grossly inaccurate but grossly exaggerated. In fact, I have been advised that no such motions were carried. I suggest to the people who reported it that they ought to be more accurate in making judgments when informing the public about difficult situations. Their major concern should be to help solve these problems and not inflame public debate, which will certainly not help the individuals who are suffering. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 October. Page 909.)

Mr ROBERTSON (Bright): In speaking briefly in opposition to this Bill I wish to pick up several points made by the member for Elizabeth in his second reading speech; he stated:

> Quite clearly, most people interested in trading in cannabis would plant a crop of less than 1 000 plants since any more would be impractical to manage, would involve too great a loss if it was discovered, and the differential penalty is too great with the cultivation of 999 plants involving a massive reduction in penalty.

As I read the penalties in the Act, the cultivation of even 999 plants can still incur the second level of penalty, namely, a $50 000 fine or 10 years imprisonment. For most of us that penalty of 10 years imprisonment or a $50 000 fine would be substantial. Whilst the honourable member protested that the penalties are too light, I do not believe that a $50 000 fine or 10 years in gaol is a light sentence, particularly in view of some of the sentences which have been appealed in recent months and years by the Attorney-General for crimes which I would certainly regard as more serious than that.

It seems to me that even within the existing Act there is reasonable scope for relatively severe penalties to be imposed on people who admittedly are involved in the drug trade at a high level. Certainly, I take the point of the honourable member that anyone who cultivates 999 cannabis plants will do well out of it and ought to receive a relatively harsh fine or penalty. However, I submit that the penalties in the Act are pretty substantial, and whether they are substantial enough is a subject that ought to be open to ongoing debate within the community, as I think the honourable member acknowledged.

It is interesting to note, as the member for Elizabeth suggested, that 31 people have been convicted and sentenced on second level penalties. If those 31 people had copped the maximum gaol sentence of 10 years and if the cultivators of 999 plants had been convicted at the next level and had paid the higher penalty of 25 years gaol—in other words, spending an additional 15 years in gaol—the financial implications would be interesting; those 31 people, at current cost of incarceration of prisoners, would have cost the State about $25 million more for the additional 15 year penalty that would have been imposed if we did as the honourable member suggested. I do not suggest for a moment that that might not even be appropriate, but that point ought to be considered. Certainly, the community should

consider it in adjudging whether the penalties need to be changed at this time.

The second point I would like to pick up from the second reading speech relates to the penalties, both in terms of gaol sentences and dollar fines. They were quite arbitrary. That point was reiterated by the member for Flinders in his contribution to the debate. It must be admitted that the fines were mandatory as the Minister admitted in the first place. Clearly, as the honourable member said in moving the motion, these matters must be addressed constantly. They must be reviewed every now and again, and I have no objection to that.

The only objection I would have is in the movement of penalties or fines at the behest of individual members of Parliament who might want to grandstand on a particular issue at a particular moment in time. It seems that if we are to make amendments or emendations to those penalties, we should do it when data is available and when we have a complete data bank of information on how effective the penalties have been in curtailing the crime we are trying to stamp out. When all that information is available from the police, the Justice Information System and a whole range of other sources, perhaps that is the appropriate time to think about revising those penalties. At this stage I have no hesitation in signalling my opposition to the motion, purely on the grounds, if nothing else, that it is not the appropriate time. We do not do these things just because a member wants to have a run on a particular issue or to exercise an intellectual ferret. We are more concerned to do it at a time when data is available, the results are on the board and we can look more rationally at an appropriate level of penalties and, if necessary, amend them. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MERCHANT SHIPPING FLEET

Adjourned debate on motion of Mr Peterson:

That this House supports retention and expansion of the Australian merchant shipping fleet as a vital component of our future development as an island trading nation.

(Continued from 8 September. Page 723.)

Mr LEWIS (Murray-Mallee): I oppose the motion. In simple form I would support it. However, in its existing form as an industry it is an absolute disaster. In fact, it has legalised the work of the mob and by that word I mean 'the Mafia'. It has been penetrated by organised crime in more than one aspect of its operations to the extent that the sooner we are done with the Australian-owned shipping industry and associated on-shore support services so that we can wipe the slate clean and re-establish them, the better. I guess that the first thing to acknowledge in all this is that, had the Costigan report into the Federated Ship Painters and Dockers Union, which went wider than that union, not been diverted in its attention at least in the way in which its contents were communicated to the public by the elements in the report about organised crime, we might have gone some greater distance down the road of cleaning up the Australian shipping industry as it stands presently. It is a hell of a mess, to say the least.

I made the simple point in my opening remarks that, whilst the member for Semaphore sincerely believed he was doing the right thing in putting this matter before the House and supporting it with the information that he drew to the attention of the House, he was quite mistaken. I take exception to the demeanour of the only Minister in the House presently who turns his back on you, Mr Speaker, and me.

Members interjecting:

The SPEAKER: Order! The Chair calls the Minister to order for his stance. The member for Murray-Mallee.

Members interjecting:

Mr LEWIS: Some have thought that he has in the past. I have made the point that this House cannot agree with the perception put by the member for Semaphore, who argued that putting Australian crews on Australian-owned vessels on the Australian coastal shipping service carrying Australian goods, exports and imports from this country would help our balance of payments. In fact, it would destroy our balance of payments because the cost structure in the industry is so high that the industries that use it, that is, the client industries, would simply go out of business. There would not be anything for the ships to carry, for the crews to look after and for the stevedoring industry and other people who work in association with the shipping industry on shore-based operations to do. It would choke trade, whether between States, between ports intrastate or between this country and other countries. It would choke them. Indeed, it has choked many industries in this country, many of them to the point of extinction and most to the point where they are on their knees.

It is high time that it was cleaned up, as the IAC report envisaged should be done. I have other reasons for saying that, but let me begin by drawing the attention of the House to the IAC report, which simply stated:

> Coastal shipping in Australia is uncompetitive and inefficient. High costs and a poor record of service have progressively reduced the industry to a position where the only goods currently shipped around the coast tend to be those for which alternative transport modes are either not available or are not a realistic proposition.

If, for example, one has a quarry next to the foreshore and owns the loading facilities for the raw material being quarried and carried, then it pays to use coastal shipping services in spite of the fact that it is an enormous cost to an entrepreneurial industry. However, those industries are in the position where they have monopolies and/or are protected by other Government policies. They have a beaut feather bed which is not only so wide and so long but also so deep. It was demanded of the Government by the unions in a sleazy deal between them and the employers; the costs are passed on to the rest of the economy, and to hell with the consequences for the Australian economy in the process!

They set a very bad example for us all by living on this feather bed. They give us all the impression that it is quite legitimate for any Australian member of the work force, through his or her union, to demand wages at whatever figure they want to pluck out of the air, and that the industry in which those people are working can afford to pay, and will pay and the cost involved will be simply passed on to the people who use the goods and services produced by that industry.

So, if we have a monopoly in the cement industry or other industries, such as BHP has in a good many instances, and we are protected by other Government policies, we love these feather bed arrangements and hop into bed with the union organisers and agree to pay them whatever they demand. It does not matter: we pass it on. Too bad! Of course, the people who end up copping it are the kind of people whom I represent and who are, primarily, the small businessmen engaged in the economic activity of producing goods for export, principally. They are primary producers, whether of wool or wheat, and they end up copping it. Not only is the cost of shifting the goods that we have produced a cost to us and the people whom we country members represent but also there is the cost of obtaining things such as superphosphate, which we need to produce the goods.

The outrageously high component of the cost of superphosphate in this country was for a long time, and still is in some small measure, directly attributable to the work practices and laziness of employers in allowing it to happen in the shipping industry, whether on the water or shore based. Senator Ray unjustifiably attacked the quote that I have just cited from the IAC report. He does not seem to understand the economic facts upon which viability depends. If we are to understand how the industry has reached this lamentable position, we need to take a quick glance at its history.

Before we do that, let us look at what Prime Minister Hawke has said about the whole thing. I thought that he was going to give a little bit of honour and substance to his third term commitment, micro-economic reform; to looking after the interests of Australian firms, particularly small businesses, and including farmers.

Mr Meier interjecting:

Mr LEWIS: I should have known him better than that. His words were so plausible at the time and we believed him. We thought he was going to do it.

Mr Meier: Like his elimination of poverty.

Mr LEWIS: Yes. He has not done anything about that in the areas that the honourable member and I represent. He said:

> Transport services account for a higher proportion of costs in many Australian industries. Past transport policy and practice have not kept the costs down, and this has exacerbated the problems of Australia's isolation and our dispersed population.

This is Bob Hawke speaking:

> Accordingly, one of the major items on the agenda of this term of Government is a sweeping reform of the nation's infrastructure.

I have yet to see any action on that statement, which was made in August 1987. Since that time other things have been happening, not that the Government has done much about it. I refer to the IAC draft report, the interstate commission which commenced an inquiry into the waterfront strategy and the royal commission report into grain handling, transport and storage. These were all in the pipeline before Hawke made his remarks.

In setting up these reports, it is acknowledged that heavy regulation and barriers on entry into the transport industry to protect existing operators and the wide range of Government subsidies of infrastructure, Government services, operators and users simply have not worked. It is a pity that such regulation was perceived as necessary to prevent or offset the market failure that was thought likely to occur in a less regulated environment. Some people thought that the whole thing would fall in a heap unless the Government regulated. How wrong they were. It was back to front from the outset. Over the past decade or so, the idealistic view of regulation, that a Government agency or law can make people do the right thing, has been mugged by industrial thugs, and there are numerous examples where regulation has exacerbated rather than improved the problems that regulation attempted to address.

By regulation under the Navigation Act, licences may be issued to vessels that operate on our coast. Such vessels have been able to meet the so-called standards that the unions at large demanded, and the result has been what is called a cabotage, which is the restriction of coastal trade to a country's own vessels—Australian vessels. It is said that, if one speaks against cabotage, one is unpatriotic. I am speaking against it but I do not see myself as being anything other than patriotic. It is about time that we woke up to the fact that the cabotage that operates in Australia has had a leeching and strangulating influence. Not only has it sucked out the life blood of a good many industries but it has strangulated the few that remain.

What has happened behind this very high protective barrier that has been created by regulation? There are excessive crews per vessel, requiring an actual entitlement of 2.2 staff for every position. They operate on a six weeks on and six weeks off basis. It is not as if it is from the moment they start work: the six weeks on begins when they leave from their home port, and they have to be back home again by the end of that six week period. There are excessive ancillary positions of on-board crew members, such as up to seven cooks and stewards providing over-catered meals. The menu must offer two hot meals a day with a choice, even when the vessel is in port.

Even when none of the crew is on board they still have to cook enough meals so that everybody can choose one of the courses. So, they have to cook at least double of everything that is offered. If members opposite do not think that that is waste, then what is?

Members interjecting:

The SPEAKER: Order! Will the honourable member for Murray-Mallee resume his seat when the Chair calls the House to order. The number of interjections from both sides of the House has reached a totally unacceptable level. All interjections are out of order, but particularly when they become disorderly. The honourable member for Murray-Mallee.

Mr LEWIS: Rigid work classifications and minimum additional shipboard tasks are performed by crew members. Vessels are forced to dry dock in Australian shipyards for repairs at very high cost (these are the shore-based industries that keep jacking things up, typically two or three times more than comparable overseas countries). I am not talking about flags of convenience that go to the cheapest possible dockyard to get their repairs and maintenance carried out; I am talking about in countries that are comparable to Australia.

When comparing dry docking, crewing practices and so on with what occurs in the Soviet Union, we are way ahead. We lead the world (as it were), in inflicting this slaughter on ourselves—including the very industry that is doing it itself, that is, the coastal shipping services. The crews get strictly first-class travel and five-star accommodation with further cost inflation being made necessary by the replacement of the crews every six weeks.

The award states that first-class travel for flights of more than two hours' duration has to be the case. In practice, and not only what is provided in the award, all the crew has to fly first class. Members know that that means that the cost of a ticket from Melbourne to Adelaide is almost four times what it would otherwise have been, and it is less than one hour's journey, with five-star hotel accommodation, too.

It provides an additional seven days leave for an employee who is sick for more than seven days, even if the employee has recovered and has been passed fit for work. So, if an employee gets sick and has a doctor's certificate (and I will not speculate about whether or not the certificates are legitimate)—

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

Mr De LAINE secured the adjournment of the debate.

NORTHFIELD RESEARCH CENTRE

Adjourned debate on motion of Mr Gunn:

That this House strongly opposes the Government's decision to disrupt the research program at Northfield Research Centre without adequate consultation with industry including the PSA

and, further, calls on the Government to reconsider its hasty and ill-conceived decision immediately.

(Continued from 8 September. Page 726.)

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

That all words after 'House' be left out and the following words inserted in lieu thereof:

'congratulates the Government for its foresight in recognising the opportunities presented by the transfer of the Department of Agriculture's activities, to develop new and better coordinated approaches to agricultural research and other services.'

I will outline the Government's progress in regard to the resources that have been devoted to the department's agricultural research and other services. This relates very much to the tenor of the motion placed before the House by the member for Eyre. In that motion, the honourable member outlines his opposition to the proposal to relocate the facilities operating at Northfield and suggests it is hasty and ill-conceived. He also says there is a lack of consultation with the industry.

In moving the amendment, I wish to endorse the opportunities that now present themselves to the department and the Government to develop both the agricultural research and other services that currently operate from all facilities located around South Australia. As we know, they are quite extensive and are not just located at the Northfield research area. While I welcome the member's endorsement of the valuable research conducted at Northfield, effective agricultural research is also being conducted at many other centres across the State. This reflects the advantages of conducting research in the midst of industry which it serves, and I am sure that members on both sides appreciate that fact. Many of them have had the opportunity to visit those research facilities and see the high level of research being conducted and also the other services supported by the Government and the industry that the department undertakes on behalf of the community.

It is important to note that we have many other agricultural research facilities operating in the midst of the industry that they serve. For example, research into dairying, another high rainfall enterprise, is being progressively relocated from Northfield to a new centre at Flaxley in the Adelaide Hills. I recently had an opportunity to visit that centre informally on a cold and windy Saturday afternoon. I met with the staff and it is fair to say that they are delighted with the opportunities that that research facility will present and also the benefits that they see flowing to the industry. We ought not take a dog in the manger attitude about the facilities and where they are presently located.

The honourable member correctly notes Northfield's pivotal role in several areas. That role will continue to be fulfilled but not necessarily at Northfield. There is nothing unique or sacred about the Northfield facility. If one looks at its history, some of the facilities are very old and inadequate. I know that the honourable member had an opportunity to visit the Northfield site after the recent announcement of the sale of that land. He would have to concur with my comment that many of the research facilities are very inadequate, and almost antique in some areas. That is not acceptable from the point of view of conducting research. A review of the field crop institute was conducted and that requires upgrading. Several other areas require review as well. We must look at the function of research and other agricultural services, how they fit into the overall policy guidelines which we want to develop for the department and the community, and look at the options that are available.

During all of the hoo-ha that was connected with Northfield—and I understand the reaction of the unions and industry with regard to having a view and objective set on the basis of what is happening in relation to that centre—no-one really bothered to look carefully at what was actually being said. There was this knee-jerk reaction: we have this sacred piece of land and we must keep it. The proposal will undermine the whole process of agricultural research. There is a body of opinion, as members will appreciate, that suggests that Northfield should be relocated to one or two other sites. There is a very strong lobby for Northfield to be relocated to Roseworthy Agricultural College. There is another opinion that it should go to another city location.

Another lobby advocates that it should be located at the current Waite Research Institute. There is not one body of opinion which states that Northfield is necessarily the best location for agricultural research. On the contrary, there are a variety of views which began to express themselves when this issue was raised in the public arena for debate. I welcome that process, because it is very healthy for the issue to be debated in the community. As Minister, I have encouraged that debate, which I hope will be further expanded when, in the near future, the draft report of the working party is released for public comment. The working party has looked at the relocation of services and I refer not only to Northfield but to the relocation of all agricultural facilities and research services. I hope that the report will be released soon.

The possible sale of this land created emotional reaction. However, at the back of the Director-General's, the Government's and my mind was the fact that, as a result of the sale of the Northfield land, there would be an opportunity for bigger and better things. Effectively, it is a very sound economic argument.

The honourable member also suggested that land which will be excess as a result of the transfer to the Flaxley facility should be made available to Northfield High School. The Education Department has already been given the option to buy the land and it is now up to the department as to whether or not it wants to accept that offer. However, I understand that at this stage the department is not interested in purchasing that excess land. This motion proposes that we should dig in, stay where we are and not look at the options.

However, if one looks at the background to the Government's decision to develop this site for urban living, one can see the merits of that decision. I use the words 'urban living' in the context of developing the site not only for possible urban accommodation, but also all the infrastructure that goes with that development, including recreational areas, schools, and all those services which are attached to urban living. My colleague, the Minister of Housing and Construction, would understand this concept. This parcel of land comprises about 260 hectares and is located within 10 kilometres of the city centre. Because of its location, one has to look at the economic argument. Industry argues that the very thing which happened to our dairy research facility at Flaxley should apply also to their particular aspects, whether that is in horticulture, laboratories, grain research, or one of those six key areas of research that are being performed at Northfield. The other areas of research which are being conducted by the department in other locations are now looking very seriously at the benefits of having the actual research service located in the area in which industry operates.

In relation to horticulture, there is an option of a couple of locations which are located not necessarily at Northfield but, rather, closer to the industry area. The working party is directing its attention to that precise issue, but I now want to deal with the general concept of why we should

have one location for agricultural research in very valuable urban land. Is there an opportunity for us to generate greater energy and a larger growth factor in agricultural research in areas other than Northfield? I think that the very clear answer to that question is 'Yes'.

The Public Service Association reacted to the suggestions, and I understand that it has to protect its members' interests. It argued that, if we went to Roseworthy with FCIC, then a lot of our research, intelligence and knowledge would be lost, because many of our employees would not make that move. Let me just put that fear to rest. The original proposal for Northfield included a dual campus, of which Roseworthy was a part, so we are disguising the argument somewhat to make the issue more palatable to the public.

I do not want to criticise the association's reaction in that sense, because I think some options could be addressed and looked at very carefully. We could look at the locations available for the FCIC and how it should be structured. It is important to look very carefully at the way in which things operated and how we can improve them. That is the thrust of my support for this motion.

The honourable member quoted figures from the preliminary economic assessment of the Northfield location. The assessment was prepared for the Public Service Association by Mr William Mitchell from Flinders University. The figures used by Mr Mitchell are inadequate. I have been through this debate with the Public Service Association, industry representatives, the United Farmers and Stockowners, the Agricultural Advisory Board, bureaus and various independent representatives of the industry in this State.

The Mitchell report bases its values on averages. The PSA wanted information which was used by the Premier's Department, by Cabinet officers and by Treasury in consultation with the Department of Agriculture and the Department of Lands in coming up with a figure for the moneys to be realised by the Government in the sale of the Northfield land. These averaging figures are inaccurate and inadequate and do not give a true picture of the value of that land that can be realised to the Government.

It ignores the various opportunities there are for development. For instance, if we look at low cost housing, it has a particular value, and we are talking about what might be realised per hectacre with this sort of development. However, if we look at the opportunities for development associated with housing, for example, shopping centre development, that of course has a higher value particularly on main roads than if we look at areas which are used purely for urban development. So the value can be three times higher per hectare. Therefore, one cannot use an averaging figure, as Mr Mitchell has used, to arrive at a total figure that can be realised by the Government. That is one inadequacy in the report. If we set the figure at the lowest level, the values quoted by Mr Mitchell are far too low, and will lead whichever organisation picks those figures up to make a false conclusion on the report.

If we look at an analysis of the figures, it is clear that we can in fact reap a far greater reward to the State with development from the sale of that land. If we look at the cost of housing per block per development, it is very clear. Certain figures are fairly commonly used in the community. Burton, for example, is about 25 to 30 kilometres from the centre of the city. Although that does not now meet the Government's urban consolidation policy, if we look at development at Burton, we are talking of a figure of between $13 500 to $15 000 up front to develop each block for sale because we have to provide high cost infrastructure services. We are talking about very basic services such as water, sewerage, power and roads. We are not talking about a lot of the hidden costs, such as recreational facilities and all the costs which come at the end of a development project.

However, if we look at development in the Northfield area, we see that it is approximately $1 500, so there is an immediate saving to the taxpayers of this State by developing the Northfield land. So that is critical; it is the cornerstone of the Government's position. It is not only that we are providing the community who buy land in Northfield with a much more economic environment in which to live because of greater access to facilities and services and reduced transport costs. We do not have to build too many new schools or hospitals there, but if we keep extending the city, elongating it for 50 miles each way, the costs will be enormous and the taxpayers are wearing those costs. That has to be understood by everyone. Every time we build another kilometre of sewer trunk, that is a burden on the taxpayers, another cost that they must meet.

The Hon. T.H. Hemmings: Every day.

The Hon. M.K. MAYES: The Minister reinforces that, because services have to be maintained. If one goes to New York (and recently I had the privilege of being in New York) and looks at the services there, the facilities are collapsing because they are not being maintained and the costs of running that city are enormous. The road surfaces are collapsing; driving through the New York streets is like riding on a roller coaster. The fact is that there are parts of New York that are now not provided with running water—and this is a modern city in the 1980s. These are the service costs that we have to endure. South Australians have always prided themselves on the quality of services that are provided to their community.

To do that Governments are charged with the responsibility of ensuring that future Governments are not weighed down with the burden of costs accumulating through decisions of previous Governments. So, we have a responsibility to pick up this matter. The consolidation of land in the urban environment at Northfield provides an ideal opportunity. One must consider the hidden costs which otherwise must be borne by taxpayers in years to come. It is future Governments which would have to meet the costs of servicing an extension of areas to cater for some 8 000 or 9 000 South Australians—but who could otherwise live in the Northfield area. In fact, the farming community of this State could live in that consolidated urban area at Northfield.

Mr D.S. Baker interjecting:

The Hon. M.K. MAYES: No, it is not exaggerating—it is a fact.

Mr D.S. Baker interjecting:

The Hon. M.K. MAYES: The member for Victoria suggests that we develop the parklands: I am not for developing the parklands—in fact, we will provide open space in the Northfield area. It is part of the proposal.

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I would have thought that the member for Victoria would be the first to appreciate the argument, but it appears that it is not getting through to him. The situation is quite clear: the costs to the community will be enormous if we continue to develop the city in an elongated way and further stretch out the services. However, the economic question speaks for itself, and I rest my case on that.

Turning to the question of relocating the Northfield units, the opportunity for us to develop the facilities in agricultural services has never been as good in this State, because we now have an opportunity to look at all the agricultural research services and extension services, all the services as

a whole and how they are actually serviced within the existing infrastructure of the Department of Agriculture.

We must now look at what we can do with the current opportunities. I note that one member of the rural community made some pronouncements quite recently in the rural press about the options that are available. The matter of the options that we now have was also reported in the *Advertiser*. I am very excited about our opportunities. In terms of further development, present opportunities have never been as good. We should use this opportunity and we have engaged industry to do that. Far be it from anyone to criticise us for not consulting: we have set up a working party, comprising industry representation.

The President of the United Farmers and Stockowners is a member of that working party, as is the former Chairman of the Agricultural Advisory Board. Further, there are representatives from Roseworthy Agricultural College and Waite Agricultural Research Institute. Industry is thoroughly represented, and the Public Service Association has a representative, through the United Trades and Labor Council. So, there is industry representation, supported by a very able Executive Officer, provided from the Department of the Premier and Cabinet. All those people can work together and look at all our opportunities.

I am very excited about the report being produced, and I know that everyone is seriously debating the opportunities that will present themselves. It is my opinion that this could in fact set us up for the next century, ensuring that our agricultural industries have the necessary research facilities and services to provide a foundation for the coming century and so that our kids can enjoy those benefits. I hope to be able to release the report, if Cabinet agrees, for public debate. We will thus then be able to formulate a consolidated position with regard to the development of these services. This relates to the opportunity to relocate not only the Northfield facilities but also the facilities from the whole Department of Agriculture, so that we can get the best possible use from those intellectual services and financial services that we pay for each year—from the point of view of both the taxpayer and industry.

We have the opportunity to establish a unique environment for the community. Without saying too much about what the working party might engage in, I can say that I think the opportunity is there to look at perhaps establishing an agricultural tech park, and I am quite excited about that. It would give us an opportunity to lock together our intellectual resources. In thinking about those intellectual resources, we must consider how we can bring together all the available facilities and get the best economic use from them. If we bring together all of the services that have a common boundary and a common research need and use those services economically—lock them together with existing tertiary educational resources and research services—I believe that we are probably at the forefront of a new horizon for agricultural research in this State.

All members of the House will have an opportunity to comment, and we will welcome those comments because I believe this report will provide us with a new agenda from which to debate this issue. Instead of having the negative kneejerk reaction that we experienced with the announcement of a sale of the Northfield land, it will, in fact, turn into a very positive and constructive debate. I am sure that we will see that the resources that we lock into developing these future needs will facilitate the growth of existing commodities and that new commodity opportunities will arise from our research and services. I ask the community and members opposite to look very constructively at the information brought forward in this working party report. That report will, I hope, be released for public discussion in a few weeks. I look forward to the opportunity for a public review of that information. We also look forward to being able to formulate, in a very clear way, future guidelines for the development of all our agricultural services and research facilities in this State.

I congratulate the steering committee. It would be remiss of me not to take this opportunity, during a public debate, to congratulate its members and thank them most sincerely for their services. The President of the UF&S, Don Pfitzner, has made a very sincere and personal sacrifice in the time and effort that he has put in. The former Chairman of the Agricultural Advisory Board, Mr Rob Smythe, has also made a personal commitment. I also congratulate and thank Dr Barry Thistlethwaite, Professor Jim Quirke and Dr Scott (Executive Officer) for their contributions.

Perhaps I have taken some time to elaborate on what the Government is doing, but let us look at it as an opportunity for the Government, the Opposition, and the community, to work together to see these resources utilised for the future development of agriculture in this State. There has never been a greater opportunity to achieve that goal. In moving this amendent, I hope that I have brought together the points that the honourable member has made in relation to his motion. I believe it is an opportunity that the Government will pick up and run with, and I ask the Opposition to join with the Government in this endeavour.

Mr LEWIS (Murray-Mallee): Before I move the adjournment of this debate I will make a couple of points about the matter. As a consequence of the remarks that the Minister has made here this morning, he is guilty of the most culpable hypocrisy. It is barely three years ago that he announced that he would transfer the plant breeding program from Roseworthy to the Department of Agriculture at Northfield. If one does that with a scientific program of research—investigating the parameters for the constantly changing, season to season, biological situation—and then wipes it out again, it ruins the work that has been done. There is no opportunity to dovetail in. To do anything sensible, one must ensure that there is something in the order of at least 15 or 20 years of overlapping records, such as in the case of the transfer of the Bureau of Meteorology offices from West Terrace out to Kent Town a few years ago.

The Minister is not only naive, he is ignorant. He does not understand scientific process. He simply does not understand how to get relevant data. He is a philistine. He has no respect whatever for the money invested by the industry in those research programs which he has now scuttled, and I think that that is appalling. The Minister says that this is a new opportunity: that is so, given that the Minister's proposition—that Northfield will close—stands. He did not ask the working party whether or not it should close. He did not ask about the consequences of this closure but simply said, 'It will close because we are going to flog it off. We want the money and you have to work out where and how to relocate it within the framework of your expertise and available resources. Get on with the job!'

It would not be so bad if the Minister had not become involved in an ill-advised exercise to scuttle the plant breeding program that had been in place at Roseworthy for decades. This was one of the most outstanding plant breeding programs anywhere on earth. He ripped the guts out of that two years ago and now he says, 'We will put it somewhere else.' He took it unto himself and because he wanted to have control of it, it went to Northfield. Now that he

finds that he will get more money by flogging off the land, he has decided to relocate it.

I think that the principles, the incompetence and the immorality, indeed the ignorance, with which he has acted scientifically in making these decisions appal me as much as they appal anybody with any scientific training at all who has seen the way that the Minister has behaved. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FEDERAL TAXATION

Adjourned motion of Mr Becker:

That this House condemns the Federal Government for continually taxing the workers' pleasures; namely beer, cigarettes and petrol at the rate of CPI increases automatically applied each six months, further fuelling inflation and eroding living standards for workers.

(Continued from 25 August. Page 550.)

Mr BECKER (Hanson): As the Federal Government has implemented part of my plea on behalf of the workers where they are continuously taxing the workers pleasure, namely, beer, cigarettes and petrol, at the rate of CPI increases automatically and the price of beer has been reduced slightly in some areas, I have nothing further to add.

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

SEOUL OLYMPIC GAMES

Adjourned debate on motion of Mr Ingerson:

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 24th 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.

(Continued from 13 October. Page 999.)

Mr De LAINE (Price): I move:

After the word 'Games' insert the words 'and Paralympics'.

The SPEAKER: Is the amendment seconded?

An honourable member: Yes, Sir.

The SPEAKER: The honourable member must bring up to the Chair the amendment in writing.

Mr De LAINE: I wish to speak in support of the amendment and the motion in respect of the Australian athletes who participated in the Seoul Olympic Games and the recent Paralympic Games. I applaud all the Australian athletes who recently participated in both the 24th Olympiad and the Paralympics at Seoul. I pay tribute to the coaches and other team members who gave their all for our great country.

Naturally, the top accolades must go to the athletes who won medals, but congratulations are due to all Australians who participated, and I will say a few words about the non-medal winners later. Australia's bag of three gold, three silver and five bronze medals in the Olympic Games was a truly magnificent result considering that the Games were boycott-free and the overall strength of the competition. It was certainly a better result than that achieved at the Los Angeles Games in 1984 when, as all members know, there was an Eastern Bloc boycott.

The gold medals for Australia were won by Duncan Armstrong, Debbie Flintoff-King and the women's hockey team. I would like to make special mention of Sandra Pisani, a South Australian hockey player who participated in that gold medal win. Silver medals were won by Duncan Armstrong, South Australian cyclist Dean Woods, Martin Vinnicombe, cyclist, Lisa Martin, South Australia's woman marathon runner, Grant Davies, kayak, and Graham Cheney in boxing.

Bronze medals were won by Gary Niewand in cycling, and in the 4 000 metres team pursuit in cycling two of the four riders were South Australians. Other bronze medallists were Judy McDonald in the women's 800 metres freestyle swimming, Peter Foster and Kelvin Graham in the kayak pairs and Wendy Turnbull and Liz Smylie in the women's tennis doubles.

I also pay a tribute to the coaches, particularly the coaches of the medal winners: Laurie Lawrence in the swimming and Charlie Walsh for his efforts in cycling.

Members interjecting:

Mr De LAINE: Yes, yet another South Australian who has done a particularly good job in cycling in South Australia. Another highlight for Australia was that Ric Charlesworth, the Federal ALP member for Perth, was given the honour of carrying the flag, the first time that an Australian hockey player has carried the flag in an Olympic Games. Ric Charlesworth was competing in his fourth Olympics. It would have been his fifth, but for the Fraser boycott of the 1980 Olympics in Moscow. Ric Charlesworth has played in more than 220 international games—110 as captain. For years he has been regarded as the best player in the world. It is a pity that Ric could not have played his last international game for Australia on a winning note and taken a gold medal for this event. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

PETITION: TEA TREE GULLY RESERVES

A petition signed by 113 residents of South Australia praying that the House urge the Minister of Local Government to take steps to stop the Tea Tree Gully council from selling smaller reserves in the council area was presented by the Hon. J.H.C. Klunder.

Petition received.

PETITION: MURRAY BRIDGE CATHEDRAL

A petition signed by 405 residents of South Australia praying that the House urge the Minister for Environment and Planning to purchase the Anglican Cathedral of John the Baptist at Murray Bridge to ensure its preservation was presented by Mr Lewis.

Petition received.

QUESTION TIME

RU RUA

Mr OLSEN (Leader of the Opposition): Does the Minister of Health accept the conclusions of a major report into the treatment of young, intellectually disabled people in Adelaide which has compared conditions at the Health

Commission's Ru Rua Home at Tennyson to medical squalor in Vietnam and the Philippines, and does the Government intend to act on the report's recommendations? The Health Commission has previously tried to play down criticism of conditions at Ru Rua. For example, a report in the *Advertiser* of 9 January this year quoted the commission as rejecting Opposition statements that residents of this home were living in 'disgraceful and unacceptably dangerous conditions'. However, a report by Dr P.M. Last (Clinical Superintendent of the Julia Farr Centre) has confirmed our criticisms. I quote, for example, the following extract from the report:

> It is a daunting experience to visit Ru Rua between 7 a.m. and 8.30 a.m. on a weekday. I have seen gross clinical squalor in hospitals in Vietnam and the Philippines. I have visited one where there was one doctor and a handful of nurses for a couple of thousand people, and most patients who had no family support were naked. I was nevertheless taken aback to see the morning rush hour at Ru Rua.

He then described the conditions under which residents are bathed:

> Residents of both sexes and adult configuration were hastily bathed in the same room, with no possibility of visual screening between them. Their feelings (or those of their families if they know what goes on) cannot be considered. The staff must necessarily work very quickly and, although they obviously try to be as kind and as gentle as possible, it is a shock to one more used to other tempos to see residents dressed and bundled into their chairs, once so quickly as to set the chair several feet backwards by the force of the impact.

Dr Last, in summary, called the situation at Ru Rua 'appallingly dangerous, utterly indefensible, and to the outsider represents normalisation ideology carried to a lunatic extreme'. His report details 43 recommendations on improving delivery of services to the intellectually disabled, including temporary relief for Ru Rua residents through the acquisition of an existing nursing home so some of the residents can be transferred pending the full implementation of a community-based program.

The Hon. F.T. BLEVINS: I thank the Leader for his questions. I read those extracts from the report this morning. Dr Peter Last was in Parliament House this morning, as the Leader would know. I saw him this morning, and discussed those extracts with him. He made those comments and wrote them at 7 a.m. when he was feeling particularly disturbed, which is understandable. It would be interesting for the press to interview Dr Peter Last about his report. However, having said that—

An honourable member: He is an honourable man.

The Hon. F.T. BLEVINS: He is a very honourable man. I was disturbed and I read the report and extract that the Leader has read out. My office has contacted the Director of IDSC, who has some reservations about the report, does not entirely agree with it but has made some adjustments to the morning regime at Ru Rua. This morning I invited Dr Peter Last to go back to Ru Rua to see whether the modifications that have been made to the regime are satisfactory to him. Whilst I have not been to Ru Rua, my understanding and information is that it is a totally unsatisfactory institution and we will close it down by June of next year. Institutions of that kind were established with the best will in the world. People did not establish institutions like that out of any sense of not caring, but we have progressed in the treatment of people with intellectual disabilities. The program of devolution of those people to more appropriate accommodation will continue and will be completed by June next year.

Dr Peter Last has a particular view on the philosophy of that devolution, for which I have some sympathy. I do not entirely agree with him, but have some sympathy for his viewpoint, as I expressed to him this morning. I think everyone would agree that institutions like Ru Rua are not appropriate in 1988 and that is why the Government is closing it down.

Mr Olsen: With support services?

The Hon. F.T. BLEVINS: Of course; there is no question of that.

Mr Olsen: They are not there now.

The Hon. F.T. BLEVINS: If the Leader wants to argue the toss, I am prepared to do that. I was attempting to give a reasoned response to what I thought was a very reasoned question. We are supplying the support for the people who will move out of Ru Rua into more appropriate accommodation in the main within the various suburbs of Adelaide. I hope that Opposition members will give us their full support when we are requiring those residences in the various suburbs around Adelaide to house people more appropriately than they are at the moment.

Dr Peter Last has a view that some people will require quite extensive nursing care. I am having that point examined and if that is the case these people will get extensive nursing care. We should not avoid the significant philosophical debate going on both in the medical profession and amongst those people associated with and working with intellectually disabled people as to what model we should adopt. I see that conflict as something that can be used creatively and out of that conflict of some quite opposing points of view we will get in this State an appropriate model for South Australia and for the individuals concerned.

I invite any honourable member of this House to look at Ru Rua to see whether the arrangements that we have made in response to Dr Peter Last's report are appropriate. We have absolutely nothing to hide. I point out again that all the arrangements in the world can be made for Ru Rua, but the kindest thing we can do is what we are doing, and that is to close it down.

DRUG AND CORRUPTION ALLEGATIONS

Ms GAYLER (Newland): My question is directed to the Deputy Premier. Now that the Deputy Premier has been back on duty for two days, has he, as Minister of Emergency Services, had the opportunity to read the transcript of the so-called Mr X tapes and is he in a position to say anything at all about their contents?

The Hon. D.J. HOPGOOD: Yes, I have. First, I confirm that the information which I gave to the House on Tuesday and which was based on a briefing that I received earlier that day was accurate. It is pretty heavy going; it is pretty turgid reading. The transcript is long—215 pages of confused, turgid and less than edifying reading in terms of both content and language. Obviously, it was done in somewhat of a hurry. There are a good number of typographical errors in the transcript, and there are misspellings throughout. I suppose that one could be forgiven for misspelling 'Katarapko' but, when 'millionaire', 'restaurant' and even Mr X's own surname are misspelt, that is some indication that it was done in somewhat of a hurry, as is often the case when tapes are transcribed. In some places, the tapes were obviously insufficiently clear for the transcriber to gain any meaning at all, and one wonders how lucid Mr X was during the interviews.

I suggest that the contents could be divided into four categories. The first category I would call sheer namedropping. For example, as readers of the *Advertiser* would be well aware, Mark Jackson (the Energiser) and Danny Roberts, who I understand is a star of *Sons and Daughters*, are named as social acquaintances of Mr X. Various other

people get a guernsey in that category. In the case of Mr Jackson and Mr Roberts, no criminality is alleged, although, if Jacko cared, he would probably regard the portrayal as less than flattering. In other cases, it is not clear whether criminality or criminal associations are being alleged at all.

The second category comprises allegations passed on to Mr X, usually from unnamed sources. In these cases, further corroboration would clearly be needed before either charges should be pressed or, in some cases, to justify any further investigation at all.

The third category is Mr X's direct experiences. Many of these are of little use to criminal investigators. They relate to Mr X's early life and to his adventures with members of the opposite sex. They give a detailed description of how to cut heroin and prepare it for use. It is almost a manual, if you like, for dope pushers.

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: They also give a very detailed description of how the NCA protects its witnesses. There are matters in all of that that require follow-up although, in most cases, the NCA claims to have been in possession of that information. Nonetheless, Commander Gamble and his people are engaged in their own follow-up.

Two specific matters have come into the public domain and I want to mention them briefly. One has already been mentioned in the House. First, I refer to the way in which the article in the *Advertiser* appears to have misled the Leader of the Opposition (and, therefore, I assume many South Australians) when it was alleged that the CSIRO was somehow involved in these allegations. It is now clear that an ex-employee of the CSIRO is involved in the allegations and I understand that that ex-employee is now subject to charges, which were investigated and laid prior to the collection of the Mr X tapes.

The other area relates to a series of allegations which are also in the public domain through the *Advertiser* articles about Yatala Labour Prison. Clearly, these relate to the period of Mr X's incarceration in the mid 1970s. There is no indication that any of that activity is occurring now or has occurred for some years.

The fourth category of content of the tapes is, of course, Mr X's story of his associations with Mr Moyse. There is no need for me to detail that, because it is in the public domain as a result of the court case. I think it is important to realise that those allegations which were entertained by the court and which proved to be rather convincing in view of the final decision of the court were allegations which were very carefully investigated by the NCA and corroboration was obtained prior to any charges being pressed at all. It seems to me that that must always be the context in which this information is to be properly handled.

There is little more that I can say without either jeopardising the success of those further investigations or smearing innocent people under parliamentary privilege. We have to remember that Mr X was a petty criminal and a heroin addict. He was not a higher-up at all; he was recruited and told that he would become a higher-up. He was used and abused; he was used by those higher-ups. He was given to understand that he was being interviewed by Mr Wordley for the purpose of writing a book. Had he known that the interview would be used for criminal investigation purposes, he might have been more rigorous and systematic in his answers if, in fact, rigour and system are part of the man's nature.

URANIUM

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): My question is directed to the Premier. Will he agree that the uranium mined at Roxby Downs will have to be enriched somewhere before it can be used in nuclear power stations; will he agree that it would at least double the value to Australia of Roxby Downs uranium if it was enriched in Australia rather than in another country and that Australia's further involvement in the nuclear fuel cycle in this way also would give us much more influence over the safe and peaceful end use of our uranium; and will he therefore give a commitment when he opens the Roxby Downs project on Saturday to press for changes in his Party's current uranium policy which would pave the way for South Australia to establish a uranium enrichment plant and show that, for once, he has at least as much guts as the Federal Minister for the Environment, Senator Richardson—

Members interjecting:

The SPEAKER: Order! The honourable Deputy Leader must refrain from debating the question. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: —who wants to take Australia much further into the nuclear fuel cycle with the introduction of nuclear power to overcome the greenhouse effect? After the Hobart conference of the ALP—

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: —I heard the Premier on ABC radio, when questioned about his Party's stance on this issue, suggest that there was some technical problem with uranium enrichment. Having visited the plants at Capenhurst and Almelo on the Dutch/German border, I can tell the Premier that that claim is quite false.

The SPEAKER: The honourable member was clearly debating at the conclusion of his explanation.

The Hon. J.C. BANNON: The honourable member asks this question of me on a fairly regular basis; he always gets the same answer. Our policy is not to support the establishment of a uranium enrichment plant in South Australia, and that has been stated consistently. It is one which has the support of the general public, I might add, and one which emphasises the care with which we approach this topic of uranium mining and nuclear energy—and it is appropriate. Having just returned from Europe, I can assure the honourable member that, even in those countries such as Sweden which have a large nuclear energy program but which also suffered the brunt of the Chernobyl disaster, the public through a referendum some years ago resolved (and still holds the view) that those nuclear energy plants be phased out by the year 2010.

That debate will continue. I simply point to that to show that, even in that country, one which has the highest standards of safety and the most advanced technology in this area and which, indeed, can receive uranium from Australia—and part of the Roxby Downs project will go there—there are these concerns. However, they are just brushed aside by members opposite, just shrugged away as being of no consequence. I am saying that, no, our policy has not changed on this.

There are other practical issues involved as well. If the honourable member had, as he has said, visited these places in Europe, he would also know that there is considerable over capacity for uranium enrichment at the moment, that the economic viability of moving into this field at such a time is simply not there. It is hard enough to sell the product

in the world market at the moment, much less establish enrichment capacity: that is a fact of life.

Finally, if one talks about the approach to this subject requiring guts, I agree that, indeed, it is a very difficult, highly controversial and emotional issue. Again, the Opposition chooses to ignore that. Members opposite just ride roughshod over that situation. But that is the fact out there in the community. I remind the honourable member of the following point in relation to Roxby Downs. I read the article in the *Sunday Mail*. He told a bit of the story and then he stopped; he stopped conveniently, because he as well as everyone else is well aware that the passing of an indenture by this Parliament, in whatever circumstances—and they were traumatic circumstances—would have been totally irrelevant in terms of the development of that mine but for changes in policy, in which I personally took a leading role, at two successive conferences. When the will of this House was expressed, and I made an undertaking to the South Australian community, we made sure that the matter was taken to the national level. It is a fact of life and it has been acknowledged by the joint venturers that, but for the commitment of this Government and myself personally, we would not be able to open Roxby Downs tomorrow.

DRUG AND CORRUPTION ALLEGATIONS

The Hon. R.G. PAYNE (Mitchell): Will the Deputy Premier confirm to the House that South Australian police officers have interviewed Mr X, who, as all members of the House would know, was the subject of a series of *Advertiser* articles a week ago? Has the Minister been briefed by these officers on their return to South Australia? If so, does he believe that there are any aspects of those interviews which should be made public?

The Hon. D.J. HOPGOOD: I am a bit surprised that the briefing did not get some pictorial coverage in the papers—because in fact the briefing took place on the verandah of Old Parliament House, after this place had been evacuated yesterday, and photos were taken by one of the media organisations. In any event, I can confirm that the interviews took place and I can confirm that I was debriefed by Commander Gamble and another officer. I think that all I can say at this stage is that Commander Gamble has told me, following two days of questioning by Mr X, that there is nothing in the Mr X allegations which at present could form the basis of the pressing of charges without substantial additional corroboration. That does not mean, of course, that the police and the National Crime Authority are not interested in further corroboration and, of course, I am not at liberty to indicate to anyone just exactly what measures are being taken in order to secure corroboration, if, in fact, such corroboration can be secured. But, clearly, that matter is proceeding. Furthermore, in the light of the announcement that both the Attorney-General and I made on Tuesday, these matters are also of continuing interest to the NCA, and will continue to be, as it sets up its operations in South Australia.

The Hon. B.C. EASTICK (Light): I direct my question to the Premier. In relation to his statement to the House yesterday that he would not remain Premier if his Government's approach to dealing with corruption allegations 'is in any way compromised', can the Parliament and the public take this to mean that the Premier will resign if it is shown that any of his Ministers has had an association at material times with a person shown to have been directly involved in official corruption?

The Hon. J.C. BANNON: At last the Opposition had the guts to raise this issue in the Parliament.

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! I call the Minister of Housing and Construction to order.

The Hon. J.C. BANNON: I regret the source—an individual—who has raised it. I am constantly surprised at the role he has played in this matter, but nonetheless that is Opposition policy. What the honourable member is asking—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! Will the honourable Premier resume his seat. I call the Deputy Leader to order and I ask all members to cooperate in maintaining some sort of decorum in the House.

The Hon. J.C. BANNON: What the honourable member is referring to is prominently displayed on the front page of today's paper under the headline 'Libs target top MP'.

An honourable member interjecting:

The Hon. J.C. BANNON: It surprises the honourable member that it is there. The edition appeared on the streets at about 9 o'clock this morning. The article states:

> An unrepentant Opposition has targeted—

'has targeted'—very interesting. It is rather akin to Mr Wilson Tuckey's dirt file that he claims he keeps and brings out whenever he feels under threat—

> a senior State MP in its parliamentary anti-corruption campaign. Senior Liberal sources—

no-one is prepared to have this attributed to them, but obviously one is the member for Light because he has just asked the question—

> said today they wanted certain matters relating to the MP clarified.

It is admittedly third on the line; it is nice to keep the Leader of the Opposition away from this bit of muck-raking.

An honourable member interjecting:

The Hon. J.C. BANNON: Yes, the question has been asked in this place at last—that certain matters need to be clarified. The article continues:

> But the Liberal leader, Mr Olsen, would not be drawn on whether the politician would be named in Parliament.

No indeed—he would not be drawn. He wants to keep up the whispering and innuendo that has been going on for some time now.

Mr Olsen interjecting:

The SPEAKER: Order! Will the Premier resume his seat. I call the Leader of the Opposition to order and ask him to assist the Chair in maintaining decorum in the House.

The Hon. E.R. GOLDSWORTHY: A point of order, Mr Speaker. The ruling you gave on 11 September indicated that you would not allow Ministers to impute improper motives to members of the Opposition when answering questions. The Premier is imputing some pretty vile motives to the Leader of the Opposition right now.

The SPEAKER: The Chair is contemplating exactly what words the Premier would have used that directly imputed improper motives to a member. At this stage I cannot uphold the point of order, but I ask the Premier in his response to be cautious in that regard. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. I will stick to facts, as I have done so far, in explaining the factual situation and quoting from this article, which is very much in line with the honourable member's question. It is a fact that certain members of the Opposition have been running around telling members on our side of the House that they will name a senior Government MP.

Members interjecting:

The Hon. J.C. BANNON: That is a fact, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is a fact, Mr Speaker—

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: And it is a fact, Mr Speaker, that the media have been told the name of this individual.

An honourable member: Name them!

The Hon. J.C. BANNON: Very interesting. I shall come to that in a minute. Members opposite want these names to be put into the public domain by the Government under questioning so that then it is open go, open season, and they can say, 'We wash our hands of this.'

Members interjecting:

The SPEAKER: Order! I call the member for Murray-Mallee to order, and I again call the Leader to order. I ask all members to cooperate in maintaining decorum in the Chamber. Regardless of feelings that individual members may have, they should still abide by the direction of the Chair in order to maintain a reasonable degree of decorum.

The Hon. J.C. BANNON: I shall not fall for that. I shall not name the top MP who has been targeted by the Opposition, because it is not my function to do so.

Members interjecting:

The Hon. J.C. BANNON: If the cap fits, wear it.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I warn the Leader of the Opposition, in spite of the degree of tolerance normally extended to the Leader, that he will be named if he persists in the course of action that he is following in flouting the Chair's direction to cease interjecting. The honourable Premier.

The Hon. J.C. BANNON: If a naming is to take place, then let it take place. Let members opposite stand up and have the guts not to whisper to the media, the general public behind the scenes, or to people on our side of the House, but to say in Parliament about whom they are talking and thereby give that individual a decent opportunity to put the record straight and defend himself. They are not doing that. They have used the names of people who are not in this place and who do not have access to parliamentary privilege or any other means in this forum to defend themselves. They have named Mr Mick Young, Mr Peter Duncan, Mr Neville Wran and Mr Al Grassby. There will be more to come.

The Hon. H. Allison: John West.

The Hon. J.C. BANNON: That is interesting.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I understood that that name was used in a list of people who, it was suggested, were not involved in any way, together with David Tonkin and Nick Greiner. It was the Deputy demonstrating that it is easy to use names and, if we want to get into that business, no doubt there are names that can be put in. This is an extremely serious allegation, but irresponsible Opposition members do not have the guts to stand up in this place, name the member concerned and ask specific questions—they should realise that it is about time that they did. They have no right to be taken seriously in any way in their political playing around on this issue while they refuse to do that. That is the fact, and it is not the Government's position that we will put names into the public domain and add to this innuendo. If Opposition members wish to do so, let them do so.

I repeat my statement of yesterday directly on line with the member for Light's question. My Government is determined to take all possible steps to ensure that there is no corruption and that we have an effective means of dealing with it. We have demonstrated that and put it on the record. If, in fact, it can be shown that we are derelict in this area, obviously that will have to be taken into account and, if I can be found to have tolerated or have condoned corruption of any kind, I will volunteer: I do not have to be forced by anyone in that situation.

An honourable member: You made it up as you went.

The SPEAKER: Order! The Chair will issue a second and last warning to the Leader of the Opposition not to flout the Chair's direction concerning repeated interjections. The honourable member for Fisher.

DRUG AND CORRUPTION ALLEGATIONS

Mr TYLER (Fisher): Has the Deputy Premier had any contact with the Editor of the *Advertiser* or with any of his staff concerning the Mr X transcript, given that the Minister has now told the House that he has read the transcript and given the *Advertiser's* interest in this matter as evidenced by this article published just over a week ago?

The Hon. D.J. HOPGOOD: I have not done so, nor do I think that there is any need to do so, at least at this stage. As I understand it, the *Advertiser* has a transcript. In fact, it was responsible for the production of the transcript and I have a transcript which I read last night.

I have already indicated how the *Advertiser*, perhaps accidently or inadvertently, misled people in relation to the CSIRO matter. It could have been clearer as to how the Yatala allegations related to the mid-1970s rather than looking at a contemporary situation. Those matters aside, the articles, as far as they go, faithfully reflect the content of the transcript.

A good deal is contained in the transcript which was not published in the *Advertiser*, and for very good reason. I assume that the Editor of the *Advertiser*, Mr Akerman, has resolved to adopt the same responsible approach as this Government has adopted. He has no desire to use his newspaper to slander innocent people or to impede proper criminal investigation. For that reason, of course, he was circumspect in what he thought was appropriate to reveal from the transcript. That is precisely the Government's position. We cannot be any less responsible than the *Advertiser* has been in these matters.

I do not know how many people other than the NCA, the *Advertiser*, Mr Wordley and the Government have copies of the transcript. If any sections of the media other than the *Advertiser* have transcripts and they feel that the right to know in this case outweighs considerations of privacy and criminal investigation, I assume that they will, to use the immortal phrase, publish and be damned. However, they have not and I do not believe that they will. That action, along with the *Advertiser's* decision not to publish any further material which could in any way impede criminal investigation, suggests that they support the Government's responsible stand on this issue.

Mr INGERSON (Bragg): I direct my question to the Minister of Emergency Services. In view of a statement in the *Advertiser* this morning by the head of the Police Special Investigation Team, Commander Bruce Gamble, that the information provided by Mr X is 'mainly accurate', does this mean that officers in the South Australian Police Force more senior to the former head of the Drug Squad, Mr Moyse, are under investigation? The Opposition knows that Mr X has provided information to the police which suggests

that an Adelaide businessman involved in prostitution rackets and with whom Mr X and Mr Moyse associated in illicit drug trading was able to obtain police protection. Mr X has told the police that a brothel run by this businessman was not prosecuted because police received free sex there.

This is the same brothel where, according to the *Page One* television program screened on 6 October, 'high level clients', including politicians as well as police officers, had been videotaped in compromising situations for the purposes of blackmail. In addition, Mr X has told the police that in relation to their drug dealings the businessman had told him:

> Do you want me to get somebody above Moyse to put him in place.

He (referring to the businessman) knew the hierarchy. Further evidence given to the Adelaide Magistrates Court on 9 February this year revealed that Moyse had given to the NCA the names of six senior police officers this businessman claimed to know.

The Hon. D.J. HOPGOOD: What Commander Gamble meant when he said that the transcripts are accurate (and I support him in that regard) is that Mr X faithfully conveyed to Mr Wordley his understanding of the various matters that Mr Wordley put to him. The police also tell me (and this is corroborated by the NCA) that that understanding is informed, in some cases, by third-hand or twenty-third hand accounts. All the matters are under investigation. Nothing has been ruled out. But the context of the investigation is informed by our knowledge that, in many cases, Mr X relayed things that he heard from somebody else who, in turn, in some cases had heard from somebody else. In some cases, the information has to be seen in that light.

URANIUM

Mr De LAINE (Price): Will the Minister of Health advise of the arrangements being made to ensure that the uranium shipments from Roxby Downs are safely transported to Port Adelaide? Will he also advise of any plans to inform local government authorities and members of the public of these arrangements?

The Hon. F.T. BLEVINS: I thank the honourable member for his question. The public can be assured that the transport of uranium oxide is not a hazardous operation and will be much less of a hazard than many other dangerous substances that are transported daily on the State's roads, for example, toxic chemicals and petrol.

The rules governing the transport of uranium are set by the Australian Safeguards Office; they are quite stringent and strictly enforced. The company is responsible for drawing up detailed plans to cover every aspect of the transportation from the mine to the port. These plans must cover the emergency response procedures which would be implemented should an accident occur involving one of the transportation vehicles. These emergency procedures are being developed in conjunction with Government authorities, notably the South Australian Health Commission, and will dovetail with existing State emergency plans for dealing with spillages of dangerous substances.

To ensure that all statutory requirements are met, an officer from the Department of the Premier and Cabinet has been appointed as Government coordinator. The officer concerned is Colonel Fred Fairhead, who, as Chairman of the State Disaster Committee, is well placed to coordinate the emergency services and ensure that the transport procedures meet the existing requirements of the State emergency plans.

It is important that the public are aware of the arrangements that have been made to ensure that the uranium is transported safely. As a first step, a brief information pamphlet has been produced in conjunction with the South Australian Health Commission, Public and Environmental Health Division. The pamphlet explains what yellowcake is and how safe it is. It explains what it will be used for and how it will be transported. It also sets out what emergency procedures will apply and what the general public should do in the event of an accident.

The pamphlet has been sent to the following: 26 local government authorities through whose area the convoy may pass; the Secretary General of the Local Government Association; the Conservation Council; People for Nuclear Disarmament; the South Australian Nuclear Free Zone Association; all emergency services organisations; Marine and Harbors personnel at Port Adelaide; and the Secretaries of the Seamen's Union and Waterside Workers Union. Copies of the pamphlet will also be provided to the electorate offices of all members of the House.

In addition, all local government authorities will have access to the detailed plan which is being drawn up for the transport of uranium ore and for the emergency procedures to be followed in the event of any accident involving the convoy.

OPHIX FINANCE CORPORATION

The Hon. J.L. CASHMORE (Coles): My question is directed to the Deputy Premier. Will he advise the House whether the South Australian Financing Authority is financing Ophix Finance Corporation Pty Limited, which the Government has approved as sole developers of the proposed $50 million Wilpena Resort in the Flinders Ranges National Park? If so, to what extent and on what terms has SAFA provided funds and, if not, is the Government aware of the source of Ophix finance for the project?

In the draft EIS on the proposed Wilpena Resort, the Government admitted that the resources needed to even undertake the studies for the resort were beyond the budgeting capacity of the Department of Environment and Planning. As the submission from Dr Reg Sprigg on the EIS points out, the funds required were a 'mere $120 000—less than a handout to cover an ex-Minister's court costs, but sufficient excuse apparently to justify handing over the Wilpena Station Resort development exclusively to Ophix'. The submission continued:

> The whole problem of funding apparently dissolved completely upon entry of Ophix onto the scene. As a result the current EIS devotes only a mere three lines to this important aspect.

I quote the relevant section, as follows:

> 2.1.2 The construction of facilities and all aspects of maintenance and management of improvements of lands within the head lease area will be the financial responsibility of the lessee.

The Hon. D.J. HOPGOOD: I will obtain the specific information for the honourable member, but I would not have thought it was in any way extraordinary that the EIS does not relate to that particular matter at all. An environmental impact statement is a statement of environmental impact, and that is it. If in fact the financing of a project somehow has some environmental impact, I guess it could be the subject of proper assessment under that process. But I would have thought that the financing of a project on the one hand and the environmental assessment of a project on the other hand were quite separate things. Without naming names, I was delivered a little friendly lecture on that by one of the honourable member's colleagues in this place last evening. As I speak I have been given information

which indicates that in fact no SAFA funds have been sought in relation to this matter.

The honourable member also asked me to obtain information as to how Ophix was to finance the project if SAFA was not involved, and I am quite happy to make that information available. Of course, it is important that the public exposure in this be minimised as much as possible. Indeed, some of the financial commitments that we would have had to make in that area but for this development, for example a new ablutions block, are now to be paid for by the private sector rather than the public sector. I would have thought that that would draw applause from the honourable member.

NATIONAL CRIME AUTHORITY

Mr FERGUSON (Henley Beach): Can the Deputy Premier advise the House of the staff establishment for the proposed National Crime Authority Adelaide office? On Tuesday 1 November 1988 the Minister advised the House that the Government had committed funds in the order of $1.1 million for the establishment of an National Crime Authority office in Adelaide and that the Commonwealth Government and the National Crime Authority itself are supporting the establishment of that office here.

The Hon. D.J. HOPGOOD: The National Crime Authority is always a little sensitive about the details of its staffing operations, but I am in a position to indicate in general terms what we might get for our $1.1 million. A range of positions has been identified. The Adelaide office will have available to it a member, counsel, accounts and surveillance officers, police officers seconded from the States and/or Federal police forces, and support staff. The team will bring with it considerable expertise in complex and protracted investigations and wide powers of investigation including the power to hold hearings and compel witnesses.

The special powers and expertise of the National Crime Authority will ensure that allegations and information in relation to corruption and organised criminal activity are thoroughly investigated and subjected to rigorous examination with the objective of testing them before a court of law in criminal prosecutions, the only proper way in which to handle any such allegations.

ASH WEDNESDAY BUSHFIRES

The Hon. D.C. WOTTON (Heysen): My question is directed to the Premier. Following today's judgment in the Supreme Court which found against the Stirling council in relation to the 1980 Ash Wednesday bushfire, can the Premier say whether the Electricity Trust and the State Bank now intend to proceed with their own claims for damages against the council arising out of this fire, or has he discussed with the Minister of Local Government, the need for the Government to intervene to assist all Stirling ratepayers, many of whom did not live in the area at the time of this disaster but who could face bills of more than $3 000 each if they are left to carry the burden of these damages on their own?

The Hon. J.C. BANNON: The situation that the honourable member raises is certainly a very grave one indeed. The implications of the judgment and the costs that would be levied on the council and its ratepayers are great, and it is something that has caused the Government, as an observer of that situation, considerable concern. I cannot say at this stage what action the Government would take in relation to its own instrumentalities, but certainly, insofar as the ratepayers of Stirling are concerned, the Government has offered at various stages to provide advice to the Council to assist it through such a crisis if it eventuated. We are not accepting financial responsibility, nor would it be appropriate to do so in the circumstances.

I think it is worth pointing out that local government in South Australia has consistently defended its right to its own administration and responsibility for its own affairs, as a third tier of government. Indeed, it is recognised as such in the Constitution of this State—althought a proposition was rejected at the Federal level, and, of course, the Liberal Party opposed that particular provision.

Mr D.S. Baker interjecting:

The Hon. J.C. BANNON: Well, I guess they have a view that local government really is the responsibility of the State, and I suppose that that is consistent with the honourable member's now saying that perhaps the State ought to pick up that responsibility. That is a pretty grave step to take: the use of taxpayers' resources in the whole of the State, because a council has been involved in a certain situation, is a very different proposition indeed.

Obviously, with the judgment having just been delivered, it is early days yet in relation to making some response. Naturally, talks will be held with the council. Indeed, on 24 October the Minister of Local Government received a deputation from the Chairman, the Clerk and the Deputy Clerk of the council to further discuss the predicament in which it finds itself and to advise of the implications of the situation which, as I said at the beginning, are very grave. I think that any further statement will have to await consideration by Government in consultation with the council, and that, of course, will take place as a matter of urgency.

I am very disappointed that to date local government as a whole has not really been prepared to take up any sort of overall responsibility in this area. I would look for a lead, I think, in this from the Local Government Association. After all, in this case it happens to be the Stirling council that is involved, but it could be any number of councils. One thing at least that has been constructively advanced while this case has been going on has been, apparently, an examination of the possibility of some sort of general insurance fund which might be able to provide for catastrophe or major damage protection for all of local government, that is, arranged on a whole of local government basis, which would make the premium sustainable. But, of course, nothing like that is in place in the case of the Stirling council.

Mr D.S. Baker interjecting:

The Hon. J.C. BANNON: It is all very well for the honourable member to say, 'What about the ratepayers of Stirling council?' I come back to the question that there is an overall responsibility of local government in this area. It is not good enough for local government on the one hand to say—

Mr D.S. Baker interjecting:

The Hon. J.C. BANNON: It is not appropriate—

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is not appropriate for local government to say that it does not want the State Government to treat local government in any way other than as an equal partner in the administration of its affairs, but to then run to Government, when a situation like this occurs, and say that it is the Government's responsibility to pick up the tab. It is not as simple as that. There is no such responsibility. But there will be constructive dialogue with the council over the matter.

URANIUM

Mr RANN (Briggs): My question is directed to the Premier and is supplementary to the question asked by the Deputy Leader of the Opposition. What particular constraints exist in South Australia on operations for the enrichment of uranium?

The Hon. J.C. BANNON: I thank the honourable member for his question. I presume that, in talking about constraints, the honourable member is referring to the Act which governs uranium mining in this State, namely, the Radiation Protection and Control Act 1982—a measure that was actually brought in by the previous Liberal Government. Section 27 of that Act provides:

(1) No person shall carry on any operation for the conversion or enrichment of uranium.

(2) Contravention of subsection (1) shall constitute a minor indictable offence.

It further provides:

(4) A proclamation shall not be made for the purposes of subsection (3) unless the Governor is satisfied that proper provision has been made for the control of operations for the conversion or enrichment of uranium.

That is the current situation. In other words, the Deputy Leader, who keeps asking me whether we are going to authorise the enrichment of uranium, is obviously ignoring the fact that at present it is illegal. Why is that section there? Because at the time, Mr Speaker, it was clearly felt by the then Government that such controls and safeguards as were necessary were not in place or available. I point out that that section was introduced as an amendment in the Committee stage of the debate by the then Minister, the member for Coles. I suggest that before the Deputy Leader gets to his feet and asks another question he consult with his colleague who is sitting right next to him about this provision of the Act.

BOOL LAGOON

Mr D.S. BAKER (Victoria): Will the Minister of Environment and Planning order an immediate investigation into the safety of two board walks he opened at Bool Lagoon on 29 September to determine whether their construction conforms to recognised standards and the State Building Act and regulations; and will he reveal who designed the board walks, whether plans were submitted to the local council for approval and, if not, why not?

These board walks extend several hundred metres into Bool Lagoon and are intended to give visitors a closeup view of the rich bird life in this game reserve. They were built by the National Parks and Wildlife Service at a cost which must run into tens of thousands of dollars, and I have no doubt they will be used by many thousands of people. However, I have in my possession the consulting engineer's report which identifies a number of serious inadequacies in their construction.

The report finds that the bearers, joists and bolted connections all fall well short of capacity and questions whether they meet recognised standards which determine the number of people structures such as this can carry at any one time. This raises the possibility that these board walks may be unable to cope with the numbers of visitors expected to use them and could be vulnerable to eventual collapse. The consultant's report includes photographs which show, even though the Minister opened this facility only a month ago, splitting of decking planks and other inadequacies in the construction.

The Hon. D.J. HOPGOOD: I thank the honourable member for his question, particularly because it gives me an opportunity to convey to him a long delayed apology. Halfway through my opening speech at the Bool Lagoon I looked up to find that the honourable member was present. I had not acknowledged his presence as the local member but proposed to remedy that later in the day at the speech I gave in the tent. In fact, I did make good, despite the fact that at that stage the honourable member had left. However, I do apologise for the fact that the normal courtesies were not accorded to the member at the time.

It was indicated to me that very day that there had been some minor subsidence in the board walk and that a review was being undertaken on the matter. Of course, this is not unusual. I recall that on the very day I opened the St Kilda board walk part of it was washed away and had to be rebuilt. However, these things are handled responsibly, and there was never any suggestion of anybody being in physical danger.

If my officers do not have the information which the honourable member has—and, as I say, investigations are being carried out to ensure that there are no safety problems—I may need to ask him for that information and he may be prepared to give it to me.

NATIONAL CRIME AUTHORITY

Mr ROBERTSON (Bright): I direct my question to the Minister of Emergency Services. If claims to establish an NCA office in Adelaide proceed, will public hearings be a feature of the NCA's work in Adelaide, and what advantages might be expected to accrue from such public hearings?

The Hon. D.J. HOPGOOD: There may well be, but how the NCA conducts its affairs is very much a matter for the NCA and it tends to be a little sensitive about being told how it should conduct its affairs, and I do not blame it. However, one or two public hearings have been undertaken by the NCA, so we cannot rule out the possibility of that occurring here. The advantage of such public hearings is that they draw to the public's attention the reference that it is carrying out which, in turn, may induce further individuals to come forward and place evidence before it. On the other hand, there is a countervailing influence: that is, there are negatives as well as positives. One negative is that the extra powers that the NCA can exercise (for example, the power to compel witnesses to answer questions) do not obtain in the case of a public hearing. Therefore, those powers could not actually be used. So, there are pluses and minuses and it will be very much up to the NCA to determine wehether indeed public hearings take place.

RARE BIRDS

The Hon. P.B. ARNOLD (Chaffey): Why is the Minister for Environment and Planning proceeding with prosecutions under the National Parks and Wildlife Act in relation to rare and endangered birds when the Government is aware that the legislation is defective? A fruitgrower at Kingston-on-Murray has received a summons from the Minister for trying to protect his livelihood from marauding birds following the failure of the National Parks and Wildlife Service to implement an effective trapping and release program. The birds in question are in large numbers in the area and cause serious damage to fruitgrowing in the Riverland. However, I have been informed that officers of the National Parks and Wildlife Service have been heard to say that they intend to make an example of this grower.

A petition that I presented on Tuesday, signed by 108 local residents in the area, reflects their concern that the Government is now reneging on commitments it gave when this legislation was before Parliament late last year to consult further with those affected by it before launching prosecutions, because some of the birds included in the schedules are not rare or endangered species. Their concerns have received further support from a prominent South Australian ornithologist. Mr D. Ragless, who has written to me strongly criticising the practices of the National Parks and Wildlife Service and offering to give evidence in court if these prosecutions are pursued.

The Hon. D.J. HOPGOOD: If I were the honourable member's constituent, I should have preferred that the question be phrased slightly differently, because was not that virtually an admission of guilt? That really worries me because of the impact that it may have on due process at this point. I have no desire to influence the outcome of the court proceedings in any way.

Members interjecting:

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

The Hon. D.J. HOPGOOD: Thank you, Sir. The question that my officers must address is 'What is the law and what is not the law?' The fact that there may be some—

Members interjecting:

The SPEAKER: Order! I ask the honourable members for Chaffey and Eyre to restrain themselves. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: I do not get much involved in these things, but I know something about this because I recall being at Monarto (it was on the very day the Premier phoned me to announce the most recent Cabinet reshuffle) where I was shown a large number of birds that had been confiscated in the Riverland earlier that week. I rather imagine that we are talking about the same incident. The responsibility of my officers is to implement the law: what is in the Act is what is important, not which category, tame, rare or endangered, into which the species happens to fall. If the law is defective, I assume that that puts the honourable member's constituent in a very strong position, notwithstanding the extraordinary way in which this information was placed before us this afternoon. However, that is for the court to determine.

Members interjecting:

The SPEAKER: Order! I again call the same two members to order.

An honourable member: This is a disgrace!

The SPEAKER: Order! The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: The member for Chaffey has not had as many years in this place as I, although he was first elected before 1970.

Members interjecting:

The Hon. D.J. HOPGOOD: Yes, that is not a bad gestation period, as some people say. The honourable member should know that, although we as legislators frame the laws, it is the courts that finally determine the matter. If the honourable member is correct and if my officers are taking someone to court against a piece of legislation that will not stand up in the court, be that on our heads. That is good news for the honourable member's constituent—nothing more or less than that. However, do not let the honourable member press this matter on me in such a way as to almost admit guilt on the part of his constituent.

Members interjecting:

The SPEAKER: Order! I call the House to order. The Chair is not sure whether the honourable members for Chaffey and Eyre were deliberately flouting the authority of the Chair or whether they just could not help themselves. However, not being able to help oneself is not an acceptable excuse for flouting the authority of the Chair. I also point out to the honourable member for Chaffey that his interjection, 'the legislation is crook', is in effect a reflection on a vote of the House and that can be dealt with only by a substantive motion.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It proposes three amendments to the principal Act. First, it gives the Principal Registrar (who is responsible to the Minister for the general administration of the Act) authority to delegate any of his powers, functions and duties under the Act to the Deputy Registrar or to any other officer of the registry. Similar authority is given to district registrars. The move should lead to increased effectiveness and efficiency of registry operations.

Secondly, section 21 of the principal Act provides that the parents of a child may nominate either of their own surnames or a combination of those surnames as the child's surname to be entered in the register of births. In default of any such nomination by the parents, the Principal Registrar is authorised to register the child's birth with the father's surname, if the child was born within lawful marriage, or the mother's surname, if the child was born out of lawful marriage.

The Commissioner for Equal Opportunity has pressed the opinion that the latter provision is discriminatory, and the Bill proposes to meet the Commissioner's objection by empowering a local court of limited jurisdiction to direct which surname shall be entered on the register of births, in default of a nomination by the parents.

Thirdly, section 28 of the principal Act requires the Master of the Supreme Court to inform the Principal Registrar of orders made by the Supreme Court dissolving or nullifying marriages, and for the Principal Registrar to endorse details of the orders on the register of marriages. This provision ceased to have effect when the Family Court assumed the divorce jurisdiction in 1976, and the Principal Registrar ceased endorsing dissolution orders from the Family Court on the register of marriages shortly afterwards. The registries in New South Wales, Victoria and Queensland likewise do not endorse dissolutions of marriage on their marriage registers.

The Family Court will shortly have available a computer generated cumulative index of all dissolutions granted since 1976, and the Principal Registrar will continue to endorse the register with orders of dissolution from other jurisdictions and all decrees of nullity of which he is informed, as a matter of administrative practice. In these circumstances, it is appropriate to strike section 28 from the Act. In addition, the opportunity has been taken to update penalties for offences under the Act, using the provisions of the Statutes

Amendment and Repeal (Sentencing) Act 1988 and to correct a drafting error in section 19.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 removes from section 6 of the principal Act a provision authorising the Deputy Registrar of Births, Deaths and Marriages to exercise powers of the Principal Registrar as directed by the Minister. This amendment is consequential to new delegation provisions proposed to be inserted by clause 4.

Clause 4 inserts a new section 11 relating to delegation. Under the proposed new provision, the Principal Registrar is authorised to delegate powers, functions or duties to the holder of the office of Deputy Registrar or the holder of any other office or position and a district registrar is authorised to delegate to the holder of the office of assistant district registrar. The Principal Registrar is to be bound by directions of the Minister requiring or relating to such delegations and a district registrar is to be similarly bound by directions of the Principal Registrar.

Clause 5 makes a drafting correction only to section 19 of the principal Act. Clause 6 amends section 21 of the principal Act which deals with the name to be entered in the register of births as the surname of a child.

Under the section in its present form, the name that may be registered is the surname of the father, the surname of the mother, or combination of the surnames of both parents, as nominated by the parents. If a nomination is not made by the parents, the section presently provides that if the child was born within lawful marriage, the name is to be the surname of the father, or, if born outside lawful marriage, the name is to be the surname of the mother. The clause amends the section, as it relates to any case where a nomination is not made by the parents, so that instead the matter is to be determined by a local court of limited jurisdiction on the application of a parent or the Principal Registrar. The clause provides that, in making such a determination, the welfare and interests of the child must be the paramount consideration of the court.

Clause 7 provides for the repeal of section 28 of the principal Act which requires the master of the Supreme Court to notify the Principal Registrar of orders of dissolution of marriage or decrees of nullity made by the Supreme Court. Jurisdiction in this area passed from the Supreme Court to the Family Court in 1976.

Clauses 8 to 14 increase penalties under the principal Act. Penalties presently fixed at $20 are increased to a division 9 fine ($500 under section 28a of the Acts Interpretation Act); penalties presently fixed at $40 are increased to a division 8 fine ($1 000). Penalties under the Act have not been increased since its enactment in 1966 and in most cases remain at the levels fixed by the earlier Act of 1936.

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

STATUTES AMENDMENT (CRIMINAL LAW CONSOLIDATION AND SUMMARY OFFENCES) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The provisions of this Bill are to be regarded as complementary of the package of reforms that is contained in the Firearms Act Amendment Bill (No. 2) 1988, which was introduced on 23 August 1988. This Bill seeks to constitute two new firearms-related offences in the Criminal Law Consolidation Act 1935 and one such offence in the Summary Offences Act 1953.

The proposed new section 32 of the former Act deals specifically with the situation where a person has the custody or control of a firearm (or imitation firearm) for the purpose of using it in order to commit serious offences (i.e. offences punishable by a term of imprisonment of three years or more) or for the purpose of carrying it to like effect. The offence also extends to causing or permitting another person to use or carry the firearm in question in order to commit, or whilst actually committing, such serious offences.

The proposed new section 47 specifically deals with unlawful threats by persons perpetrated with a firearm or imitation firearm. Both these proposed offences are to be indictable offences.

The proposed amendments to section 15 of the Summary Offences Act 1953 deal with the situation of persons who, in a public place and without lawful excuse, carry or have control of a loaded firearm or both a firearm and a loaded magazine that can be used in conjunction with that firearm. By inserting this new offence in section 15 the Government is reaffirming its position on legally necessary measures of preventive justice, akin to the offence of carrying an offensive weapon. For the purpose of this new summary offence, a firearm will be deemed to be loaded if a round of ammunition is either in the breach or barrel of the firearm or if the round is in a magazine that comprises part of, or is attached to, the firearm in question.

The Government believes these measures, upon becoming law, ought to have a significant deterrent effect against the commission of offences, or the potential for the commission of offences, that represent a real threat to public order. The passage of this Bill will greatly enhance the armoury of both prosecutors and members of the Police Force alike in their quest to eliminate or curb the incidence of firearms-related offences that threaten public safety. I commend this Bill to Honourable Members.

Clauses 1 and 2 are formal. Clause 3 amends the Criminal Law Consolidation Act 1935. The term 'firearm' used in the new provisions inserted by the clause will have the same meaning as in the Firearms Act 1977. Clause 4 amends the Summary Offences Act 1953, as outlined above.

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

CO-OPERATIVES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the Co-operatives Act 1983. Section 46 of the Act deals with the entitlement of members of a co-operative to be supplied with certain accounts, statements and reports prior to the annual general meeting, and includes cross references to relevant subsections in the Act to enable indentification of the documents that are to be supplied. This section is based on section 274 of the Companies Code. The cross references in section 46 are to subsections of section 40 of the Act. Section 40 is based on section 269 of the Code.

Due to what would appear to be misprints, two of the cross references in section 46 are incorrect. The first of the proposed amendments corrects these errors and sets out the requirements of the section in a more easily understandable format.

The Act, in section 50 (3), contains provisions whereby the commission may grant an exemption from the requirement that a person being appointed auditor of a co-operative be ordinarily resident in the State and that, where a firm is being appointed, at least one member of the firm be a registered company auditor who is ordinarily resident in the State.

The Report of the Working Party on Legislation and Policy Affecting Co-operatives in South Australia also recommend that the commission be empowered to grant an exemption from the requirement that a person being appointed auditor of a co-operative be a registered company auditor.

The working party considered that the exemption was appropriate given the small size of some co-operatives in terms of turnover and/or assets, where strict compliance would place an unreasonable burden on the co-operative. The recommendation of the working party, whilst approved by Cabinet, was not conveyed in the new legislation, by virtue of what appears to be a misprint.

This error became apparent when the Corporate Affairs Commission found that it did not have the legislative power to accede to the request from a small co-operative for exemption from the requirement that its auditor be a registered company auditor. The second of the proposed amendments has the effect of correcting this anomaly.

These proposed amendments have been discussed with the Co-operatives Advisory Council and the Co-operative Federation of South Australia. Both bodies are in full agreement with the proposals. I commend the Bill to members.

Clause 1 is formal. Clause 2 repeals section 46 of the principal Act and substitutes a new provision. This section requires a co-operative to supply its members with copies of certain accounts, statements and reports prior to the annual general meeting. The new provision is self-explanatory.

Clause 3 amends section 50 of the principal Act which deals with the qualification of auditors of co-operatives. The amendment to subsection (3) clarifies the commission's exemption powers.

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

BUILDING ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal and historic objective of this amendment Bill is to provide for the incorporation by reference of the Building Code of Australia by regulation under the Act in the same way as regulations under various Acts incorporate and require compliance with various Australian Standards. Since the commencement of the Act in 1974, it has been supported by a set of building regulations which are modelled on a code authorised by the Australian Uniform Building Regulations Co-ordinating Council which is representative of the Commonwealth Government, the States and Territories. The co-ordinating council has redrafted the above code and the result is known as the Building Code of Australia, being the first stage in a comprehensive reformulation and simplification of Australian building regulations. The concept of the Building Code was approved at the Joint Local Government Ministers Conference in 1986, and enjoys Australia-wide Government acceptance.

Unlike the existing building regulations, the proposed code contains no administrative provisions conferring a power on a local authority, imposing a responsibility on a local authority or other person or body or describing particular administrative procedures. A separate set of administrative regulations will be required to complement the code. In addition, after due scrutiny, modifications to the code based on local law and practice will be implemented as an appendix to the administrative regulations.

The members of the co-ordinating council are seeking the implementation of the code by 1 January 1989. It is not proposed to promulgate the code in the form of regulations to be gazetted and tabled in Parliament. Instead, the code will be incorporated or in popular terminology 'called up' by regulation under a head power to be inserted in the Act. Copies of the code, I am assured, will be readily available through the State Information Centre and elsewhere.

In addition, for a transitionary period of at least 12 months, a head power is required for the code to be invoked by the proposed set of administrative regulations or, alternatively and exclusively, for the existing regulations to operate. Thus, for a time after the code's introduction a builder will be given the opportunity to choose to comply with either appropriate requirements contained in the code and supporting administrative regulations or the existing regulations. Amendments to the code will inevitably ensue but after the promulgation of the proposed regulations incorporating the code in 1989, future amendments to the code will not flow on until an appropriate amendment is made to the regulations then in force.

Simultaneously all other States, the ACT and the Northern Territory will introduce similar Bills so that the code can apply Australia-wide. In short, it is an example of uniform legislation and necessitates an amendment to section 61 of the Act. The Bill also provides for the incorporation by regulation of a standard or other document prepared or published by a prescribed body such as the Standards Association of Australia or as it is now known, Standards Australia. This measure places beyond doubt the long established practice of incorporating Australian Standards in building regulations, and by specific reference opens the way for the code itself to incorporate standards such as Australian Standards.

This will have a direct bearing on the proposed Swimming Pools (Safety) Bill, a clause of which requires compliance

with regulations made under the Building Act. In that context it is proposed to promulgate a Building Act regulation which in respect of swimming pool fences constructed after the assent of the latter Bill will require compliance with an appropriate Australian Standard.

The Bill also provides that a copy of the code must be kept available for inspection by members of the public, without charge, during normal office hours. This obligation will be discharged at the offices of my department at North Adelaide. Finally a clause has been inserted to ensure that the code can be tendered as evidence of its contents for offences or civil proceedings arising out of the Act. There is also a clear need to upgrade the various penalty provisions set out in the Act which have remained unaltered since the inception of the Act in 1974.

The Bill also includes minor alterations to sections 22, 36 and 38. The amendment to section 22 is cosmetic. The amendment to section 36 was considered desirable after the 1986 Supreme Court decision—In Re Game (44 SASR 156). The amendment to section 38 overcomes an ambiguity in meaning which followed on a statute revision alteration to that section in 1986.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clauses 3 to 6 increase penalties for various offences against the principal Act. Penalties currently fixed at $400 are increased to division 6 fines (a maximum of $4 000); penalties currently fixed at $100 are increased to division 9 fines (a maximum of $500); daily default penalties currently fixed at $50 or $100 are increased to division 10 fines (a maximum of $200).

Clause 7 changes a reference to the Arbitration Act 1891 to the Act that has replaced that Act, the Commercial Arbitration Act 1986. Clause 8 increases the penalties for an offence against section 35 of the principal Act from $400 and a daily default penalty of $50 to a division 6 fine (a maximum of $4 000) and a division 10 fine (a maximum of $200) respectively.

Clause 9 amends section 36 of the principal Act which provides that an owner may apply to referees (under Part IV of the Act) for an order that the requirements of a notice under Part V relating to a dangerous or defective excavation, building or structure be varied or struck out. The clause amends the section so that it refers to the referees making a 'determination' on such an application rather than an 'order', 'determination' being the expression used in Part IV, in particular in section 30 which provides for enforcement of such determinations by the Supreme Court. The amendment is also designed to make it clear that the original council notice may be enforced where the referees determine that the requirements of the notice be carried out.

Clause 10—amends section 38 of the principal Act which empowers a council to serve notice on the owner of a defective building or structure to bring it into conformity with the Act or demolish it. The clause amends the section to make it clear that a council may by such a notice require corrective building work, require demolition or require corrective building work or demolition as the owner may choose.

Clauses 11 to 15 increase penalties for various offences against the Act. The penalty under section 39d is increased from $200 to a division 7 fine (a maximum of $2 000); the penalties under section 39f are increased from $400 and a daily default penalty of $50 to a division 6 fine (a maximum of $4 000) and a division 10 fine (a maximum of $200) respectively; the penalties under sections 49 and 50 are increased from $400 to a division 8 fine (a maximum of $1 000); and the penalty under section 59b is increased from $400 to a division 7 fine (a maximum of $2 000).

Clause 16 amends the regulation-making section. The clause increases the maximum penalties for an offence against the regulations from $200 and a daily default penalty of $50 to a division 7 fine (a maximum of $2 000) and a division 11 fine (a maximum of $100) respectively. The clause also inserts proposed new subsections (2), (3), (4) and (5) designed to cater for the adoption within South Australia of the proposed Building Code of Australia.

Proposed new subsection (2) provides that the regulations may adopt, wholly or partially and with or without modification, a code relating to buildings, structures or building work, or an amendment to such a code. Proposed new subsection (3) provides that regulations adopting such a code or amendment may contain incidental, supplementary or transitional provisions.

Proposed new subsection (4) provides that the regulations or a code adopted by the regulations may refer to or incorporate, wholly or partially and with or without modification, a standard or other document prepared or published by a prescribed body and that such regulations or code may have general, limited or varying application and confer discretionary powers on the council or building surveyor.

Proposed new subsection (5) makes certain provision where a code is adopted by the regulations, or the regulations or a code adopted by the regulations refer to a standard or other document prepared or published by a prescribed body. First, any such code, standard or other document must be kept available for inspection by the public, without charge and during normal office hours, at an office or offices specified in the regulations. Secondly, evidence of the contents of any such code, standard or other document may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the code, standard or other document. Finally, any such code, standard or document is to have effect as if it were a regulation made under the Act thereby ensuring that provisions of the Act requiring compliance with the Act will require compliance with any such code, standard or document.

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

CULTURAL TRUSTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOCAL PUBLIC ABATTOIRS ACT REPEAL BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to repeal the Local Public Abattoirs Act 1911. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to repeal the Local Public Abattoirs Act 1911. Prior to the enactment of the Meat Hygiene Act 1980, it was the practice of local government to own and operate service abattoirs for local farmers and

butchers. At one time or another Whyalla, Port Augusta, Port Pirie and Port MacDonnell operated such abattoirs. In order to do this they needed a legislative framework, hence the Local Public Abattoirs Act 1911, formerly known as the Abattoirs Act.

Following the report of the Joint Committee on Meat Hygiene Legislation, the Meat Hygiene Act was enacted in 1980. As a result of this Act the Local Public Abattoirs Act was no longer needed and many provisions of the Act were repealed at the same time as certain provisions of the Meat Hygiene Act were brought into operation. However, before all sections of the Meat Hygiene Act could be brought into operation it was necessary to prepare regulations dealing with the licensing, construction and hygiene of abattoirs. While this was being done, parts of the Local Public Abattoirs Act had to be kept in force.

In February 1981, the meat hygiene regulations and all sections of the Meat Hygiene Act were brought into operation. On this event the Local Public Abattoirs Act and its regulations became redundant. By that time only one abattoir board, Port Pirie, was left. Shortly afterwards the abattoir was sold to the lessee. There are now no abattoirs run by local government, but even if in the future local government should seek to re-enter the abattoir business no specific legislation would be required. The Local Public Abattoirs Act 1911 has served its purpose and should be repealed.

Clause 1 is formal. Clause 2 repeals the Local Public Abattoirs Act 1911.

Mr GUNN secured the adjournment of the debate.

RACING ACT AMENDMENT BILL (No. 2)

The Hon. M.K. MAYES (Minister of Recreation and Sport) obtained leave and introduced a Bill for an Act to amend the Racing Act 1976. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

It proposes amendments to the Racing Act 1976 designed to give effect to those recommendations in the report of the committees of inquiry into the racing industry accepted by the Government. It also proposes to amend various sections of the Act, which specify penalties, to conform with the Mitchell committee recommendations on penalties. The amendments proposed are as follows.

First, that the Act be amended in order to specify that the controlling bodies of the three codes be responsible for liaising with Government and statutory authorities, forward financial planning, and for the general promotion and marketing strategies of the code.

Secondly, that a Racing Appeals Tribunal be established to hear appeals from all codes. At present, only the trotting and greyhound racing codes have an independent appeals tribunal. The South Australian Jockey Club hears appeals against decisions of the stewards. It is essential that a review of their decisions is carried out in a forum untainted by the appearance of partiality. The existing system is an anachronism and can never have the appearance of dispensing justice. The Government has consulted closely with the codes on this matter, and has reached agreement with them regarding the establishment and operation of such a Tribunal.

Thirdly, to change the title of the Trotting Control Board and the term 'trotting' to Harness Racing Board and 'harness racing' respectively. This variation will bring the code in line with the title and term being used nationally and in other countries.

Fourthly, that the word 'control' be deleted from the title Greyhound Racing Control Board, because it is outdated and would improve the image of the code. Trotting has also had the word 'control' deleted from its title.

Fifthly, to change the title of the Betting Control Board to Bookmakers Licensing Board. When the Betting Control Board was first established, it did control all betting. That is no longer the case, and the title is now a misnomer.

Sixthly, that it be mandatory for the Betting Control Board to have regard primarily to the interests of the racing industry, when deciding to grant or renew a licence. This would enable the Betting Control Board to consider the servicing of the ring as the over-riding factor when deciding licence renewals.

Finally, to allow the Betting Control Board to fine bookmakers as a disciplinary measure in addition to cancelling bookmaking licences and permits. The committee of inquiry were of the opinion that there would be some situations that are met more adequately by a fine rather than more drastic measures.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 5 of the principal Act which contains definitions of terms used in the Act. The amendments are all consequential to amendments made by subsequent clauses of the measure.

Clause 4 inserts a new section 7a relating to the duties and functions of the committee of the South Australian Jockey Club as the controlling authority for horse racing. Under the proposed new section, the committee has the functions of developing and implementing plans and strategies for the management of the financial affairs of the horse racing code and for promotion and marketing in respect of the code. The committee is required under the section, in performing its functions and exercising its powers under the Act, to consult with the Minister and all Government agencies and statutory authorities performing functions related to horse racing.

Clauses 6, 7 and 8 make amendments either changing the name of the Trotting Control Board to the South Australian Harness Racing Board or changing references to trotting to references to harness racing.

Clause 9 amends section 16 of the principal Act relating to the functions of the Harness Racing Board. Under the amendments, the board has, in relation to harness racing, the same financial planning and promotion and marketing functions as those provided by clause 4 for the South Australian Jockey Club, and the same duty to consult. Clause 10 is a consequential amendment only.

Clause 11 repeals section 23 which provides for the appointment of appeal committees for harness racing. The repeal is consequential to the amendments made by clause 18 providing for a Racing Appeals Tribunal. Clause 12 is a consequential amendment only. Clauses 13 and 14 change the name of the Greyhound Racing Control Board to the South Australian Greyhound Racing Board.

Clause 15 amends section 33 of the principal Act relating to the functions of the Greyhound Racing Board. The clause makes amendments corresponding to those made by clauses 4 and 9 for the controlling authorities for the other codes. Clause 16 repeals section 40 which provides for the appointment of appeals committees for greyhound racing. Clause 17 makes an amendment consequential to the establishment of a Racing Appeals Tribunal.

Clause 18 inserts a new Part IIA providing for a Racing Appeals Tribunal. Proposed new section 41a provides definitions of terms used in the new Part. Proposed new section 41b provides for the establishment of a Racing Appeals Tribunal to consist of a president and one or more deputy presidents and panels of assessors for the three codes of racing.

Proposed new section 41c provides that for the purposes of hearing an appeal the tribunal is to be constituted of the president or a deputy president and two assessors from the panel for the code to which the appeal relates. Under the section, the tribunal, separately constituted, may sit simultaneously to hear separate appeals.

Proposed new section 41d provides for appointment of the members of the tribunal and the term and conditions of office as a member of the tribunal. Under the section, the president and deputy presidents must be legal practitioners of not less than seven years standing and the panels of assessors for each code must comprise persons with knowledge and experience of that code. Proposed new section 41e protects members of the tribunal from personal liability. Proposed new section 41f provides for appointment of an officer of the Public Service as Registrar of the tribunal.

Proposed new section 41g defines the jurisdiction of the tribunal. Under the section, the tribunal may hear an appeal against—

(a) a decision made under the rules of the controlling authority for a code of racing—

(i) disqualifying or suspending a person from participating in that code in any particular capacity;

or

(ii) imposing a fine greater than the amount prescribed by the Minister by rules under this Part;

(b) a decision made under the rules of the controlling authority for a code of racing disqualifying or suspending a horse or greyhound from participating in that code (but only when made in conjunction with a decision referred to in paragraph *(a)*);

or

(c) a decision of a controlling authority or registered racing club requiring a person not to enter a racecourse or training track.

Proposed new section 41h empowers the Minister to make rules relating to appeals to the tribunal. Proposed new section 41i makes provision for various matters relating to proceedings on appeal to the tribunal. Under the section each appellant must lodge with the Registrar a bond of a prescribed amount which is to be refunded on withdrawal of the appeal, or on determination of the appeal unless the tribunal finds that the appeal was frivolous or vexatious and directs that the bond be retained. Appeals are to be by way of rehearing upon the evidence at the original hearing, but the tribunal is authorised to receive fresh evidence.

Proposed new section 41j provides for the powers of the tribunal to summons witnesses, documents, etc., to require answers by witnesses and to administer oaths. Proposed new section 41k requires the president or deputy president presiding on an appeal to decide all questions arising on the appeal but allows advice and assistance to be obtained from the assessors sitting on the appeal.

Proposed new section 41l provides that the tribunal is to act according to equity, good conscience and the substantial merits of the case and is not bound by the rules of evidence. Proposed new section 41m provides for the decisions and orders that may be made on determination of an appeal. Proposed new section 41n provides that a decision of the Tribunal is final and binding on the persons and bodies affected.

Clauses 19 and 20 make consequential amendments only. Clauses 21, 22 and 23 make amendments changing the name of the Betting Control Board to the Bookmakers Licensing Board. Clauses 24 and 25 insert new provisions to the effect the Bookmakers Licensing Board must have as its primary consideration, in determining applications for bookmakers' licences or renewal of such licences, the interests of the racing industry.

Clause 26 inserts a new section 104a empowering the board to impose a fine not exceeding $5 000 on the holder of a licence if of the opinion that the licensee should be disciplined but that cancellation or suspension of the licence would not be warranted or appropriate in the circumstances. Clauses 27 to 31 all make amendments consequential to the various name changes proposed by previous clauses.

The schedule to the measure converts all penalties for offences against the Act to the new divisional penalties established under the Acts Interpretation Act. Apart from those penalties amended by the Racing Act Amendment Act 1988 all monetary penalties (which have not been altered since the Act was enacted in 1976) are doubled.

Mr INGERSON secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 381.)

Mr INGERSON (Bragg): The State Transport Authority Act Amendment Bill is made up of nine different clauses. The Opposition supports the bulk of the Bill but will move amendments to a couple of clauses and on another we wish to seriously question the Minister in Committee. One of the first clauses to which we are opposed in principle is the formation of companies as an extension of the arm of the State Transport Authority. We are opposed to that because the STA is already a corporate body and we see no reason, since it has that status under the Act, to set up subsidiary companies. We are concerned about that as we already have several statutory authorities with subsidiary companies hanging on and, as the Minister often states, he is unable to control their actions. I refer, for example, to 5AA in relation to the TAB. The Minister frequently states that he does not have any control over the subsidiary company, 5AA. We do not agree with that, but that statement has been made. Another example is the South Australian Timber Corporation and its many subsidiary companies.

The Hon. H. Allison: SAFA has a string as well.

Mr INGERSON: As the member for Mount Gambier says, we also have the South Australian Financing Authority. The Auditor-General, who carries a lot of weight in the Parliament, has had a lot to say about subsidiary companies. In his 1987 report he stated:

I am also concerned by a growing tendency for some public sector activities to become removed from parliamentary scrutiny, despite the fact that public funds are involved or that a contingent liability rests with the Government, either directly or indirectly through guarantees it has given. The establishment of subsidiary bodies (companies, joint ventures, trusts, etc.) by some public sector organisations and the constitution of some Ministers of the Crown as bodies corporate has provided the legal opportunity for this situation to develop.

Disclosure and accountability to the Parliament is an integral part of the Westminster System and is seen to bring an added discipline to the management processes of the Executive Government. Given the potential financial exposure of Government (and the taxpayer) in the situations referred to above, the question of the balance between public accountability on the one hand and commercial confidentiality on the other hand is an important issue. While the public interest can be best served by the protection of commercial confidentiality in some cases, I would not feel bound by that obligation where I was satisfied that the public interest was at risk.

He then went on to say that both matters had been brought to the attention of the Treasurer. Again this year the Auditor-General, in commenting on subsidiary bodies, stated:

Last year, I expressed concern at a growing tendency for some public sector activities to become removed from parliamentary scrutiny, despite the fact that public funds are involved or that contingent liability rests with the Government, either directly or indirectly through guarantees it has given.

He then repeats the comment he made last year about the creation of difficulties for Parliament. On one area of particular concern he states:

With respect to some subsidiary bodies (such as South Australian Finance Trust Ltd), the Auditor-General has been appointed the external auditor.

He makes particular reference to the fact that he has been appointed external auditor and says that in other instances he has not, which is of concern to him. We believe that the STA already has those functions, and that is backed up in the comments of the Auditor-General.

It is my intention to move an amendment to remove from clause 4 the formation of companies, while allowing the other criteria set up by the Government through the Minister of Transport to be added functions to the existing State Transport Authority. The second area with which the Bill deals is the extension of the STA's ability to acquire land other than for the establishment, extension or alteration of the public transport system. It has been suggested that the building of a car park may be outside its original statutory guidelines and that this new clause would enable it to extend its role in new areas related to the transport system, if desired. That concerns us. In Committee, or in replying to the second reading debate, we would like you to further explain why a need exists to extend—

The SPEAKER: Order! The honourable member must direct his remarks through the Chair.

Mr INGERSON: I would like the Minister of Transport to answer questions on the major purpose in extending this provision, because we believe that there is already an opportunity under the Act for this role to be carried out. We support the upgrading of fines and the recognition of the new divisional fines previously set out by the Government in other amending Bills. We recognise that the Government will be able to simply amend those fines, which would then apply to all legislation as it falls due.

The next clause deals specifically with the STA's having the power to prosecute more readily those who offend against the system by cheating. Obviously, the Opposition does not support anyone who does not pay their fare or who attempts to abuse the system by deliberately mixing up the system, as happened in many instances when the Crouzet system was first introduced. We do not support that action at all and, consequently, we support this clause. However, a reverse onus of proof provision is proposed. I ask the Minister why it is necessary to insert this reverse onus of proof provision in this portion of the Bill.

The next clause deals with the placing of obstructions on tracks and, in particular, busways. Under the Act, the definition of 'track' covered only tram and train lines. This clause provides the power to prosecute people who place obstructions on the busway, and we support it.

The next clause deals with expiation of fines. I note that those offences will be treated as summary offences. The authority will be given the discretion to extend the period fixed for payment of expiation fees. I note that, in his second reading explanation, on behalf of the Government the Minister said that there should be the right to double expiation fees, but I would be interested to hear the Minister's justification for that proposal. This same clause also provides that, in appropriate cases, the authority would have the power to reduce the amount of the expiation fee.

Whilst we support the concept of expiation fees, we totally oppose the authority being given the flexibility to extend the length of time for payment of the fee and/or reduce the fee. We do not believe that any statutory authority should have that flexibility. Further, we believe that Parliament should set the fee for a particular purpose. If the Government proposed a series of fees for specific purposes, we would support that proposal. However, we would not support a proposal to give any statutory authority the power to adjust the laws that are passed by Parliament. As the Minister and the Government would be aware, the courts should have that discretion and flexibility and, as a consequence, I will move an amendment which will remove from the STA the power to make discretionary decisions in that area.

The next clause deals principally with regulations but specifically with the power of the Minister to regulate in relation not only to premises of the authority but also to vehicles under its control. We support this provision, because there is no doubt that, if there are disturbances in and around railway stations, or if people break the law and they cannot be touched because this authority does not have that power, it should be granted that power. We support this clause.

The final clause really deals with statute law revision amendments carried out principally by Parliamentary Counsel when it considered amendments to the Act. This clause tidies up the language and transitional and commencement provisions. Further, it makes other amendments which are required to bring the Act into line with the Government Management and Employment Act. We support those changes. In Committee I will move two specific amendments and question the Minister about other clauses of the Bill.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the member for Bragg for his contribution to this debate and for his indication as to the Opposition's attitude to the legislation. I note that he foreshadowed that amendments will be moved and that the Opposition opposes some of the provisions.

Mr DUIGAN: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. G.F. KENEALLY: These amendments will, in a sense, tidy up the legislation. I think the member for Bragg said that it was his understanding that the State Transport Authority already had the powers which will be conferred on it by this legislation and a large body of legal opinion concurs with that view. This legislation defines the powers of the State Transport Authority and brings them under the control of the Government. The formation of new companies and the taking of shares, etc., can occur now only with the approval of the Governor through Cabinet decision.

Currently, the STA could probably take such action without the matter being referred to the Governor. The Government is tightening up the provisions and giving greater

control to the taxpayer and the public over the activities of the STA. Thus the fears expressed by the honourable member about the STA's being involved in the formation of companies, the taking up of shares and the proliferation of these companies are not valid.

The purposes for which the STA can acquire shares and establish companies will be controlled by new section 17 (1). As the honourable member said, these matters can be dealt with in Committee. I ask the House to support the second reading.

Bill read a second time.

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

That Standing Orders be so far suspended as to enable it to be an instruction to the Committee of the whole House on the Bill that it consider each proposed new section contained in clause 8 as separate questions.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Disclosure of interest.'

Mr M.J. EVANS: Honourable members may recall that, on many occasions in the past I have raised issues relating to conflict of interest of statutory authorities and sought to compare the provisions of Government Bills in relation to statutory authorities in this respect with the Government's proposals that were adopted by this Parliament in respect of local government. I do not propose to move an amendment on this occasion because on many occasions in the past amendments have been defeated. However, it is worth bringing to the attention of the House the current level of a division 8 fine, which replaces the $500 fine presently provided under the Act but which is the same as that proposed, for example, for hindering employees of the authority under clause 7 of this Bill.

I do not wish to diminish the importance of the provision preventing people from hindering employees, but it seems to me that we are comparing an authority involving tens of millions of dollars with, say, a local council, in regard to which the Government imposes a $10 000 fine and/or 12 months in gaol under a conflict of interest provision almost identical to this provision and that which has appeared in other legislation. The fact that this kind of provision is repeatedly seen in legislation covering statutory authorities is something which I could not allow to go unmentioned, but I will leave it at that.

The Hon. G.F. KENEALLY: The member for Elizabeth has drawn the attention of the Committee to what he sees as a disparity, if you like, between the fine that we have established for an offence against the disclosure of interest provisions in the STA legislation as against the fine that applies in relation to local government. I undertake to have this matter looked at. He makes a valid point. If it is necessary to change the amount of the fine under the State Transport Authority legislation that can be dealt with when amendments to the legislation are next before the House.

Clause passed.

Clause 4—'General functions of the authority.'

Mr INGERSON: I move:

Page 1, lines 23 to 27—Leave out paragraph *(a)*.

This amendment follows through on the comments I made in the second reading stage: the Opposition believes that the State Transport Authority is a body corporate with the ability to purchase shares and to act as if it was a company. We philosophically believe that that is the way it should continue. I have referred to problems with 5AA and the South Australian Timber Corporation. We believe that statutory authorities should be able to carry out all of these functions in their own right, and as a consequence I have moved this amendment. As I said in my second reading speech, this concept is also supported quite strongly in the last two annual reports of the Auditor-General.

The Hon. G.F. KENEALLY: The Government does not accept the amendments. In fact, this provision was inserted on the advice of our legal advisers, who felt that it was necessary to clarify in this specific way the powers of the STA in relation to the promoting, arranging or formation of companies to carry out functions on behalf of the authority or functions related to those of the authority and to exercise any other incidental or related power or function.

I point out to the honourable member that he has not compared apples with apples when he draws the distinction between the STA and other statutory authorities. It is quite clear that section 17 (1) provides that the authority can acquire shares, form companies or exercise related powers or functions that are incidental to the purpose of the STA only under that provision, which constrains the right of the State Transport Authority in the obtaining of shares and forming of companies.

This provision will also involve the authority of the Governor, so that any action that the State Transport Authority takes will have to be approved by Cabinet decision. Currently, as a corporate body, as the honourable member pointed out, it is arguable (and there is a body of legal opinion to this effect) that the State Transport Authority has these unfettered powers. So, in fact, the Parliament, the taxpayers of South Australia and those concerned about the activities of the State Transport Authority (which, I hasten to add, is a very responsible, ethical and successful authority in the current circumstances) can rest assured that what the Government is asking the Parliament to do is to provide added protection for the situation which, on legal advice, currently applies. I believe we are tightening the provisions.

The situation arising from the development of the railway station and the tunnel under North Terrace has indicated quite clearly that it is important that the STA be able to be involved in the purchase of shares and the formation of companies, and so on. In the present example the Minister of Transport had to provide, under his hand, powers for the STA to make absolutely certain that all the provisions of legislation were complied with. This amendment, on the advice of Crown Law, merely writes in, in a specific way, powers that, it is arguable, the STA already has.

Mr INGERSON: I thank the Minister for his explanation, but it raises a couple of issues. First, the Opposition does not question the credibility of the STA. It is our belief that, if the STA does not have this authority, it ought to have it, but it should be provided under parliamentary control. Whilst the Minister has been careful to say that the approval of the Governor could be forthcoming, that does not guarantee that the approval is under parliamentary control. It means, of course, that it can be agreed to by Cabinet and there are other ways in which it can be put into law. That concerns us.

When debating other Bills I have said that the use of regulation and proclamation is a bad way to go, and in this case with the approval of the Governor action could be taken by proclamation. That concerns me, because I believe that any major changes in ownership or structure of the STA (in this case it would be ownership) where it would acquire or purchase shares in another body corporate or set up a corporation could be approved without the matter coming before Parliament. The Opposition is concerned about that.

Will the Minister further elaborate on the problems that resulted in the STA's asking the Minister to bring this matter before Parliament? As the Minister said, there is a body of

opinion, which is opposed to the Crown Law view, that the STA, being a body corporate, already has these powers. The Opposition supports that, and if that is not the case we support the provision of these powers. Therefore, I am concerned that this will be a matter for the Governor and, as a consequence, will not come before Parliament. Finally, I want further explained the reasons that have brought us to this position.

The Hon. G.F. KENEALLY: The fact that the STA will need the approval of Cabinet—that is, the Government—while, in turn, the Government is responsible to the Parliament for its actions, gives Parliament the ability to question State Transport Authority activities. In theory, at the moment it has that ability, but in a real sense it probably does not have that ability. The very fact that the STA now has to seek approval from Government, with Government being responsible to Parliament, gives the Parliament an opportunity to be involved in these decisions, whereas hitherto that opportunity has not been as readily available.

I think that here the Opposition and the Government are trying to achieve the same end result, but we are a little at odds as to the method of doing it. I have a brief from Crown Law which indicates that the powers now being sought were identified when the STA was involved in building its headquarters and also when it was involved in negotiations with other companies forming strata titles, etc. I should like to read into the record the advice that I have on this matter, as follows:

> More importantly, such a power needs to have a control on its exercise to ensure that there is some responsibility in Government and, through Government, to the Parliament for its exercise. This control is contained in the provision requiring the Governor's approval to hold shares.

I cannot detail at length the individual circumstances that warranted the STA and Crown Law recommending that this amendment be made, but I can certainly obtain that information for the honourable member. Suffice to say that problems arose which required the specific powers of the authority to be clarified in legislation. In a sense, that is all we are doing. We are not trying to give the STA powers that it does not currently have. We are trying to make the STA more accountable, both to the Government and, through the Government, to the Parliament. I would have thought that that course of action would meet with the approval of Parliament.

I have some disagreement with the honourable member's view that the STA's having to obtain agreement of Cabinet before it is able to involve itself commercially in this way somehow takes away from the authority that Parliament already has. I disagree with that, because at present the Parliament does not have the opportunity to be involved in a real way in the decisions that the State Transport Authority makes. Quite clearly, in terms of the legal advice available to us, this provision strengthens the parliamentary role.

The Committee divided on the amendment:

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

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

Majority of 9 for the Noes.

Amendment thus negatived.

Mr M.J. EVANS: Now that that aspect has been resolved by the Committee, I would like the Minister to answer a couple of detailed points about this question of companies. While I support the formation of companies, I think a few issues need to be placed on the record so that we can be quite clear about what is intended. The Minister indicated in the course of answering earlier questions from the member for Bragg that in many ways he hoped to bring these issues under greater parliamentary scrutiny. Rather than let the authority proceed immediately under its own power with the formation of companies and the like, he wanted to ensure that there would be the opportunity for governmental control and, therefore, indirectly for parliamentary questioning.

There are certain aspects on which I seek the Minister's views. For instance, having participated in the formation of a company, would the Auditor-General be able to examine the affairs of that company so that if any questions arose about its financial affairs the Auditor-General and the Parliamentary Public Accounts Committee would be empowered to look into the matter?

I presume that directors of those companies would be appointed by the STA, but that following such appointment they would owe a duty to their employer (STA) and the companies of which they are the directors. Would the Minister contemplate that either he, as Minister of Transport, or the STA would have any power of direction over the directors of those subsidiary companies or would they be entirely independent of that power of direction? In other words, just how isolated will these companies be from the Minister and the STA?

The Hon. G.F. KENEALLY: I expect that they would not be isolated from the Minister or the STA at all. To answer the first part of the honourable member's question: they would be subject to the investigations of the Auditor-General and the Public Accounts Committee. They would be part of the public sector because of the STA's involvement. The STA is a statutory authority established by Act of Parliament, so there would be absolutely no way that I would support the establishment of companies outside the control, if you like (or certainly the considerable influence), of both the Government and the STA. 'Influence' can be interpreted as meaning 'control'.

Governments do not on a day-to-day basis exercise control over statutory authorities, but under the parliamentary system that is the ultimate control and it resides in the Minister and the Government. I anticipate that there would be very few occasions when the STA would seek this power. There may well be an occasion when as joint venturers on land owned by the STA they would want to establish some commercial undertaking that would be of benefit to the STA by directing traffic flow through and into the STA or using STA property in a way that is much more beneficial to the State's general development and to taxpayers' investment in the authority.

I think most South Australians would like to see a situation where the call upon subsidy of the STA is reduced. As the STA largely has a commercial charter as well as a public responsibility, I think this may well be one way that that call upon public subsidy could be reduced. As most members would be aware, transport authorities elsewhere in Australia and the world do exercise such initiatives in commercial undertakings. However, the Government should—and would in any such circumstances—retain its right of influence. Because of the Government's involvement, the Auditor-General and the Public Accounts Committees, etc., would quite rightly and fairly be able to be

involved, because taxpayers' money would be involved and needs to be protected by these watchdogs of Parliament.

To reinforce what I said earlier, the whole intention of this legislation is to strengthen the watchdog role that Parliament can have on the State Transport Authority's activities. There was temporarily a difference of opinion between the Opposition and the Government as to how that may be best assured, but on the legal advice available to me the course that the Government has taken is the best one. So the answer to the honourable member's questions is 'Yes' in all respects.

The Hon. H. ALLISON: Despite the Minister's strong reassurances that the statutory authority and its subsidiary companies would be answerable to Parliament, I simply ask members to bear in mind that the Minister of Mines and Energy during Budget Estimates Committee A, recently held in this Chamber, staunchly refused to answer questions on a statutory authority itself, the Electricity Trust of South Australia. So, how can the Minister give an unequivocal assurance, which he has given to two members of this Committee today, that subsidiaries of the STA would be answerable to Parliament? That has not proved to be the case during the Budget Estimates Committees held recently, and members will no doubt be aware that that was one of the reasons why we had a furore in the House only a few days ago.

The Hon. G.F. KENEALLY: I give that assurance on the advice of the Crown Law officers who have advised the STA and myself as Minister in that way. The opportunity for the STA to be involved in these commercial activities is prescribed under clause 17 (1), which sets out clearly the purposes for which the STA is able to be involved in commercial undertakings of the nature covered by that clause. They are clear and unequivocal, so I have no problem at all in giving that assurance to the Committee.

The honourable member may or may not wish to accept that assurance, but I can tell the Committee that only on a very rare occasion would the STA seek such powers. It is able to use powers under the existing Act to become involved in the commercial activity in which it is involved in terms of the STA building—as it is now known—the underpass under North Terrace and the commercial undertakings therein, and strata titling with other companies in the STA building, etc. It is able to do all that under the current Act. This provision would bring all those things under the purview of the Parliament.

Mr INGERSON: Because the STA has these powers it would have been better if, in the event of a problem, it could have come before Parliament and the matter dealt with very quickly. The Minister is aware that that happens in many areas of major concern. I think it is a pity that we have to set up a corporate structure with all the problems highlighted by members today. The Opposition believes that this is a poor way of implementing the ideals and the law associated with the STA.

The Hon. G.F. KENEALLY: As a result of this legislation, the STA does not intend to do anything in terms of shares or companies, etc. This merely clarifies the position for the benefit of members of Parliament and other people who wish to consider the control of the authority's activities. It is nothing more or less.

Clause passed.

Clause 5—'Acquisition of land.'

Mr INGERSON: What type of incidental or related purpose is covered by this provision, apart from car parks?

The Hon. G.F. KENEALLY: I cannot think of any other situation that might apply. This is merely good housekeeping legislation to help clarify the powers that currently exist within the authority, and I should have thought that that was a good thing, although I cannot give the honourable member any examples of activities incidental to the provision of public transport. Earlier, I said that the STA might in the future wish to become involved in joint ventures, as similar authorities have done in other States, and that would be an activity incidental to the authority's activities.

Certainly, the provision of car parks is an area in which similar authorities elsewhere have become involved and other commercial undertakings may arise. However, I do not wish to talk about such things as though they were in the pipeline, because they are not. If the heavens fall in and the honourable member happens to be a member of a future Government, he will find that these powers are more clearly defined in the legislation so that people can more readily understand those activities in which the STA may become involved.

Clause passed.

Clause 6—'Car parks.'

Mr M.J. EVANS: I move:

Page 2, lines 22 to 25—Leave out section 22a and insert section as follows:

22a. (1) In providing a public transport system, the authority should, within the limits of its resources, endeavour to provide adequate car parks for the convenience of those who use that transport system, at points in the system that are appropriate, having regard to—

(a) the populations served by the system; and

(b) the need to maximise use of public transport systems.

(2) The authority may, for the purposes of subsection (1)—

(a) construct and operate car parks itself; or

(b) arrange for the establishment and operation of car parks by other persons.

I have two reasons for moving my amendment. First, the provision in the Bill, although perfectly appropriate, would be better if it were phrased somewhat more strongly. The clause provides:

Where it is, in the opinion of the authority, desirable to provide a car park, for the convenience of those who make use of a public transport system . . .

My amendment does not create a legally enforceable obligation on the authority to create car parking because, although I would like to do that, I do not believe that it is legally practicable.

However, my amendment places a somewhat greater emphasis and priority on the need to provide car parking facilities. It simply says that in providing a public transport system the STA should, within the limits of its resources, try to provide car parks for the convenience of those using that transport system at points in the system that are appropriate having regard to the population served by it and the need to maximise use of the public transport system. Although in many ways that is philosophically similar to the provision in the Bill, I believe that it better expresses my view of what the authority's activities should be and I hope that it might better express the Parliament's view as well.

It is essential that adequate car parking facilities are provided wherever possible, particularly in association with railway stations. I have had recent experience in my district to strengthen my view in this respect. The Elizabeth city railway station is of special importance to the City of Elizabeth and therefore to my electorate and to the electorate of Napier, which covers the other half of the city. An informal car parking arrangement has existed at that station since the City of Elizabeth was built in the mid 1950s, and 150 or 200 cars have parked each day in the immediate vicinity of the station on land owned by the Housing Trust.

Over a period, the trust tended to neglect its original role as the developer of the City of Elizabeth and took on a somewhat more commercial role. It decided that it needed

the funds represented by that land and so it neglected its original role as developer and the obligations assumed by any developer to provide community facilities. In fact, it has taken a strictly entrepreneurial role. One by one the two car parking areas were sold by the trust, even though I believe that the Minister of Transport sought to negotiate an arrangement with the trust concerning the second block so that adequate car parking might be maintained. Unfortunately, however, he did not succeed in that regard, either because his efforts were not as strong as they might have been or because the trust was determined to sell the land regardless.

The end result is that the City of Elizabeth railway station has been left entirely without car parking facilities, so the 150 or 200 cars that were parked there each day now have nowhere to go. That will ultimately mean that the convenience of the public in using that railway station is severely diminished and the practicability of the public transport system, good though it is in serving Elizabeth now, will be greatly diminished in its utility to the travelling public. Indeed, the end result already has been most unfortunate.

Therefore, it is important that the Bill properly express the view that Parliament believes that car parking and public transport are inextricably linked, especially in the outer suburban electorates. The Government has addressed this, but in some ways inconsistently. For example, at the Salisbury railway station the Government, with the aid of a bicentennial road grant, has surfaced a large area adjacent to the Salisbury railway station for car parking, and that parking area is well suited to the needs of the target clients. The Government has also spent significant sums in constructing car parks at O-Bahn stations and I believe that the Leader of the Australian Democrats in another place has calculated that expenditure at $1 000 for each car parked.

Unfortunately, however, the Government has chosen, in conjunction with the member for Napier, to sell out that car park and therefore indirectly the people of that area. The Government has failed to provide car parking and the degree of inconvenience that that causes cannot be understated. That provision has gone forever and the utility of the railway station has been diminished significantly as a result. I hope that the Government will concede the importance of car parking at regional centres in this context and will support my amendment, which would strengthen the Bill by encouraging the authority to consider seriously its obligations in this regard.

The Hon. G.F. KENEALLY: I oppose the amendment, not because its content is significantly different from that of the provision in the Bill, but because it is proscriptive. The honourable member says that his amendment would encourage the STA to provide car parks but, whereas the Bill says 'may', the amendment says 'should'. There is a significant difference in legal terms between those two words.

The STA needs the flexibility to make that decision whereas the honourable member's amendment, even though it says 'within the limits of its resources', is still proscriptive and would inhibit the State Transport Authority in making decisions on car parks. That is not an easy area for the State Transport Authority. We like to encourage the 'park and ride' concept, which is an essential part of any successful public transport system. As the honourable member pointed out, some inconsistencies exist in State Transport Authority stations around metropolitan Adelaide. Some bus and rail stations and the O-Bahn adequately provide an interchange between private motor vehicles and public transport whilst others do not. One of the difficulties of the State Transport Authority is the considerable investment that would be required for the provision of car parks. That investment would be taken away from the primary purpose of the State Transport Authority, namely, to provide public transport itself.

A number of agencies can be involved in the provision of car parking: it can be the State Transport Authority or local authorities and even private investment. The State Transport Authority cannot have its primary role diverted from the provision of public transport into the provision of car parking. As an example, I am well aware of the case in Elizabeth as outlined by the honourable member. I am certainly well aware of the difference between the parking provided at the Salisbury interchange compared with that provided at Elizabeth. However, I understand that car parking is available at Elizabeth South and at Womma. That is not in the commercial heart of Elizabeth and many of the honourable member's constituents would prefer to use car parking at Elizabeth where the State Transport Authority sought to negotiate with the Department of Housing and Construction. The price of the land was something like $470 000, while development would cost a further $300 000—a total of about $750 000 in a tight budget. The STA made a decision, regrettably for the honourable member, which I had to support as Minister, that the money could be more effectively used in other parts of the system.

Car parking is a matter with which the State Transport Authority will have to grapple in the future. My first responsibility and that of the authority and the Government is to ensure that the State Transport Authority provides an appropriate, efficient and economic service to the taxpayers of South Australia. We have two masters: the commuters who want to use the service and the taxpayers who, along with the commuters, pay for the system. We have gone a long way towards controlling the finances of the State Transport Authority. It is only when those finances are under control and investment in the State Transport Authority is seen to be wise and in the best interests of South Australians (rather than being frittered away by an expensive and uncontrolled system) that we will be able to argue the case for capital investment of the kind sought by the honourable member.

The State Transport Authority is meeting those challenges effectively, and I believe that within the next few years it will be possible to make a sound argument for greater investment in the authority so that we can expand the type of services currently provided. I have no argument with the honourable member's basic philosophy. I understand the reasons for his moving the amendment, but as Minister I am not prepared to accept an amendment that is so proscriptive as to say 'should' where I believe the word 'may' is more appropriate to the charter of the STA.

Amendment negatived; clause passed.

Clause 7 passed.

Clause 8—'Repeal of ss. 25, 26, 27, 28 and 29 and substitution of new sections.'

New section 25—'Payment of fares and charges.'

Mr INGERSON: I am concerned about the introduction of reverse onus of proof. Will the Minister explain to the Committee why this is necessary?

The Hon. G.F. KENEALLY: I understand the honourable member's concern about reversing the onus of proof. It is something to which most people would be opposed in almost every circumstance. However, to ensure that people are not cheating the system, unfortunately it is necessary to reverse the onus of proof. Transport authorities in other States have come to the same conclusion and now require commuters to prove that they were not trying to defraud the system. Again, we are acting in accordance with legal advice, which says that it is almost impossible, if not totally impossible,

to prove the intent of a person caught overriding or evading payment of a fare. A person can provide any number of reasons for not complying with the requirement.

First, the fares are well known. Everybody who rides on the public transport system knows that they must pay a fare, and such fares are well known. There would not be an excuse for not understanding that. However, the legislation provides the appropriate defence for a person who is charged with evading payment of a fare, as follows:

. . . it is a defence to prove—

(a) that the failure to pay the appropriate fare or charge was attributable to an honest and reasonable mistake on the defendant's part;

or

(b) that the defendant did not have a reasonable opportunity to pay the appropriate fare or charge.

The honourable member is merely expressing his Party's concern about the reverse onus of proof. He is not moving an amendment, and I trust that he is not opposing the clause because without this provision the State Transport Authority would not have the power to combat fraudulent activities on its public transport system.

I am advised that currently, an offence is only proved if it can be proved that the passenger deliberately and intentionally avoided the fare or attempted to do so, or used some trick to avoid paying the fare. In a practical sense this is virtually impossible. More to the point, it does not reflect the reality of the situation. The passenger is responsible for ensuring that he or she pays the correct fare. Those fares are well publicised and well known. If the fare has not been paid, it is the responsibility of the passenger to explain why not.

In legal terms, the effect of the amendment is to convert the offence from a *mens rea* offence to a status offence. The amendment provides proper and adequate defences to the passenger. The STA is not in a position to prove the intention of the passenger; the passenger should be capable of proving the defence if he or she comes within it. This amendment is not in any way exceptional; what was exceptional was that it was ever a *mens rea* offence in the past.

Mr INGERSON: Whilst we in this Chamber do not oppose this proposed section, there is some concern about it and it is possible that, after considering the comments made by the Minister, we may move an amendment in another place. I signal that possibility now, because there is some concern about it. We will leave it at that at this stage.

The CHAIRMAN: I am glad that the honourable member decided to leave it at that, because he would know that Standing Orders do not allow us to refer to any debate or proposed debate in another place.

The Hon. G.F. KENEALLY: Any action which constrained the STA's powers to combat fraud would defend those people who want to defraud the STA. If Parliament wishes to support the STA in combating fraud (and I believe that the STA is doing that to some effect now; but it does not have the total powers necessary to ensure that it can prosecute people who are defrauding its revenues in this way), the STA should be given this power. If not, we will play into the hands of those people who act against the best interests of not only the State Transport Authority but also the South Australian taxpayers. I would be disturbed if any such action were taken. However, I live in hope. In the past, Parliaments have been practical and reasonable and I hope that, in the end, reasonable arguments will succeed. In relation to fares, it is quite clear that this proposed section is perfectly reasonable and should be supported.

New section inserted.

New section 26 inserted.

New section 27—'Proceedings for offences.'

Mr INGERSON: I move:

Page 3, lines 28 to 31—Leave out subsection (3).

We do not believe that the authority should have the discretion to extend the period of payment for an expiation fee, nor do we believe that, in certain cases, it should have the power to reduce that fee. As a matter of principle, Parliament should set the amount of the expiation and then, because it is a summary offence, it should be treated as such in the courts. The courts may decide that there should be some change to that expiation fee.

The Hon. G.F. KENEALLY: The Government opposes the amendment. However, I believe that some of the points made by the honourable member are worth considering and, before this legislation proceeds to another place, I undertake to consider his comments. The current situation is that, when a person who has allegedly committed an offence is issued with an expiation fee, that person can either pay the fee or, as happens in many cases, make representations to the STA. A senior committee would consider the alleged offence and, upon the evidence of the complainant, determine whether or not the action would be dropped. Further, as happens on many occasions, people can go to their local member who makes representations either to the State Transport Authority or to me as the Minister of Transport. They can submit that certain circumstances applied when the alleged offence was committed and that the STA or the Minister should not proceed. All those matters require a decision by the STA.

I think it is appropriate that, where circumstances warrant, the STA have the power to provide an extended period of time for the payment of an expiation fee. On many occasions the offender, who acknowledges the offence, does not have the funds to pay the expiation fee; in many cases, that is why people were trying to get a cheap trip in the first place. In those circumstances the STA should have the power to fix an extended period of time for payment. However, in relation to reducing the amount of the expiation fee, the honourable member made some valid points and I think that this area should be reconsidered. I undertake to do that. I will discuss with the authority and with the Crown Law Office (which is our adviser in matters such as this) whether or not the argument put by the honourable member is valid.

I think that in principle the honourable member is right and that Parliament should establish the amount of an expiation fee and only the courts should be able to vary what Parliament decides is an appropriate fee. However, peculiar situations apply in the STA in relation to expiation fees and those circumstances persuaded me that it was appropriate that this provision should be included in the Bill. However, I will undertake to have the matter investigated and, if I agree with the honourable member, I will have my colleague in another place move the appropriate amendment. If I do not agree with the honourable member, I have no doubt that his colleague in another place will take that action, anyway.

Amendment negatived.

New section inserted; clause passed.

Clause 9, schedule and title passed.

Bill read a third time and passed.

BOATING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 October. Page 1021.)

The Hon. P.B. ARNOLD (Chaffey): The Opposition supports many aspects of this Bill. Currently, there is no pro-

vision for the transfer of registration or for the issue of temporary registration permits. These proposals are welcome and they have the full support of the Opposition. However, it is reasonable to anticipate that the Government will use the provisions for variation of registration fees as a further revenue raising exercise. I expect that the current fee of $17 will become the minimum, with increases for registration fees being determined by the size of the vessel. I will refer to this matter in greater detail shortly.

The provision relating to temporary licences will certainly allow people without a boat operator licence to hire a speedboat or a dinghy where they are not able now to do so. However, in the case of houseboats, this duplicates the current arrangements.

The only difference is that a fee would be charged. Houseboat operators have suggested to me that this can be seen only as a tax on recreation. It is reasonable that hire boat operators should be required to meet certain safety standards and, for this reason, licences and periodic inspections are in the public interest. It is important that inspection charges are kept to a minimum and not allowed to become a further form of backdoor taxation.

I would like to briefly expand on some of the points I made previously. The transfer of registration and the provision of a temporary registration certificate to enable a vessel, immediately after it is purchased, to go on the water legally is long overdue. As most members will be aware, if registration numbers, have been affixed to a boat for a considerable time and if a new owner is forced to remove them, there can be undesirable effects on the hull as far as appearance is concerned. It certainly will not harm the vessel structurally, but there is always a difference in the colour of the hull, particularly on fibreglass vessels where the colour is moulded into the hull.

The matter of temporary licences is something that we have raised in this House on a number of occasions, particularly where a person who is on a holiday, visiting an area where hire boats are available, is unable to hire a dinghy with a small outboard motor because that person is not the current holder of a boat operators licence in South Australia. This provision will overcome that problem. At present under the existing provision the houseboat operator issues the necessary instructions and that enables a person without a boat operators licence to take out that vessel. Unfortunately, that arrangement might cover the houseboat, but the accompanying dinghy or outboard motor is not covered. Once again the provisions are breached if the person who has been issued with the authority to operate the houseboat gets into the dinghy that has an outboard motor. The provision of the temporary licence will overcome that problem.

However, it is interesting to take on board the comments of two of the major houseboat operators in South Australia. They have said that, from their experience over many years, they believe that many of the people who hold boat operators licences in South Australia are certainly not as receptive to instruction as the person who does not hold a boat operators licence. In other words, often a person with a boat operators licence who might never have had anything to do with operating a boat other than going into the department and answering the necessary questions, believes that, because they have this piece of paper, that they have all the answers. The major operators have made the point to me that people who do not have a boat operators licence are more receptive to being told how to operate the vessel and in many instances are far better drivers and operators of the houseboat than people who claim to have all the answers because they have a piece of paper issued by the department.

I think that is a matter worth considering. I do not know what the answer to that is. Certainly, under the provisions for issuing a boat operators licence in this State, there is no requirement for a person to know anything about operating a boat other than to be able to answer the questions. There is no requirement whatsoever that that person must be able to physically handle a boat.

Regarding increased penalties, particularly in certain areas (and I refer in the main to drink driving), we fully support the increase from $200 to $1 000. For a long time the Opposition has been concerned about the operation of power boats, particularly high powered boats, by irresponsible people within the community. There may not be a great number of them, but there are enough—it is the same as on the roads. An extremely dangerous situation can result.

Given the provision for variation of the registration fee, unless the Minister intends to reduce the fee for smaller vessels below $17, the only reason for inserting that provision is to allow for an increase above $17 for other vessels. The Act clearly states that the fee is imposed for the purpose of meeting operating costs. Section 37 of the principal Act provides:

> All fees recovered under the provision of this Act shall be paid into a separate fund which shall be applied in defraying the cost of the administration of this Act.

The Act goes on to highlight that the provision is not a revenue raising measure: its purpose is to meet the actual costs of the operation of the legislation. I would be interested to know whether it is the Government's intention to significantly increase the registration fee for larger vessels. The argument that can be used in the case of motor vehicles on the road cannot be applied to vessels. Quite obviously, a small car will not cause the wear and tear on the road that a heavy truck will cause. We cannot apply that principle in the case of vessels; a large vessel will not create any more wear and tear on the water than a small boat. Really, we are talking only about registration, administration of the Act, and knowledge of who owns that vessel. In no way can the criteria that applies to motor vehicles on the road be applied to vessels on the waters.

The main area of concern is in relation to clause 12 which amends section 26 of the principal Act. I have on file an amendment which I will move at the appropriate time. I have already spoken to the Minister on this matter, I believe that the Government is in agreement with the Opposition's objective. If the drafting of that amendment is not satisfactory to the Government, we will have it prepared in a satisfactory manner and considered in another place.

I refer to the determination made by the department under the Uniform Shipping Laws Code, as gazetted in this State, in relation to water conditions, being classified as smooth, partially smooth or off-shore 15 miles. I understand that this is an arbitrary decision which is taken by the department and which can have a significant effect on charter boat operators, in particular. I believe that the determination particularly in relation to the classification of smooth or off-shore 15 miles must be considered on a wider basis than just by the department. It needs to be considered in consultation with the boating industry and with senior members of, for example, the South Australia Yacht Squadron and the Cruising Yacht Club—with people who have had a vast experience in these waters.

As I have said, I understand that at present the decision is arbitrary, made purely by the department. It can have drastic effects on the future of our charter boat industry in this State. At this stage, I indicate that, by and large, the Opposition supports the Bill.

The Hon. J.L. CASHMORE (Coles): I want to take up in particular the point that my colleague the member for Chaffey has made about the impact of this Bill on charter operations in this State. Clause 9 of the Bill provides for insertion in the principle Act of a new part dealing with the licensing of persons who carry on a business of hiring out boats. New sections are inserted that refer to the unlawful hiring out of boats. Under these provisions a person who is carrying on a business of hiring out boats of a prescribed class without being licensed to do so is guilty of an offence. As to prescribed classes of boats, these provisions could, in effect, put out of business the one yacht charter company still operating in this State—and I refer to Lincoln Cove Yacht Charter. If it is not the last of these businesses, it is certainly one of the last charter boat companies in South Australia that has not fled to Queensland, principally as a result of the Government's policies. I have been informed by one of the directors of Lincoln Cove Yacht Charter that if the Bill is passed in its present form that company will cease to exist.

The member for Chaffey referred to the Uniform Shipping Laws Code and to the arbitary boundaries which, apparently, the department presently imposes as a result of that code. If the boundaries imposed by the code presently are brought into effect as a result of this Bill, no hire and drive boat under 10 metres will be allowed to operate in waters designated as smooth or partially smooth. That means that unless the department moves quickly to declare waters from Tumby Bay, the St Joseph Banks Group and Thistle Island, around to Lincoln National Park, as being outside that boundary, the present charter area of Lincoln Cove Yacht Charter will be cut in half and will exclude places like Memory Cove and Thistle Island. Both those locations are highly valued by those who charter boats. My information is that the charter company will simply cease to exist. It would be tantamount to a tour company suggesting that it would provide a tour of the Flinders Ranges and the Outback but that the tour would stop at the southern Flinders Ranges, not going much farther north than Hawker or Quorn.

Despite the representations that I understand have been made by the boating industry and Lincoln Cove Yacht Charter, there has been no response from the department or from the Minister. Lincoln Cove Yacht Charter has invested half a million dollars capital in its operation at Port Lincoln. It has had a growth rate of 30 per cent per annum for the past three years, and it has won State tourism awards for product excellence. The company has its staff in Sydney this very day undertaking a joint promotional effort with an international marketing group which promotes similar charters in other countries, including the Caribbean, the Mediterranean, the Whitsunday passage, off North Queensland, and in Pittwater around Sydney. The director of the company is simply asking to sit down with the Minister and the department in order to work through the legislation and to ensure that the restrictions placed on yacht charters in this State are not such as will put companies like Lincoln Cove Yacht Charter out of business.

It is essential that we have industry participation and discussion on the whole of the legislation. In other States the charter industries are not affected by the Uniform Shipping Laws Code, simply because the configuration of their waters is not the same as ours. South Australia is unique in that we have the gulf waters and the three peninsulas which prescribe those gulf waters. They are ideal charter waters. It is alarming to learn that, as a result of the proposed amendments to the Boating Act and as a result of what the industry claims to be departmental and ministerial intransigence, there has not been some kind of discussion taking place which would ensure that Lincoln Cove Yacht Charter can continue to function.

These and related matters were raised with the Opposition as long as four years ago. As a result, the Liberal Party developed a recreational boating tourism policy, which was highly detailed and which took account of these very issues. In the years since, when the Labor Party has been in office, nothing effective has been done, according to the boating industry, to remove the constraints which have caused charter operators to leave this State and go to Queensland. We cannot afford to allow that drift to continue. Charter boat operators can bring big money into this State. Lincoln Cove Yacht Charter has as its clients a significant number of international visitors, including Japanese visitors. Those visitors spend not only in terms of the charter of a boat but they spend on-shore as well.

The local economies of the coastal towns, particularly Port Lincoln and those on the whole of Eyre Peninsula, badly need an injection of off-shore money. It is imperative that the Minister recognise the difficulties inherent in this Bill. These matters must be addressed promptly and the Government must receive representations from Lincoln Cove Yacht Charter and from the South Australian boating industry. The problems inherent in the application of the Uniform Shipping Laws Code must be addressed quickly, sensitively and in a practical fashion to enable these charter companies to continue to operate for the economic benefit of the State.

Mr BLACKER (Flinders): When the Bill was tabled before Parliament I sent two copies of it and the second reading explanation to the two principal charterers in my area. One is a bareboat or hire-drive charterer, the other chartering on the basis of a skippered vessel. For a considerable time there has been an ongoing dispute about the standards required of these two charter operations. The operation which provides a skippered vessel has been obliged to comply with full survey standards, whereas the bareboat charterer has not had to comply to quite that extent.

I have not received any communication from the charterer who provides skippered vessels, but I did receive communication from Lincoln Cove Yacht Charter, the company referred to by the member for Coles. A detailed and historical series of events has taken place. I rang the Minister on the afternoon that I received that communication and I applaud the fact that the Minister, who was not available at that time, rang me later that evening and asked me to fax some details to him, which I did first thing next morning. Although, I appreciated that, I was a little dismayed when yesterday after Parliament commenced I received a letter from the Minister setting out a few details and denying me and Lincoln Cove Yacht Charter the opportunity to go through some of those matters with him. Quite frankly, the Minister is very new to the job and some of these historical facts have not been put forward. I am not being derogatory of the Minister: all I am saying is that it is necessary for various sectors of the industry to talk this thing through.

Lincoln Cove Yacht Charter started with the full cooperation of the Department of Marine and Harbors. It started along those lines—there was cooperation. The company was totally within the law at that time and was told so. However, one week before the first charterers were to take to sea a principal officer of the Department of Marine and Harbors rang Mr Ross Haldane of Lincoln Cove Yacht Charter and said, 'You can't go to sea, you'll have to sell your boats.' Captain Buchanan said:

They are quite good boats and he should have no trouble in getting his money back.

This happened three or four days prior to 1 September 1985 when the first charterers were due to go to sea. I am sure the Minister is unaware of this, because in his letter to me he totally denies that that took place. It is common knowledge that it did take place because it is well known and is part of the history of the difficulties confronting Lincoln Cove Yacht Charter right from the beginning.

Lincoln Cove Yacht Charter is a shareholder in the Lincoln Cove Marina, as is the Government. I would have thought that the Government would have some obligation to at least try and help these people, particularly when they have had some Government support in these operations. The letter I sent to the Minister is by no means complete, because he asked me to jot these facts down as quickly as possible and get them to him. To that end I know that there are some shortcomings. I quote the letter that I faxed to the Minister, as follows:

The Hon. R.J. Gregory, M.P.,
Minister of Marine,
Parliament House,
Adelaide, SA. 5000

Dear Sir,

Further to our telephone conversation last night I submit additional comments for consideration in relation to the Boating Act. After having lengthy discussions with Mr Ross Haldane of Lincoln Cove Yacht Charter, I am informed that the proposed Boating Act will have serious ramifications to his business. Mr Haldane operates Beneteau Boats, 2 000 of which are operating in charter services throughout the world, and the list of those operating in Australia is attached. Mr Haldane informs me that there are very few sailing vessels that could meet the USL Code stability tests.

I understand that there is also a problem with the definition of partially smooth waters, for the regulations presently determine that smooth waters in Boston Bay end at the gap each end of Boston Island. Therefore it would mean no charter service could operate that would allow yacht charter to sail around Boston Island, or to go the group or down the passage. Concern was also expressed about the necessary 'compliances in certain conditions, which would include satisfactory inspection of construction'. This effectively rules out any imported vessel, for the department refuses to accept certification standards of Bureau Veritas, a world renowned certification firm I understand of similar repute to Lloyds of London.

In fact, the DMH have required that the stern tubes of the Beneteau boat be changed to meet South Australian requirements and in the view of most, including Beneteau, they are substandard and Beneteau refuses to guarantee that part of the vessel. There has been ongoing dialogue between the Marine and Harbors Department and Haldanes over this yacht charter operation, and this dialogue commenced well before Haldanes ordered their first vessel. After having purchased the first vessel, Haldanes were contacted by the department and were told they had to sell their vessels. This was after having been given permission and advised that their proposed venture was in compliance with the Act and regulations that existed at that time.

The ongoing dispute has been between two yacht charter companies, one of which has a skipper on board and is therefore required to meet all survey requirements. The other is a hire and drive or bareboat charter in which the hirers undertake the responsibility of skippering. I note that there is some provision for a phase in period or a grandfather clause; however, it is unclear whether that is purely for equipment and other provisions that could be easily added to the boat or whether in fact it would involve some fundamental change to both hull design and construction. Mr Haldane has requested the opportunity to meet with you to further discuss the practicabilities of this legislation.

Looking forward to your advice.

Yours faithfully,

At 2.15 p.m. yesterday I received a reply from the Minister, and I want to go through that reply because there are some inconsistencies here. The letter states:

In reply to your letter of 26 October 1988 concerning discussions with Mr R. Haldane of Lincoln Cove Yacht Charter: I am advised by the Director of Marine and Harbors that Mr Haldane commenced operations with hire and drive yachts with the knowledge that, although South Australia did not have regulations for the administration of these craft, it was anticipated that such requirements would be proclaimed; also that the Australian Transport Advisory Council's Uniform Shipping Laws Code contained provisions for the conduct of hire and drive vessels on which the States and Northern Territory regulations are modelled.

Under the USL Code, provisions for operations of hire and drive vessels are restricted to designated sheltered waters, these areas being categorised as either smooth or partially smooth. The criteria used to determine sheltered water limits are based on normal wave heights in specific areas. What Mr Haldane has chosen not to mention is that, at a seminar conducted by the Department of Marine and Harbors for the information of hire and drive yacht operators, it was indicated that it was intended to recommend that certain suitable areas which were beyond sheltered water limits be specially designated for use by hire and drive yachts of a minimum size which also met the survey including stability requirements for passenger carrying yachts. In respect of the list of Beneteau yachts being operated in other States for hire and drive, I am advised that these vessels are restricted to operations in sheltered waters only.

There are a number of yachts which have been built in South Australia surveyed as passenger vessels and at least one of these yachts was approved for the carriage of passengers in the Sydney to Hobart yacht race. The Department of Marine and Harbors as a marine authority, in common with most other similar authorities, generally recognises the approved survey procedures of each other. However, it is necessary that construction standards and fabrication methods meet approved criteria and, where these requirements are not known or specified, that information must be supplied. The classification society and marine survey requirements for large seagoing vessels basically follow internationally accepted criteria; however, the requirements for smaller vessels vary considerably. For example, Lloyds Register will not accept another classification society or marine authority survey for glass reinforced plastic vessels such as those operated by Mr Haldane.

The assertion that officers of the Department of Marine and Harbors advised Mr Haldane 'to sell his vessels' has been denied by the department. In respect of the complaint about stern tubes, it is assumed that this refers to the propellor shaft diameter of the 'Oceanio 350'. If so, then Bureau Veritas specifically excluded examination of propulsion, accommodation and rigging from its examination certificate.

I understand that that is not the case: the part referred to on the stern tubes was the seals, which had to be changed because of DMH requirements.

The Hon. R.J. GREGORY (Minister of Labour): I move:

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

Motion carried.

Mr BLACKER: The letter continues:

As yet, Mr Haldane has not supplied all of the information required by the Department of Marine and Harbors surveyors. Until this matter is attended to, it is not possible to comment on the acceptability of the vessels within the proposed legislative requirements. As Mr Haldane has received advice on the foregoing matters from the department, I see little point in discussing the matter with him at this time.

At that point there is a clear demonstration of a lack of cooperation between industry and the department. One of the initial requests for that seminar at which the department and the industry could sit down and discuss the legislation was in fact made by Mr Haldane (because of the ongoing correspondence) and that was carried through. In any case, when the survey was taken, there was no industry input into it. The industry was merely told what to do and what would be coming. Further, after the seminar industry was invited to submit information (and many sections of the industry did that) but I am informed that there has been no response.

So, there has been a considerable breakdown in communication on this issue. Further, there has been considerable antagonism between the department and this yacht charterer. At a boat show held at the Wayville showgrounds (not the most recent show but the previous one) the owners displayed this brand new vessel, which was probably the queen of the yachts at that show, and they were asked, 'Do we fight now or later?' That sort of antagonism from a departmental officer is just not on and I do not believe that

this Government or anyone else should stand for that sort of thing.

I understand that the Haldanes, and more particularly Lincoln Cove Charters, have operated within the law. I have not seen all the correspondence, but I believe that I have been shown the correspondence that is relevant to this matter. I cannot accept that this legislation will do anything but harm to this yacht charterer. It almost seems that it has been specifically targeted. There is a complete refusal to recognise an oversea vessel, of which I believe Bureau Veritas has been the classification officer. I understand that it gives a 200-mile code. I am not an authority on classification standards and I can only go on what I have been told, but I understand that this is basically where the problem is: whether our departmental officers recognise the standards set down by some European manufacturers.

I have not commented on some aspects of the Minister's letter. Prior to the telephone call to which I referred earlier, there had been three telephone conversations with Mr Jack Ward of the Department of Marine and Harbors, who advised Mr Haldane that for the proposed operation no survey was required and that the boats should comply with the South Australian Boating Act, which I believe was the case. The Minister's letter states that no mention was made of the seminar or the departmental offer to reconsider other areas outside sheltered waters. True, it was said that they would consider areas outside sheltered waters, but the line drawn by the department was from Spilsbury Island to Donnington Point, cutting off half the area and excluding the beautiful Thistle Island coast and the dramatic anchorage at Memory Cove. Such a plan is totally unsatisfactory for any yacht charter business.

The letter also refers to the South Australian boat that competed in the Sydney-Hobart yacht race. However, the Minister failed to say that that boat was obliged to enter the race with its sail reefed and that it could not stand the full extent of the sail and be eligible to carry passengers in that race. Incidentally, that boat has sinced worked in Sydney Harbor and has now been sold for charter work at Whitsunday Island.

Concerning the classification society, I believe that the Marine Board of New South Wales accepts Bureau Veritas, but that is not so in South Australia. Paragraph 6 refers to the officer ringing the Haldanes during the week prior to their commencing their operation, and I am told that Mr Haldane is more than prepared to stand up in court and verify that aspect. The feeling is obviously not good. Regarding the stern tube, to which I referred, this does not refer to the size of the shaft as mentioned in the Minister's reply: rather, it is concerned with the design of the gland or the sealing mechanism, which is different from that normally supplied by Beneteau.

The Lincoln Cove yacht problem of having its boats surveyed concerns the fact that, if it is a vessel brought up to D2 standard, it would not be allowed to operate outside part smooth waters, and this would exclude the Sir Joseph Banks group and Thorney Passage. Mr Haldane responded to the Minister's letter as follows:

> My reason to talk to you [the Minister] is to explain an industry view and overcome this point scoring by letter. Industry only asks that it be allowed to sit down with you to discuss our view. Industry has had no participation or prior consultation in this debate.

I believe that the Boating Industry Association requested a copy of this Bill a month ago, but the request was refused. Mr Haldane requested a copy even before that, but that request, too, was refused. The Boating Industry Association received a copy of the document on 26 October. I am not sure where the request came from or to whom it was made, and I am not aware that the Bill came from the Government or from the department.

The Hon. P.B. Arnold: It came from the shadow Minister.

Mr BLACKER: That is another good reason for industry to be miffed by this action. The material presented by industry after the seminar has not received a reply. All industry asks for is that the department sit down with it. Lincoln Cove yacht charterers are shareholders with the Government in the Lincoln Cove marina. Reference has been made to the classifications of smooth waters, partially smooth waters, and the like. The DSL code indicates that the water outside Boston Island comes in to inshore operations, and I believe that the classification is based on the size of the waves.

In order to get into the partially smooth waters classification, one needs less than 1.5 metres wave height for 1.8 per cent of the time, whereas I believe that that is the case in the area outside Boston Island for 2.2 per cent of the time—so we are talking about a minute difference. The ridiculous part is that under these criteria such vessels cannot sail around Boston Island, yet we allow the Adelaide-Port Lincoln yacht race to carry on regardless. The waters just outside Arno Bay are partially smooth, so there is a contradiction of definition in that regard.

I have referred to the mainsail of the vessel which sailed in the Sydney-Hobart yacht race. It is utterly ludicrous for the Minister to use that as justification for his argument when there was difficulty in getting a qualified skipper. I understand that reference was made to whether that person needed a marine class 5 skipper's certificate. There is a great anomaly in the whole issue, so the Government should hold things and sit down with this section of the industry to see what it is all about because at present, if things proceed as they are going, the only hire drive charterer will be forced out of business. In this regard, we should remember that the Government itself is a shareholder in the same operation.

I believe that many of the vessels of the type about which we are talking cannot meet the stability requirements. That is the basic problem: whether one designs a ferry or a yacht. The effect of the legislation will be to stop the charter industry getting under way properly. The present requirements and the present attitude of the department seem to be hell bent on closing down an industry that has developed into a most admirable and respected organisation.

Mr LEWIS (Murray-Mallee): This afternoon I propose to underline the reservations that have been stated by my Party's spokesman on these matters, the member for Chaffey, and at the same time support the overall thrust of the legislation and draw attention to a couple of things which could have been addressed in the Bill. It seems that the kind of things to which the member for Coles and the member for Flinders have drawn attention are also problems in other areas which I have attempted to address through a private member's Bill. I refer to problems on the inland waters of particularly the Murray River in my electorate and also the lakes. I do not see any reason why this measure could not have contained the amendments that I was told would be included in the next amendment to the Boating Act following my introduction of a Bill in an earlier session of this Parliament.

I sought to amend several Acts, amongst which was the Boating Act, to ensure that recreational boaters and other people improved the level of safety on the river. It amazed and distressed me that amendments to the Boating Act drawn up by the member for Chaffey were not included in this measure. I was told that they would be when next an

opportunity presented itself. We have waited a long time for this to happen. I stayed out of the way because I did not want to be accused of political point scoring. I now know that that was foolish. I should have simply proceeded with that measure and embarrassed the Government, because this Bill does not go as far as it ought to in addressing the problems that continue to exist with respect to the way that people of differing recreational pursuits make use of the river, including folk who wish to use boats.

I am disturbed that some people—a family or a couple of people—are precluded from hiring a small fast boat unless they operate it themselves, and often they are afraid to do that. At the moment people are precluded from taking a neat quick trip from Murray Bridge to Wellington for an hour or two because they are not permitted to hire a fast planing boat with an operator to go from Murray Bridge to do that. Of course, those boats are supposed to observe the various speed restrictions at various points along the way before they get into areas where fast planing boats can operate.

It is unreasonable that that provision is not included in the legislation. It is still denied, even though it goes on illegally at present. Why the hell it cannot be brought within the law is beyond me altogether. In a recent private conversation with the Director I mentioned that one operator wishes to do this within the law—Mr David Mount—but he is precluded from so doing. That does not stop a number of other operators from continuing to do it. Some of them, on long weekends, hand out leaflets amongst people in Murray Bridge—whether at Sturt Reserve or up the street—advertising the fact that they can go for a spin for a fee. That is quite outside the law. Why the hell is not the law amended to make it lawful to do that? There is no good commonsense reason why that should not be possible. It is like saying that, because the law had not previously countenanced pedi-cabs or some other form of taxi-cab than those we have at the moment, we should not have them. If we had never had taxi-cabs, the argument being used in this context by analogy is that we must never have them because we did not have them before. I find that ridiculous!

I turn to another matter, namely, the amendments proposed by the member for Chaffey to stop drunks and other people who may be 'high', 'stoned' or whatever other vernacular term is used to describe people who have used heroin, cocaine, pot or alcohol. When they get out on the river they are as dangerous as they are on the road. It should be an offence and it should be possible to prosecute those people when they operate a boat on the river or use a boat to tow someone around. It is really very dangerous if somebody who is stoned is on skis: they think that they can do anything. They think that they can use those swimming in shore as a slalom course, and that is not much fun for the swimmers. They also use fishermen's boats or dinghies—the six foot tinny that you can shove off the bank and tie up to the willows and use to go fishing: these silly bloody fools go screaming between the tinnies and the willows. Quite clearly they are not possessed of their faculties. They are obviously high on something.

I saw one such person come off his skis when he hit the rope tethering a dinghy to the willows and I thought that he must have injured himself seriously. However, when he tried to get up out of the water and walk I realised that he was not injured or drunk but that he was certainly under the influence of a drug. He really believed that he was capable of doing supernatural things similar to that of our Lord on the Sea of Galilee some 2 000 years ago. One cannot walk on water, but this fool thought that he could. I was quite amazed! By the smell of his breath I would say that he had been smoking marijuana.

This provision should have been included in the Act long ago to deter those who commit this serious offence against people in society. It is irresponsible to operate a boat or ride on water skis or other devices behind a boat while in such a condition, and that also includes jet skis along suburban beaches (I make that point, even though there are no suburban beaches in my electorate). I point out that at present it is not possible to prosecute somebody using a jet ski whilst affected by alcohol or a drug.

Another matter mentioned in some part by the member for Chaffey and possibly by the member for Coles is that this measure could result in houseboat operators becoming, in fairly short time, revenue collectors for the Government, because I can foresee that certain provisions will make it possible for the Government to vary the licence fees it charges, and it could require houseboat operators to collect those fees on behalf of the Government. So, they will be not only tax gatherers but also revenue harvesters in that variable fees can be charged for various vessels. I do not like that. In my judgment it ought to be fixed by legislation and not by regulation because we must win the argument here before a regulation is disallowed. In the meantime, it is an offence and that is crook. It worries me that, notwithstanding the reservations I have outlined on that sort of possibility, the possibility also exists of fixing different charges for different kinds of vessels.

As the member for Chaffey pointed out, bigger and more powerful vessels do not put deeper corrugations in the surface of the river that need to be removed either by repairs to the surface or by grading the surface later. It is not as simple as drawing an analogy between this situation and the Road Traffic Act under which taxes are collected. I doubt that any damage which may be done by different vessels to the environment at the water's edge can be rectified by collecting revenue from the operators of the vessels which do the damage. The way in which the damage is caused is not directly proportional to either the mass or the speed of the vessel; rather, it is a combination of the two. The damage increases at an exponential rate, which I think is about a cube of the increase in velocity.

The Hon. P.B. Arnold: It doesn't do any harm out at sea.

Mr LEWIS: No, it does not do any harm out at sea. If they go past Thistle Island too fast, it might wear out the island a little more quickly. I recall an incident when I had to save a man from drowning at Balls Pyramid, which is 20 miles south of Lord Howe Island. That man hurried out to the fishing spot in order to beat my friend and me. However, by travelling at a high speed across the waves, he split the bow of his boat. When we got there, we were just in time to save him from going under. I would like to be reassured that no attempt will be made to try to use houseboat and other hire boat operators as a means of collecting revenue for general purposes and that the funds will be restricted to the purposes for which they should be applied.

At the present time, we do not have sufficient inspectors and those we do have are overworked. If people who use the river for recreational activities involving boats and other vessels know that there is very little likelihood of their being caught if they break the law, that is not in the best interests of disciplined behaviour. There are not enough inspectors to police those people who use the river. The present situation is not considered to be one which would put malefactors at risk of detection. I urge the Minister to address that problem before it costs lives, as it most certainly will, if it has not done so already. I suspect that, had there been

more inspectors last summer, some of those lives might not have been lost.

The Hon. R.J. GREGORY (Minister of Marine): First, the Government is prepared to accept the amendments to be moved by the member for Chaffey, but one amendment will be further amended in another place in order to expand in greater detail the last part. Some agreement has been reached on that matter.

In respect of registration fees, it is necessary to amend the Act so that, when partial fees are charged, we can actually charge the partial fee. I would have thought that the member for Murray-Mallee, who has been here for some considerable time and with all his vast experience of the Boating Act, would understand that the moneys raised through the Boating Act are lodged in the boating fund. They cannot be lodged in general revenue and have to be used for boating purposes. If he cannot recall that fact, I now remind him of it.

Mr Lewis: I remember that.

The Hon. R.J. GREGORY: Good. I am very pleased that you do. Members opposite seem to have very fertile imaginations in respect of some matters, and we have had demonstrations of that over the past few days. However, when boats are sold (and I understand that in South Australia between 7 000 and 8 000 are sold per annum), the registration number stays on the boat; no new numbers are allocated. The fee is a partial fee and a number of other things can happen. We need that regulation so that we can facilitate that process for the owners of boats. It will mean a slight reduction in revenue, but we accept that.

I now respond to some matters raised by the member for Coles and the member for Flinders. I refer to the application of the Uniform Shipping Laws Code. It is not something which South Australia has capriciously dragged up from somewhere saying, 'We will apply this in South Australia, no matter what.' The Australian Transport Advisory Committee has decided that the Uniform Shipping Laws Code should apply throughout the whole of Australia so that people who operate vessels know that, if a vessel is registered under that code in South Australia, it can operate anywhere in the Commonwealth without fear of that registration being revoked.

This provision also provides for the safety of vessels at sea. I am very pleased that the member for Murray-Mallee recognises that, except for one person in history, no-one can walk on water. One of the problems with boats is that, when they conk out in the middle of the ocean, the bay, or somewhere else, unless one is something of an athlete and can swim miles, one does not go back—one drowns. Consequently, the safety provisions for boats, like aircraft, must be fairly strict. One particular charter operator in South Australia wants to set rules peculiar to him and not follow the rules as other people in Australia must do. He draws comparisons between the area in which he will hire boats at Port Lincoln and elsewhere in Australia. He also compares vessels.

The Uniform Shipping Laws Code has determined what smooth seas are and where the types of vessels that the person to which the member for Coles and the member for Flinders referred can operate. The same conditions apply to those boats throughout Australia. The *Australian Boating* magazine of April 1984 states:

> During our stay in Port Lincoln, plans were mooted for the development of a large charter boat industry based at the exciting new marina development proposed for Port Lincoln in Porter Bay, and we couldn't help observe that perhaps the South Australian Department of Marine and Harbors had been quite correct in previously insisting on fully skippered charter boats for operations in the waters of the Gulf. Their decision, although a matter of some controversy then and to a lesser extent now, made a lot more sense since we experienced the best and worst the Gulf has to offer.

The authors of that article have some experience of sailing vessels of the type that will be chartered in Australian waters. I think that they would know a little more about it than some members who spoke on the matter in the House today.

In relation to the matter raised by the member for Coles, while we welcome to our country visitors who contribute to the wealth of our country by purchasing goods and services, we will not relax the safety standards of vessels so that we can collect more money. If we relax the safety standards and if a disaster occurs in which people die, not only are lives lost (and we would be culpable in allowing that to happen) but also we will have a reputation for allowing unsafe vessels to operate, very much like Panama and Liberia in respect of their flags of convenience merchant vessels. Further, people will not want to visit here, because they will see Australia as an uncaring nation.

It might be a little difficult for certain people in that, when the Uniform Shipping Laws Code first comes into operation, they will have to have their vessels surveyed. I understand that there has not been cooperation between departmental officers and the people concerned in relation to surveying vessels. Further, I understand that the Department of Marine and Harbors and the Uniform Shipping Laws Code provide for the survey requirements relating to the thickness of the hull if the standard to which the vessel was built is known by the department. They must get accurate verification from the people who apply the standards in the country in which the vessel was built.

The department must know what those standards are. If someone is not willing to assist in this matter, the department, quite rightfully, will be difficult. As a Minister, I will not allow unsafe boats to be chartered in the waters of South Australia and, indeed, no responsible member opposite would advocate that practice, although out of ignorance today one or two members might have mentioned that. I, like 11 other people, in respect of that person who could walk on water, will not sell my soul for 30 pieces of silver.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Substitution of Part II.'

The Hon. P.B. ARNOLD: Proposed new section 15 (2) provides:

> The Director may at any time assign a new registration number for a number previously assigned and, on doing so, must issue a new registration.

Why is this provision included? If people remove from a fibreglass hull a registration number that has been fixed for a considerable time, that number will remain visible on the side of the vessel and will detract from its overall appearance. What is the reason for that provision?

The Hon. R.J. GREGORY: It is a fairly simple provision that arises from consultation with yacht clubs which, for various reasons, want their members to be able to keep the same registration number. It allows the Registrar to do that; it is not meant to apply to the general public. The Director may use his discretion to ensure that the owner of a boat keeps the same number.

Clause passed.

Clause 7—'Grant of licence.'

The Hon. P.B. ARNOLD: A fee will be charged for the issuing of a temporary licence. What will the fee be, given that the issuing of a boat operators licence is a one-off exercise? The licence is retained for all time. How much does the Government intend to charge for the temporary

licence and what percentage of the fee for the temporary licence will be retained by the hire boat operator to offset expenses incurred, in giving the necessary instruction and issuing that licence?

The Hon. R.J. GREGORY: We intend to charge approximately $5, not more and not much less. The hirer of the boat will receive no commission. His fee for the hire of his boat is sufficient to cover him for his efforts and endeavours in running the operation. He is assisted in hiring out boats if the licence can be obtained there and then. If we were to apply strict rules whereby people could not obtain a licence unless they went to the appropriate place, the operator would lose business. This provision will facilitate those people in hiring out their vessels.

The Hon. P.B. ARNOLD: What the Minister is saying is that he has hire boat operators over a barrel; they either comply and provide that service free of charge to the Government or lose business. It is as clear as that. No-one else in this society does anything for nothing; anyone working for the Government expects their full salary for every little thing they do. What the Minister is saying is that he expects someone in the private sector who is trying to operate a business to be a revenue collector for the Government quite free of charge. I think the Minister has spelt out quite clearly the Government's attitude.

The Hon. R.J. GREGORY: I have heard some nonsense in my time from the member for Chaffey and other members, but this is straight-out plain nonsense. If someone wants to hire a vessel at present but if they do not have a licence, they cannot do so. We are assisting people who want to hire houseboats on a short-term basis. The operator can verify that people can actually operate a vessel. There should be an obligation on the operator to ensure that people can operate the vessel even if they do have a licence. This is just nonsense.

The Hon. P.B. ARNOLD: If the Minister is serious, why does he not allow the continuation of the provision which has existed for many years in this State and under which the houseboat industry operates? The houseboat operator issues the authority for a person to take out a boat. The Government sees this measure as another form of taxation and revenue. That is all it is; it is purely a tax gathering method. The hire boat operator is already taking this action for and on behalf of the Government, but the Government wants to collect a fee. It has been done for years by owners and proprietors in the houseboat industry. This is a straight-out revenue raising exercise.

Clause passed.

Clause 8—'Unlawful operation of motor boats.'

Mr BLACKER: Subclause (2) provides:

> A person who permits an unlicensed person to operate a motor boat under power on waters under the control of the Minister is guilty of an offence.

What is the position where vessels owned by members of clubs are used in yacht races? Am I to assume that every person who operates those boats must be licensed?

The Hon. R.J. GREGORY: My advice is that there needs to be a licensed operator on board.

Clause passed.

Clause 9—'Insertion of new Part IIIA.'

Mr BLACKER: During the second reading debate, I raised my concerns in relation to Lincoln Cove Yacht Charter, and in response to this matter the Minister said that the Government would not lower its standards for anyone. The Minister was referring to overseas visitors—and I think this was in response to a comment made by the member for Coles. I point out that the vessels we are talking about are recognised internationally. Some 2 000 of them are used in yacht charter, and they are recognised in the countries from which the visitors to Australia come. In this regard, there is no argument about safety standards: it relates to the standards of practical operation of these vessels, which are recognised world-wide, to operate in our coastal and gulf waters.

The Hon. R.J. GREGORY: The standards have been set in relation to operating in sheltered waters, and that is what is going to happen in South Australia, the same as happens in other States throughout Australia, and we are not going to be any different.

Mr BLACKER: That raises yet another problem. The Minister has said that on any yacht there must be a licensed boat operator. I understand that there is hardly a yacht in this State that complies with the stability tests of the survey standards. Does that mean that we will shut down every yacht club? Effectively, that is what the Minister is saying. I know that the Minister will draw a distinction between hire and drive and charter for employment and income purposes, but very few yachts that operate in our waters can actually meet the survey standards of the stability tests required by the Department of Marine and Harbors.

The Hon. R.J. GREGORY: The member for Flinders is talking about two different things: he is talking about people who are licensed to own and operate their own vessels and about people who hire out vessels to people who want a vessel for a short period. Different standards are set. For example, in this State we require taxis to be checked, while we do not require private cars to be checked; we require buses to be checked annually, although we do not require cars to be checked annually. A different set of standards applies to vessels that are hired out. The standards have been set throughout Australia and, as I said earlier, we do not want to be the State that is out of step. This involves the very serious area of ensuring the safety of people. By this measure we will ensure that hire vessels meet a certain standard.

The people hiring out these vessels will be required to ensure that those who take a vessel have sufficient knowledge to handle it. In the bareboat area, unless a person has a licence to operate a vessel beyond the smooth water area, I do not think they are going to operate it, unless the boat complies with the Uniform Shipping Laws Code. People who want to operate outside that area should not come complaining that they do not fit in. Once this legislation is in force people will have to be able to comply with it. If we do not maintain this standard, in South Australia we will have a lesser standard than that which applies throughout the rest of Australia.

Mr BLACKER: I beg to differ on this, because obviously different standards would apply to vessels operating around the Whitsunday Islands, and so forth, from those in Boston Bay. Different standards must apply. Some 2 000 vessels that are recognised on a world standard are operating throughout the world, and we could have, say, four of them at Port Lincoln which would not be allowed outside the points on the end of Boston Island. The Minister might well say that the Government would redraw a line, but I understand that the line proposed by the department made a corridor from Spilsby Island into Cape Donington. However, anyone who knows anything about yachting knows that it is very difficult to sail down a corridor against the wind. One has to have room to tack just for the very least. I am not a sailor, but at least I understand that much.

Obviously, the attractions of the areas around Port Lincoln are the island groups. There are probably members here who have been to the island groups and who know the waters that I am talking about. The vessels involved are recognised on a world standard, vessels on which people

can sail around Australia or across the world, and yet we are running into a problem—a technical problem not a safety problem.

There is no safety problem attached to it and there is no argument about safety requirements. The problem arises through the Government and the Minister shutting down a business. Departmental officers were fully cognisant of the matter. They allowed it to get to the stage of the first vessel, but then they telephoned three days before to say that the people had to sell their boats and that they would get a good price for them. That was the comment made. The thing that worries me is that, had proper advice been given in the first instance, different sorts of vessels, whether locally made or otherwise, could now be operating without any hassle.

The Hon. R.J. GREGORY: We are talking about two different things here: private vessels and those operated for charter. The vessels that operate elsewhere in Australia operate in smooth seas, as defined by the Uniform Shipping Laws Code. When that is applied to the area around Port Lincoln there is a great restriction. Members in this House have said how rough the seas are in the southern areas of our State, but suddenly we are now told that they are very smooth—I wish people would be consistent.

Clause passed.

Clauses 10 and 11 passed.

Clause 12—'Boat to be operated with due care, etc.'

The Hon. P.B. ARNOLD: I move:

Page 9, lines 11 to 15—Leave out paragraph *(c)* and insert the following paragraph:

(c) by striking out subsection (3) and substituting the following subsections:

(3) A person who, on waters under the control of the Minister, operates or attempts to operate a boat, rides upon or otherwise uses any water skis, surf board or other device or is towed by a boat—

(a) while under the influence of intoxicating liquor or a drug to such an extent that the use of any mental or physical faculty is lost or appreciably impaired;

or

(b) while there is present in his or her blood the prescribed concentration of alcohol,

is guilty of an offence.

Penalty: Division 8 fine.

(4) For the purposes of subsection (3), 'prescribed concentration of alcohol' means a concentration of .08 grams or more of alcohol in 100 millilitres of blood.

(5) Where a member of the police force believes on reasonable grounds that a person has committed an offence against subsection (1), (2) or (3) *(a)*, that member of the police force may, subject to subsection (6), require the person to submit to an alcotest or breath analysis, or both.

(6) An alcotest or breath analysis must be performed within two hours after the occurrence of the event giving rise to the belief referred to in subsection (5).

(7) Sections 47a, 47b (2), 47c, 47e (3), (4) and (5), 47f and 47g of the Road Traffic Act 1961, apply, with necessary modifications, in relation to ascertaining whether or establishing that a person has committed an offence against subsection (3) *(b)*, as if that offence were an offence against section 47b (1) of the Road Traffic Act 1961.

Principally, the amendment brings into play the provisions of the Road Traffic Act—section 47b (1) in particular—relating to a blood alcohol content of .08. The Opposition supports an increase in penalty from $200 to $1 000, and the Minister has indicated that in principle he accepts the amendment. However, he has also indicated that the Government wants a more extensive drafting of this amendment to be undertaken, and it will be further dealt with in another place.

Amendment carried; clause as amended passed.

Clauses 13 to 16 passed.

Clause 17—'Powers of police officer or authorised officer.'

The Hon. P.B. ARNOLD: I ask the Minister how a police officer or an authorised officer, someone who is not qualified in this area, can determine whether a vessel complies with the prescribed requirements as to design, construction or safety.

The Hon. R.J. GREGORY: I am advised that it is intended that small vessels will be inspected by Department of Marine and Harbors safety officers. It will be noted that it is provided earlier in the Act that when vessels are registered they are supposed to be inspected to ensure that they are seaworthy. If they receive a certificate, that is how it is determined, and police officers enforce the respective provisions in the Act.

Clause passed.

Clauses 18 to 22 passed.

Clause 23—'Fees.'

The Hon. P.B. ARNOLD: This amendment removes subsection (4) of section 37 which removes the restriction in relation to the prescribed fee. Is it intended to significantly increase the registration fee on the basis of the size of the vessel, or does the Government intend going the other way and reducing the registration fee for very small boats?

The Hon. R.J. GREGORY: I said earlier, when responding to Opposition members who spoke in support of the Bill, that the amendment involving registration was to facilitate the transfer of vessels from one owner to another. It is intended that when a vessel is transferred one of two things can happen. At the moment, the owner of a vessel registered, say, two months ago and sold today has already paid the $17.50 registration fee, and then the purchaser pays another $17.50. By amending the Act we intend to ensure that once the registration fee is paid, even if the registration is transferred to someone else for the remaining 12 months, that person will pay the fee for that remaining period and the previous owner will get a refund. That allows for the variation of fee; we are taking the differential out, and that is how we facilitate the transfer. There is no intention to charge for registration of vessels according to length.

The Hon. P.B. ARNOLD: I accept the Minister's explanation that the fee which is charged will be a common fee but not a common fee across the board for all vessels registered.

Clause passed.

Clause 24—'Regulations.'

Mr BLACKER: Perhaps the Minister will be able to use this provision to overcome the problem to which I have referred. If he looks at the operational waters under the fishing industry training clauses in the book made available to him, he will see that the area of water to which I have been referring—in particular around the group, and so forth—are compared according to this chart in a similar way to waters 15 miles south of Kangaroo Island. In terms of consistency, I cannot see the logic of that sort of argument. I therefore plead to the Minister to use the provisions under the regulations to grant an extended area so that the area of the group is not classified in exactly the same way as the area 15 miles or 25 kilometres south of Kangaroo Island.

The Hon. R.J. GREGORY: The area of 15 miles referred to by the member for Flinders is designated as in-shore waters.

Clause passed.

Title passed.

Bill read a third time and passed.

POWERS OF ATTORNEY AND AGENCY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 6 p.m. the House adjourned until Tuesday 8 November at 2 p.m.