HOUSE OF ASSEMBLY

Wednesday 8 March 1989

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

QUESTION TIME

The SPEAKER: Before calling on questions, I wish to advise that questions otherwise directed to the Minister of Health will be taken by the Minister of Education.

LOCAL GOVERNMENT SUPERANNUATION BOARD REPORTS

Mr OLSEN (Leader of the Opposition): Will the Premier direct the Minister of Local Government to fulfil her statutory duty and immediately table the two most recent annual reports of the Local Government Superannuation Board? The Local Government Act requires this board, which administers superannuation for all local government employees, to report annually to the Minister by 30 September. The Minister is then required to table the report in Parliament 'as soon as practicable' after receiving it. However, this is a duty that the Minister has failed to fulfil. The previous two reports of the board have not been tabled, and the last to be provided to Parliament was for the 1985-86 year.

Since then, at least one matter of concern has arisen about the administration of local government superannuation. It involves payments made to the former Chief Executive Officer of the Mitcham council, who retired late in 1987. He had been employed by the council for eight years and, on his retirement, he received a superannuation pay-out of $654 871.41 from the local government superannuation fund which required the council to make contributions equivalent to 32.5 per cent of his salary when the limit for most local government employees is 7.5 per cent.

Even if there was a portability in this pay-out, he should have received only five times his salary average over the previous five years, yet his payment was the equivalent of more than twice this at 11.91 times that salary. He also received $34 974 in lieu of accumulated leave and a council car described in council minutes as 'a retiring gift'. The Opposition has been made aware of concerns within Mitcham council about procedures adopted in making these decisions, as well as the amount of the pay-out.

The Hon. J.C. BANNON: I am not aware of any of the details relating to Mitcham council that the Leader has put to the House. Perhaps his colleague who is the member for the area has some information and can throw some light on it. Essentially, those questions relate to the local government area. I will refer the honourable member's question about the tabling of the Local Government Superannuation Board report to the Minister.

FIELDING REPORT

Mr RANN (Briggs): Will the Minister of Transport inform the House whether any measures have been taken to address the problem of labour efficiency in the State Transport Authority as highlighted in the Fielding report? The Fielding report, which was released today, makes the point that Adelaide has an effective transport system but that it is expensive. Professor Fielding lay some of the blame on the problem of labour efficiency.

The Hon. G.F. KENEALLY: All those people who are interested in the public transport system of metropolitan Adelaide will welcome the release of the Fielding report. It is a very good report which is a blueprint for a much better public transit system in Adelaide, both for the commuters and the taxpayers of South Australia. It is appropriate to say that Professor Fielding found that Adelaide has a superb transit system when compared with systems in similar low-density cities elsewhere in the world, and that commuters enjoy a very generous level of service. He also said that the system is expensive and, unless action is taken, it promises to become more expensive. That is a matter of concern to the Government, the STA and the people who work within the authority.

One of the areas that Professor Fielding identified as being more costly than he expected is labour efficiency. He was not able to say why our labour costs are so high, and he recommends that a study be undertaken of that area, and that will be done. I point out to the House that labour efficiency is already being addressed in the STA business plan, and I am aware that some of the numbers have not been too complimentary to South Australia. An improvement in labour efficiency in 1988 was acknowledged by Professor Fielding and it is my confident expectation that this year will show a further improvement. In discussions held with the unions on the 4 per cent issue, a number of industrial breakthroughs were achieved which have reflected in better labour efficiency. The most recent national wage case requires some award restructuring, and further efficiencies will be achieved.

Some of the numbers that we have indicate that Adelaide's public transport system is very comparable. However, we do not disagree with this consultant that, according to his report, our figures are not comparable. There is a problem about labour efficiency and we will have the matter researched to identify the problem and take whatever action is necessary to improve this part of the STA's operations.

JUSTICE STAPLES

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): My question is to the Premier. Does the South Australian Government endorse the statement last week by all the judges, commissioners and magistrates of the State Industrial Court and Industrial Commission supporting the sacked Deputy President of the Arbitration Commission, Justice Staples and, if so, has it made its views known to the Federal Government? If not, what is the Government's attitude to this important issue of security of judicial tenure?

Members interjecting:

The SPEAKER: Order! I ask the Government backbench to come to order. The honourable Premier.

The Hon. J.C. BANNON: The State Government has not expressed any views on this matter, nor does it believe it is appropriate that it should have any views. This matter affects the Federal judiciary and the Federal Government and the situation in South Australia is clearly delineated in the legislation that governs it.

SCHOOL BUS SERVICES

Ms GAYLER (Newland): Will the Minister of Transport inform the House whether the Government intends to withdraw its exclusive bus service to schools and allow private

operators to take over this service? The Fielding report recommends that the STA should withdraw the school bus service because it is costly to provide. The report also points out that the service costs $109 per hour to run, $51 of which is recovered in fares. In distant outer suburbs this special service to schools is very important to families with young children.

The Hon. G.F. KENEALLY: The answer to the honourable member's question is 'No'. The STA will not transfer the exclusive school bus service to private operators, and I think the House is entitled to know why. Some of the background is important. The STA provides an exclusive service which does nothing else but pick up schoolchildren, take them to school in the morning, collect those children in the afternoon and take them home. The buses and the operators do very little else for the rest of the day besides those two operations.

Of course, the service is costly. The STA tries to fit the school bus service into a normal route system, which encourages students to travel by public transport and is not extremely costly to the taxpayers of South Australia. When the Government took over private bus services, many companies were operating largely exclusive private school transport services. The STA has provided the service for something like 14 years and, in the main, the schools are happy with the service provided. It is the STA's intention to continue providing schools with an option to use its services. However, if a school believes that it can do better by contracting to a private transport provider, that school is able to do so.

Over the past two years a number of schools have chosen to contract to private providers. Any school which wishes to do that is able to do so, but of course the STA provides a heavily subsidised service to commuters. Of course, schoolchildren, whilst travelling in the morning peak hour, are a cost to the commuter. I believe that as long as that cost is identified and everybody knows about it, it is sustainable. However, the STA is continually discussing the matter with schools which have special transit arrangements to encourage them, if they so wish, to take other options which might be available to them.

So, to put at rest the concern of any parents or anyone else that the Government at the stroke of a pen is going to transfer this service to private transport providers and away from the STA, which traditionally in the past 14 years has been providing it very well, the answer is 'No'. However, if any school wished to take that option, there would not be any resistance from the Government or the STA.

PRIMARY SCHOOL SPORTS POLICY

The Hon. J.L. CASHMORE (Coles): My question is to the Minister of Education. Will the Government now withdraw its equal opportunity primary school sports policy following a decision by the Equal Opportunity Tribunal which shows the policy is based on a completely wrong interpretation of the Equal Opportunity Act? A decision given by the tribunal on 7 February allows the South Australian Tennis Association to continue—

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader and the Premier to order. The honourable member for Coles.

The Hon. J.L. CASHMORE:—to conduct separate competitions for boys and girls. It is a decision which has caused so much concern within the Education Department that head office directives have been given that it is not to be discussed or distributed to schools. This is because it puts the final nail in the coffin of the Government's policy.

School principals have informed the Opposition that it proves that the policy is based on a completely wrong interpretation of the Act, because the effect of the decision is to uphold the right of any organisation to hold separate competitions for boys and girls where the strength, stamina or physique of the participant is relevant. Sporting organisations now believe that this decision clarifies the legal intent of the legislation and must finally force the Government to withdraw a policy which has been widely opposed by parents and many teachers.

The Hon. G.J. CRAFTER: It is interesting to note that the Opposition is moving away from the once vaunted policies as enunciated by its former leader (Dr Tonkin), when he was Leader of the Opposition in this State. At that time the Liberal Party was the champion of equal rights for women in South Australia. The Opposition is now fleeing from that high ground position. Once again, the member for Coles has chosen an issue which denigrates State schools.

Members interjecting:

The SPEAKER: Order! The honourable member for Coles received the protection of the Chair to ensure that when she was asking her question she was treated by the House with reasonable courtesy. The Chair expects the member for Coles to extend the same courtesy while the Minister replies. The honourable Minister.

The Hon. E.R. GOLDSWORTHY: On a point of order. Sir, I draw your attention to Standing Order 154 which states:

> No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives, and all personal reflections on members, shall be considered highly disorderly.

I submit that the Minister has been indulging in all those tactics which led to the response from the member for Coles.

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

The Hon. G.J. CRAFTER: I will clarify my concerns about the continual and persistent attacks by the Opposition on our State school system. As I said, the member for Coles has consistently indulged in this course of conduct. Further, on many occasions the shadow spokesperson for education has chosen to denigrate our State schools. The most recent occasion was yesterday when information was released which has been very much misinterpreted in order to, once again, denigrate our schools.

Members interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: This is another instance of the Opposition's constant attacks on the development of a policy which would include many more young people, particularly girls, in our school sporting activities. We are referring only to children's play; we are not talking about post-puberty students. We are aware of the appalling health statistics—

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: —in many of our schools in this State and in Australia. There must be a determined effort to involve many more young people, particularly girls, in sporting activities. We want them to develop habits and attitudes towards their own health and well-being which will carry them through not only their secondary school years but also their life. That is why this importance is being placed on children's play.

The Education Department will take note of the decisions of the appropriate tribunals. We said that after 12 months trial the policy would be reviewed and that review is currently in progress. We will hear comments from those people who are concerned about this policy.

If one listened to the Opposition, one would think that it is widespread, but I assure the House that it is not. An overwhelming majority of schools, parents, principals and teachers are strongly committed to ensuring greater participation of young people in our schools. We will not opt for the Opposition's simple abolition of that right by legislative means, eliminating the right of young people to participate fully in sporting programs and maintaining the current inequalities that exist. No: we will take the hard road and work our way through the situation so that we in this State can develop policies that will endure.

Members interjecting:

The SPEAKER: Order!

The Hon. H. Allison interjecting:

The SPEAKER: Order! I specifically call the member for Mount Gambier to order for continuing to interject after the House has been called to order. If the question is of sufficient importance to be asked, the House owes the Minister the courtesty of listening to the reply. I specifically have in mind the continuous interjecting and chortling of the Leader, the Deputy Leader and the member for Coles. The honourable Minister.

The Hon. G.J. CRAFTER: In summary, we in South Australia will take the hard decisions and work to develop a policy that provides opportunities for young people that they deserve—and indeed is their right. We can see clearly that the Opposition in this State has no policies of its own. In fact, it wants to eliminate the hard work being done in our schools to develop a proper and fitting policy in this State. Furthermore, it wants to knock those who are trying to tackle this very real problem.

Members interjecting:

The SPEAKER: Order!

SOUTHERN REGION SPORTS AND RECREATIONAL FACILITY

Mr TYLER (Fisher): Will the Minister of Recreation and Sport advise the progress of the implementation of Cabinet's decision to establish a southern region sports and recreation facility working party and is he aware of an approach to clubs in the area by the member for Bragg suggesting that they may not benefit by involvement in a proposed combined facility?

An honourable member: Shame!

The SPEAKER: Order!

Mr TYLER: In this Chamber on 15 October 1987 (page 1232 of *Hansard*) I asked the Minister to play a coordinating role in the establishment in the southern suburbs of a multi-purpose sports park. On Friday 17 February 1989 the Minister announced that a working party would be established to investigate the need for a multi-purpose sports and recreation facility to be located in the rapidly growing southern suburbs. The committee would also look at the way in which those needs could be met. The possibility of rationalising racing industry facilities and developing a new facility integrated with other sports will be one topic addressed by the committee. I am advised that the member for Bragg has suggested to certain clubs that such a central facility will result in the loss of identity and heritage of these organisations.

The Hon. M.K. MAYES: I am delighted to have that question from the member for Fisher because he is very interested in the facilities—

Mr Gunn interjecting:

The Hon. M.K. MAYES: The member for Eyre can laugh about it. It is very important to the 120 000 people in the south over the hill. The honourable member may not have much interest in this matter, but many people in the south are very interested and will be interested in the constituency of the committee that we have established. About 110 000 people live in the immediate area and the expansion will be quite dramatic over the next few years. With something like 36 per cent of the population under the age of 19 years, obviously the situation—

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: You have been relegated to the back bench. You should let your colleagues deal with it.

The SPEAKER: Order! The Minister cannot refer to members opposite as 'you' but only as 'he', 'she' or 'they'. The honourable Minister.

The Hon. M.K. MAYES: I apologise. I will direct my comments to the House and ignore the member for Mitcham. We have established a working party to look at the need for facilities in the area and how best we can structure it to bring together all the resources available in the region. Of course, that means all of the existing facilities and the potential facilities that are being considered by the sporting clubs, and also it means the involvement of local government. Local government in the area is very active and keen to see this sort of development, as the member for Fisher would know and as, of course, his colleagues, my ministerial colleagues, the Minister for Community Welfare and the Deputy Premier, would also be aware.

A working party has been established, consisting of 10 members. Specifically, it will consider local involvement from the point of view of both councils and sporting organisations. The chairperson (recommended) is Meredith Crome, who has had a long involvement in local government and is now the executive officer of the Southern Region of Councils. The Department of Recreation and Sport representative is manager Mr Rhys Jones. The Department of Environment and Planning is represented by Mr Stephen Haines. Other working party members are Mr Peter Young, representative of the Southern Development Board, and Mr Nick Harkof, the Chief Executive Officer of the City of Happy Valley. Local government representatives are Mr Kevin Hodgson, Mayor, City of Marion, and Mr Ray Gilbert, Mayor, City of Noarlunga. The other members are Mr Bob Bache of the South Adelaide Football Club, Mr Sam Leaker, who is the executive officer of the Harness Racing Board in South Australia, and Mrs Jan Martin, who represents the South Australian Netball Association and also has an involvement in netball in that region.

That is the constituency of the committee that will be looking at this issue. I hope to have a report by the end of May, and that will then give us clear guidance as to what the working party sees as potential and the areas that we ought to be addressing. It is interesting that the honourable member should touch on the role of the member for Bragg. Again, we see the Opposition trying to undermine a positive step for the people of the southern region. I have been informed by a representative of people in the racing industry in the southern regions that they received contact from the member for Bragg advocating that they should oppose the working party and the function of the committee—and this is from a very reliable source.

An honourable member: Who?

The Hon. M.K. MAYES: I will not name him, because we know what sort of victimisation will occur within the ranks opposite. So, we have the situation where the member for Bragg has launched into an attack on the function of democracy, trying to undermine a working party, established with local representation. He has in fact approached several clubs and associations in the region suggesting that

they should not cooperate with this working party. That is absolutely disgraceful and exhibits the style that the Opposition adopts on all these types of issues which are so important.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: The honourable member knows who they are.

Members interjecting:

The SPEAKER: Order! I call the House to order, including specifically the member for Bragg, who is running very close to contempt of the Chair, which could lead to his being named. I ask members, regardless of their agreement or disagreement with the statement that is being made at a particular point of time, to conduct themselves in an orderly and courteous fashion. The honourable Minister.

Mr GUNN: On a point of order, Mr Speaker. I draw your attention—

The Hon. M.K. Mayes: They don't like this.

Members interjecting:

The SPEAKER: Order!

Mr GUNN: Mr Speaker, I draw your attention to Standing Order 153, which states:

> No member shall use offensive or unbecoming words in reference to any member of the House.

I also draw your attention to Standing Order 154, which states:

> No member shall digress from the subject matter of any question.

My point of order is that the Minister is not answering the question but making reflections on the member for Bragg which he cannot substantiate.

Members interjecting:

The SPEAKER: Order! The Minister has not been called upon to resume his remarks—at the moment the Chair is considering a point of order. The Chair did not hear any unparliamentary language being used. If what the honourable member for Eyre meant was that remarks were made that might have been offensive to a member of the House, it is up to that member to take offence, and not for any other member to do so. The honourable Minister.

The Hon. M.K. MAYES: I think I have put my case succinctly. The member for Bragg has attempted to interfere, mislead and disrupt the very basis of the working party appointed to look at facilities in the southern region. I see that as a disgraceful act on his part and something for which he should apologise to the community. That is the style that this particular member adopts in order to maintain his place on the front bench. If that is the style that he wants to adopt in relation to the sporting community, I know what the sporting community's judgment of him will be. Those actions, which merely reinforce that style, will bring him down.

Mr Ingerson interjecting:

The Hon. M.K. MAYES: You get up and deny it!

The SPEAKER: Order!

FIELDING REPORT

Mr INGERSON (Bragg): My question is directed to the Minister of Transport. When will the study begin into the labour efficiency problems highlighted in the Fielding report that was tabled today?

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. G.F. KENEALLY: I am quite happy to advise the House again on the Government's decision in relation to the study that will be undertaken into labour efficiency in the STA. The STA has been instructed to arrange that investigation as soon as possible.

Honourable members: When?

The Hon. G.F. KENEALLY: At 3.15 a.m.!

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order and remind him that the Chair's tolerance is rapidly running out.

FOREIGN INVESTMENT

Mr GROOM (Hartley): Can the Minister of State Development and Technology explain to the House the State Government's policy on foreign investment in the State's economy? My question is prompted by comments from Federal and State members of the Liberal Party criticising foreign investment in Australia. In particular, the Federal member for Sturt, Mr Wilson, has twice criticised the level of Japanese and other foreign investment, while yesterday the member for Alexandra raised concerns about Japanese investment on Kangaroo Island, when I would have thought he would welcome it.

The Hon. L.M.F. ARNOLD: The State Government supports foreign investment in South Australia, believing it to be an important part of our economic growth in the future. There is clearly a legitimate debate about the size of total foreign investment in this country, and that is something that will be debated by the community at all times. The question is not whether or not there should be any, or no, foreign investment: there should indeed be some—we need it. If we want economic prosperity in this State and in this country we rely, at this time, upon increasing levels of foreign investment as we have done over the last century, and as we have done, for example, for the health and vitality of the agricultural sector. A large amount of foreign investment has gone into that sector over our establishment.

A large amount of foreign investment in our manufacturing arena likewise has contributed to prosperity for all Australians. However, as I say, the overall volume of that is legitimately part of an arena of public debate. What ought not to occur, and what is quite disgraceful, is the attitude of Opposition members, both federally and in this place, in introducing racist overtones to that foreign investment debate.

Mr Olsen interjecting:

The Hon. L.M.F. ARNOLD: The Leader of the Opposition says that that is rubbish, yet he is the member who, on radio a few weeks ago, when the Zhen Yun proposal for Marineland was announced, made references to the Asian investment question. He cast the innuendo, he cast the slight, over radio to the people of South Australia. Up until now I have had a bit of respect for his attitude.

Members interjecting:

The SPEAKER: Order! The Chair believes that the House is being particularly disorderly. I personally found it impossible to hear any of the Minister's last 20 or 30 words. I specifically call to order the Leader of the Opposition and the honourable member for Bragg and I ask the House to calm down. The honourable Minister.

The Hon. L.M.F. ARNOLD: I merely draw the Leader's attention to his own words broadcast to the people of South Australia on a morning news bulletin the day after the Zhen Yun announcement about Marineland was made. That is all that needs to be said about the Leader's attitude to foreign investment and the racist overtones that he is putting into that debate. People should note the attitude

expressed last year in an editorial in the *Advertiser* when Mr Wilson, the Federal member, cast his first racist missile into the foreign investment debate—which, of course, he repeated yesterday. On that occasion the *Advertiser* editorial stated:

> Given the leadership that neither Mr Wilson nor Mr Howard seems to offer in this area—

and we could interpose 'and the Leader of the Opposition in this State'—

> we will surely cope with Japanese investment. This is not to embrace Japan unthinkingly. We must be aware of that country's faults and problems. We must be aware, as the Premier, Mr Bannon, has been, that there are also other important nations in our region, such as the emerging tigers of China and South Korea. But, faced with the realities of economic internationalism, we cannot afford to luxuriate in . . . ideologies of 'buying back the farm' . . . This should be especially obvious in South Australia where, although we have not seen the level of foreign investment of eastern States, the motor industry is flourishing because of Japanese capital and expertise. Wiser heads within the State Government, the union movement, employer bodies and others who care for our economic and cultural future welcome more of that investment.

Let us debate the overall level. Let us not cast racist overtones on that, as members opposite seek to do.

The SPEAKER: Order! When I called the House to order a short while ago, I referred specifically to the Leader of the Opposition and the member for Bragg. That was a slip of the tongue: I should have referred to the member for Briggs. The member for Bragg was behaving himself in an orderly fashion at that point. The honourable member for Morphett.

FIELDING REPORT

Mr OSWALD (Morphett): Will the Minister of Transport say whether the Government accepts the recommendation of the Fielding report that it should set an appropriate operating cost recovery level for State Transport Authority services as well as a maximum deficit target? If it does, what cost recovery level and deficit target are contemplated by the Government and what impact will these decisions have on public transport affairs?

The Hon. G.F. KENEALLY: Professor Fielding's report will have no impact on public transport fares because those recommendations that sought to increase these fares have been rejected by the Government. The Government already sets the operating costs of the STA. Indeed, it is decided in the budget process what funds the STA will have available to it to operate during the coming financial year and the STA must perform within that budget figure. So, that is already established.

It is commonplace around the world for transit authorities to seek something like 33 per cent in cost recovery: that is, through the fare box. There are other ways to do that. It can be done by increasing fares, by achieving efficiencies, or by a balance of increasing fares and achieving efficiencies. So, all the figures would clearly show that in South Australia we have been achieving a higher level of cost recovery by a more efficient STA. Therefore, the sorts of numbers coming up show that we are moving into the 30 cents in the dollar cost recovery, which is close to what is assumed to be a level to which most agencies should aspire.

As Minister, I should try to get the STA to be an efficient and relevant public transport system and then people could consider whether they should establish cost recovery figures. However, at this stage there is no need to do that. We are improving our performance by improving our efficiency and, as Professor Fielding says, there is still room to achieve more efficiency. Once that has been accomplished, the Government may be able to establish the cost recovery figure and also the budget for the authority. However, I repeat that the budget is already established. At this stage it is not necessary to provide the other figure but it may be in the future.

AQUATIC CENTRES

Mr HAMILTON (Albert Park): Will the Minister of Recreation and Sport say what progress is being made with the feasibility study on the operations of aquatic centres in South Australia? Also, will he say what were the terms of reference and provide information on the future and security of staff members at those centres?

The Hon. M.K. MAYES: I thank the honourable member for his question. Obviously, many people are interested in the progress of the working party report, which I understand is close to being presented to the Government. As the honourable member is aware, large sums are spent in this area. The honourable member has a direct interest because of the location of West Lakes and the aquatic activity there. That is an active facility from the point of view of community use. The honourable member has been deeply involved, as I have often experienced when I have visited West Lakes with him and with the local Mayor to attend various functions, whether canoeing, rowing, sailboarding or whatever activity is being conducted on the lake. The working party was established with the following terms of reference:

1. Define the role and scope of the aquatic centres with particular reference to:
   - operations;
   - management structure;
   - staffing;
   - financial responsibilities;
   - facilities;
   - equipment; and
   - involvement with other water-activity groups.
2. Assess the impact that increased operating hours (after school, on weekends and in school holidays) and increased community use in general would have on
   - staffing; and
   - income and expenditure.
3. Make recommendations regarding the transfer of responsibility for aquatic centres from the Education Department to the Department of Recreation and Sport, through the Recreation Institute.

The working party has been very active and it expects to present its report by mid March. The report may recommend the adoption of various processes to improve the delivery of aquatic services to the community. It is very important along the whole scale of education and resources that are devoted to those services, and many people are interested in the outcome.

Many young people in South Australia enjoy our aquatic facilities and we must ensure that those services are delivered in the best possible way for everyone's enjoyment, including learning how to use, work with and play in water safely. That is very important to South Australians because of our aquatic environment, given our magnificent beaches and inland waters. I look forward to receiving the report very shortly and I will convey to members of the community for their consideration the recommendations contained within it. It is to be hoped that the recommendations that will have a positive benefit for the community will be implemented.

GILLES PLAINS DETENTION CENTRE

The Hon. B.C. EASTICK (Light): Will the Minister of Community Welfare take note of, and act upon, serious concerns expressed at a public meeting last night at St Paul's School, Gilles Plains, which unanimously passed a motion expressing strong opposition to the planned maximum security detention centre on Blacks Road, Gilles Plains? The meeting was attended by 250 people representing local community organisations, nearby residents, and parents and staff associated with St Paul's. Representatives of the adjacent TAFE college registered their opposition, as did representatives of the nearby blind welfare centre.

The Mayor of Enfield highlighted to the meeting that the council had rejected the proposal on two occasions—in August last year and last month—but was powerless to stop the Government overriding community concerns because it has no legal planning authority over Government institutions. The Secretary of the South Playford branch of the ALP also was vocal in opposing the proposed development. He told the meeting that he had spoken to the member for Playford, who indicated he became aware of concerns about the development only last week. Another person at the meeting was the Labor Party candidate for Gilles at the next election, who, I am told, was too scared to address the meeting despite urgings by the Secretary of the South Playford branch that he should do so.

The Hon. S.M. LENEHAN: I should be delighted to inform the House on this issue. I wonder, though, whether the member was in the House yesterday when I gave what I thought was a very lengthy and detailed answer to a similar question.

An honourable member interjecting:

The Hon. S.M. LENEHAN: Yes, I realise that one must keep repeating things. Yesterday, although the honourable member obviously did not hear what I said, I made very clear that this issue does not involve a maximum security detention centre. I should have thought that the member for Light has been in this place long enough to know, and I wonder why he did not know, that we are talking about a small secure centre which represents a relocation of the present South Australian Youth Rehabilitation and Assessment Centre (SAYRAC), which is currently located within the Enfield council area, into a modern commercial/factory/office building.

I also informed the House yesterday that I was concerned about some of the misinformation. Well, the honourable member has pushed this misinformation again. I am told by reliable sources that there were 150 people at that meeting and that it was attended by representatives from my department, including the Deputy Director. They took with them plans of the centre and a complete overview of exactly what it would look like and what its role and function would be. However, they were surprised because people did not even want to see the plans. Some kind of total prejudice and fear has been whipped up, because they were not even prepared to look at the plans.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: As I said in Parliament yesterday, I believe that this is a sign of complete hypocrisy. On the one hand we are being told that there is a great need to address the plight of homeless and street kids. We are seeing concerts and people are contributing funds—and I totally support that. On the other hand, when it comes to assessing and providing rehabilitation programs for young offenders who have not had the opportunities that many people in this community have had—I am talking about youth—and when it comes to actually providing a modern facility with some kind of environmental sensitivity, suddenly the Opposition does not want to have anything to do with it. It wants to be a part of the fear and scare tactics that are being whipped up by some people in the community.

The honourable member might have quoted from secretaries of sub-branches, but I am afraid that I have received no information from the local member who, in fact, had the decency to ask a question about this very matter in this place yesterday. I think this centre is in the honourable member's electorate and it is his constituents who have expressed concern.

The Hon. J.W. Slater interjecting:

The Hon. S.M. LENEHAN: Yes, isn't that interesting. This is a serious issue which must be confronted by the Government of the day. When I was a candidate and the Opposition was in government the Offenders Aid and Rehabilitation Service (OARS) wanted to establish a halfway house in the electorate of Mawson. There was great outrage and fear that rapists and murderers would be walking the streets. Despite opposition at the time and, despite the fact that the then member went to water on this matter, the halfway house was subsequently built, the fear and scare tactics wasted away and today OARS operates some very successful halfway houses in our community.

The same arguments can be mounted against anything which looks at providing some kind of humanitarian and caring solution for groups in our community who are less fortunate. I remind the House that we are not talking about providing a centre of maximum security for hardened criminals—we are talking about providing an assessment and rehabilitation centre for young South Australians. I will support that centre in spite of the fact that the Opposition wants to make some cheap political mileage out of it. I will not resile from the decision taken by the Planning Commission—

An honourable member interjecting:

The Hon. S.M. LENEHAN: As I understand it, the candidate supports this centre. The fact that he did not speak at the meeting is his own concern. I will not demand that the candidate should speak at a public meeting—that is his decision. The Liberal candidate did not speak, either; so what do we make of that? I believe that yesterday I covered every aspect of the centre and I conclude my answer on that note.

CANCER AWARENESS IN SCHOOLS

Mr ROBERTSON (Bright): Will the Minister of Education investigate a suggestion that primary school sports conducted under the auspices of the South Australian Primary School Sports Association should not take place between 11 a.m. and 3 p.m. during the summer months? During the anti-cancer week last year Dr Tony McMichael, who spoke on ABC radio, pointed out that many cases of severe sunburn in childhood may subsequently turn into melanomas and other life threatening forms of cancer. Dr McMichael suggested that the incidence of such cancers might well be reduced by ensuring that primary schoolchildren are not exposed to summer sunlight during the middle of the solar day.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and for his interest in the well-being of young people. I will be pleased to have officers of the Education Department look at this issue. I believe that schools and the overwhelming majority of parents are aware

of the need for caution and for protection from the sun when children of any age are involved in outdoor activities. Involvement in school excursions, swimming programs, physical education and sport is contingent on responsible organisation and supervision. This implies giving proper warning to parents and students about exposure to the sun.

It is a practice for schools to notify parents of activities which might require special clothing or protection. Schools have hot weather policies which would result in the postponement of such activity when conditions are intense. The Education Department and the Anti-Cancer Foundation have cooperated in bringing the dangers of sun exposure to the attention of the public. I am sure that all members are aware of these programs. Guidelines and information kits have been made available to all schools through the swimming programs, but the messages are clearly directed to all activities.

I do not believe that there is a need to ban totally school sporting programs which may occur between the hours of 11 a.m. and 3 p.m. in the summer months. Rather, there is a continuing need to increase public awareness about adequate protection and to apply commonsense at all times. All Education Department organisations involved in sporting activities are well aware of their responsibilities in this regard. I will ensure that the officers concerned in the Education Department look further into this matter.

RUNDLE ARCADE RENTS

Mr S.J. BAKER (Mitcham): Will the Treasurer instruct the SGIC to take a compassionate attitude to the problems which tenants in Rundle Arcade are experiencing through no fault of their own, because of a significant fall in custom caused by the Remm development? The Opposition already has made written representations to Remm, the SGIC and the Adelaide City Council to try to alleviate these problems. The SGIC is the immediate landlord of the Rundle Arcade operating, as we understand it, on a long lease from the City Council.

When the tenants of the SGIC took up their respective properties, no development of the Myer site was contemplated and rents obviously were fixed on the basis of the state of foot traffic at that time and business generally. However, after the announcement of the Remm development, all 25 tenants of Rundle Arcade wrote to the SGIC pleading for help because the development, with its consequent disruption, was beginning to seriously affect their businesses.

Since then, the tenants have tried to have a meeting with the SGIC, the City Council and Remm, but they have not been successful. Examples of the impact of this disruption include one business with takings down by 25 per cent, another by $1 500 a day, and a number of others facing increasing difficulty in paying their rents. Notwithstanding a public denial that the SGIC would seek rent increases, several days later notices of substantial increases in rents turned up.

While the SGIC also has offered tenants the opportunity to get out of their leases at no cost, putting them on the scrapheap like this is no help to them. It will cost them all the goodwill they have established in their businesses. What the tenants seek is a reduction in rent for the period of the Remm development. The SGIC would not lose in the long term because it can continue receiving rents now and review them when all the disruption ends. At the same time, a more compassionate approach by the SGIC could guarantee the 100 jobs currently under threat because of the pressure these tenants have been put under.

The Hon. J.C. BANNON: I thank the honourable member for his question. I would be happy to take it up with SGIC. I take it that the honourable member is not urging that a non-commercial arrangement be entered into. I am not in a position, nor indeed is he, to say definitively what are the appropriate levels of rental, whether leases should be renegotiated or whatever. I am certainly happy to take up the matter.

FOUNDATION SA

Mr DUIGAN (Adelaide): Will the Minister of Recreation and Sport advise the House whether requests to Foundation SA for sports sponsorship are being dealt with expeditiously and whether the trustees have as yet developed guidelines for applicants and for their own use in determining the eligibility of applications? Will the Minister also advise the House whether any applicants or trustees have had any difficulty in determining the split between replacement sponsorship and new sponsorship?

The Hon. M.K. MAYES: I thank the member for Adelaide for his question, as there is a good deal of interest within the sporting and cultural communities about the progress of Foundation SA and its funding arrangements.

Mr Ingerson interjecting:

The Hon. M.K. MAYES: The member for Bragg interrupts again. It is interesting that he should interrupt, because he has not quite worked out which way he should jump on this issue. The sporting and recreational communities (and I am speaking only of that area, but I am sure that the Premier could speak for the arts area and the Minister of Health for his area) are now clear about the positive benefit of the fund not only in terms of encouraging people to adopt a healthy lifestyle but also in terms of directly funding sport and sporting events in this State.

It is well recorded in *Hansard* and publicly that the member for Bragg opposed this issue on behalf of his Party. That would have meant that the sporting and recreational communities, to which I am specifically directing my attention as Minister, would not have received the funding and support that has been poured into sport, facilities and special events by Foundation SA. In terms of replacement, the Foundation SA cup is being staged in the lead-up program to the ordinary league football home and away season. A number of magnificent local and national events have been sponsored by Foundation SA.

Obviously the member for Bragg is having great difficulty working through how he now reconciles his position and his Party's position, having opposed this initiative and knowing that in other States his contemporaries in the Liberal Party have supported similar legislation. I understand that the New South Wales Minister of Health will consider adopting a legislative program similar to that which the South Australian Government has adopted. Again the member for Bragg has caught the wrong bus, is playing in the wrong ground and has not got his act together.

Mr Robertson: His hand in the wrong pocket!

The Hon. M.K. MAYES: That is probably right. The funding has been significant and we have seen some magnificent national events. A week or so ago the national amputee games were staged here, the major sponsor being Foundation SA. Without that sponsorship we are not sure that funds would have been available for the staging of the amputee games. What a magnificent event it was—and funded through the program of Foundation SA.

There is also development in other areas, such as special events. We have just heard an announcement from the

Chairman of the masters games and also from Jim Jarvis, who is a trustee, about the sponsorship of the masters games, which are to be staged here later this year and which, we expect, will involve 6 000 to 10 000 athletes. As to the specific questions, the draft guidelines have been presented and are being worked on.

Mr Lewis interjecting:

The Hon. M.K. MAYES: The member for Murray-Mallee may not be interested, but many people in the community are interested. He may in fact learn something. The guidelines are there and people can contact Foundation SA. An explanatory booklet is available. The honourable member's constituents can collect the booklet which contains the guidelines. It is fairly clear. Mr Barry Robran has been appointed to support Mr Michael Court. They will provide that information to the community at large. So, it is all in place and, as I understand it, it is working very efficiently at this point in time.

Hon. J.R. CORNWALL

Mr LEWIS (Murray-Mallee): My question is to the Premier. Now that the matter has been finalised in the courts, will the Premier tell the House and the taxpayers how much the Cornwall defamation case will cost them, and in his answer will the Premier specify the different components of the costs, that is, Dr Cornwall's legal costs, Dr Humble's legal costs and the damages?

The Hon. J.C. BANNON: I am not sure that at this stage those costs have been finally determined. As the honourable member would know, the matter has been settled, and the result of the settlement was a reduction of the damages that were first awarded by the judge. But in relation to the general costs, I will certainly obtain a report.

HARBORSIDE QUAY DEVELOPMENT

Mr De LAINE (Price): Will the Premier outline to the House details of progress in respect of the harborside quay development at Port Adelaide and say when it is expected that work will commence on the project?

The Hon. J.C. BANNON: The harborside quay development is, of course, in the honourable member's electorate. It is located on the east and west banks of the Port River between the Bower Road causeway and south of the Jervois Bridge. The land itself is jointly owned by the State Government and the Corporation of the City of Port Adelaide and proposals for its development have been out for proponents to lodge schemes, and these have been studied and assessed over the past year or so. Pennant Holdings has been selected as the preferred proponent for the development of the quay.

Components of this development include medium density residential development, yielding between 180 and 325 units. The ultimate density will be determined by prevailing market conditions. It is obviously a prime urban infill project in the sense that the infrastructure of the Port is very well developed. Other components include neighbourhood shopping, marinas, clubhouse facilities and, subject to market analysis, the possible establishment of a hotel-motel-restaurant type facility as well.

The scheme aims to maximise the use of water to create a waterfront development. The West Lakes waterway system will be extended by relocating the existing control gates from the Bower Road causeway to the south of Jervois Bridge. An island will be created using fill from the river basin. There will be pedestrian pathways connecting the east bank, the island and the west bank and an extension of effluent discharge. The whole of the scheme, of course, is subject to a proposal, under the terms of section 63 of the Planning Act, for the Minister for Environment and Planning to submit to the Government for approval. We hope that that process will take about three months or so. The scheme would then be exhibited for a period of four weeks and, if approved, construction should start in about six months. So, it is an exciting development and one which I think will add considerably to that very exciting amenity which is Port Adelaide.

ABALONE POACHING

Mr GUNN (Eyre): Will the Minister of Fisheries say what has been the outcome of an investigation into the failure of a helicopter blitz on abalone poaching on the west coast? The latest report to Parliament by the Department of Fisheries indicates that the high price of abalone continues to attract illegal fishing and that poachers have refined their methods to make detection more difficult. In October last year, the Opposition raised this issue with reference to allegations that an officer in the Department of Fisheries had sold to poachers radio codes and other sensitive information used in the pursuit of these illegal activities, that poachers had been tipped off about a helicopter blitz on their illegal activities and that that had caused its failure. On 6 October the Minister of Fisheries told the House that the Government was aware of these allegations and was investigating them, and also that it had taken advice on the matter from the Crown Law Department. Can the Minister now tell the House the result of those inquiries?

The Hon. M.K. MAYES: I accept the honourable member's concern about the issue, and I am sure that he would join with me in wanting to see the poachers apprehended because, of course, they are taking from the legitimate licensed divers who work very hard in that area to secure those very important abalone stocks. I cannot give the honourable member a report at this time. The matter was taken over as a police investigation, and I am sure that the honourable member would appreciate the reason for that.

I understand there is to be some briefing—probably to the Minister of Emergency Services—in regard to that. Although at this stage I have not become directly involved in those briefings, I understand that there have been fairly intensive joint investigations by the police and fisheries officers who have dealt directly with the issues in terms of radio codes and the information made available. There are various aspects that I would be happy to share privately with the honourable member about the way in which people were tipped off, which from the preliminary advice I have had did not come from any officer in the department. Events occurred which apparently gave some people early warning that fisheries officers and police were investigating.

The allegations regarding a fisheries officer are being investigated by the police. Initially the matter was referred to the Crown Law Department, which I believe advised that it should be referred to the Police Department for investigation. At this point I have not received any briefing on that, although I imagine that I will in due course. I am sure that any prosecutions or charges will be referred to the appropriate authorities—either the Attorney, through the Crown Law Department, or the Director of the Department of Industrial Relations to pursue the matter if it involves internal charges. At present I do not have a report on that but, presumably when I do, I will bring it to the attention of the Ministers concerned.

The other matter raised by the honourable member will be pursued, and I am happy to talk to him, off the record, about some of the ways in which I and officers of the department believe that people were actually able to detect the investigation. I assure the honourable member that those processes have now been revised and that the recent successful apprehension—I say no more because court prosecutions are pending—reinforced the different approach and the success rate which has been quite good.

ARTHUR HARDY SANCTUARY (ALTERATION OF BOUNDARY) BILL

Returned from the Legislative Council without amendment.

DOG CONTROL ACT AMENDMENT BILL

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Dog Control Act 1979. Read a first time.

The Hon. G.F. KENEALLY: 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 contains various measures designed to improve the present system of dog control and registration particularly in relation to attacks by dogs on persons and livestock. Since the repeal, in 1983, of the Alsatian Dogs Act which prohibited the keeping of German shepherd dogs in northern pastoral areas, various bodies and committees have examined the problem of continuing attacks on livestock in northern and urban fringe areas. The factors which give rise to stock attacks are the same factors which give rise to attacks on persons and to other damage and nuisance caused by dogs—an unwanted surplus of dogs being bred and irresponsible owners who do not adequately contain and control their dogs.

This Bill proposes that the penalty for urging a dog to attack be increased to a fine not exceeding $8 000 or a term of imprisonment not exceeding two years and that persons responsible for the control of a dog which attacks persons or animals be liable to a fine not exceeding $2 000. Penalties in relation to allowing a dog to become a nuisance and hindering an authorised person or otherwise obstructing the enforcement process have also been increased. Severe penalties have been provided for failure to comply with orders of the court in relation to the abatement of a nuisance created by a dog and the destruction or control of a dog which has proved to be unduly mischievous or dangerous. As a last resort, where a person has demonstrated by the repeated commission of offences concerning nuisance and attacks caused by their dog or the ill-treatment of a dog that they are not prepared to accept the responsibility which owning a dog entails, this Bill provides for a court to order that the person dispose of their dog and not acquire another for a specified period.

Since livestock attacks often occur on consecutive days over a short period, regulations are proposed which will provide for livestock owners to lay baits after giving 48 hours notice rather than 21 days notice but the notification required will be more extensive.

In an effort to improve the identification of seized dogs, dogs which have been tattooed will also be required to wear a collar and current registration disc. Guard dogs used in connection with a business or activity which is not of a domestic nature will be required to wear special reflective collars so that they can easily be identified as potentially dangerous when at large. Regulations are proposed which will require owners of such dogs to advise councils of the location of the dogs and erect warning notices containing an emergency 24-hour telephone number so that they can be contacted quickly by authorised persons.

The present provisions of the Act which relate to relativities of registration fees in relation to categories such as working dogs and dogs registered by persons entitled to a concession have been removed as these matters are dealt with by regulation. It is proposed to provide that the amount for registration of a desexed dog be half that for registration of a dog which has not been desexed. Over time it is expected that this incentive will reduce the number of unwanted dogs being bred. The opportunity has been taken to rectify a number of problems which have arisen in working with the present provisions. For instance, wardens under the National Parks and Wildlife Act, who may not under the present Act be classed as 'owners' of protected wildlife, are given the same powers as the owners of livestock to destroy a dog found attacking the animals.

The Bill contains a number of minor amendments which improve the machinery of the Act. Prescribed pounds will only be required to keep strays delivered by councils for 72 hours from delivery before disposing of them, rather than 72 hours after the prescribed notices describing the dog have been displayed or served by an authorised person. In most cases they will be kept for a longer period but the number of unwanted dogs is such that at times these pounds have been stretched to capacity when forced to maintain unwanted dogs for long periods. Councils will also be able to accept the late payment of expiation fees on payment of the costs and expenses incurred in relation to proceedings.

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 certain terms used in the Act. The clause alters the definition of 'dog' so that it is clear that it does not include a dingo. 'Guard dog' is defined as being a dog used in or in connection with a business or other activity not of a domestic nature for the purpose of guarding or protecting a person or property. A new definition of 'metropolitan council' is inserted which would allow the councils that are to fall within the definition to be listed by regulation. A new definition of 'registration disc' is inserted which is designed to make it clear that the term may include a badge, tag or other device not in the form of a disc.

Clause 4 amends section 7 of the principal Act by removing a reference to metropolitan councils within the meaning of the Local Government Act 1934-1981. Metropolitan councils are no longer defined in that Act. Instead, the new definition of 'metropolitan council' would allow such bodies to be listed in the regulations. Clause 5 amends section 16 of the principal Act which provides for the establishment and application of the Dog Control Statutory Fund. The clause amends the section so that the Animal Welfare League is included amongst the bodies to which payments or grants may be made and to authorise the administrative expenses of the Central Dog Committee to be met from the fund.

Clause 6 amends section 26 of the principal Act which makes it an offence to own or keep an unregistered dog. Under the present wording it is not an offence if an unregistered dog is not kept in any one council area for more than 14 days. This exception is removed and instead provision is made that a person responsible for the control of a dog is not guilty of an offence by reason of the fact that the dog is unregistered if—

(a) less than 14 days has elapsed since the person first became responsible for the control of the dog;

or

(b) the dog is travelling with the person and the place at which the dog is or is to be usually kept is not within the State.

The clause also alters the present exception from the requirement for registration in the case of a dog less than three months of age so that it applies to a dog less than six months of age.

Clause 7 amends section 27 of the principal Act which governs applications for the registration of dogs. The clause amends the section so that regulations may be made requiring that a registration application be accompanied by documents of a kind to be specified in the regulations, for example, evidence that a dog has been desexed. The section presently provides that no fee is payable for registration of a guide dog for the blind. This provision is amended so that it applies to guide dogs in general, which now, under the definition contained in section 5 of the Act, include guide dogs for the deaf. The other provisions relating to the amount of registration fees are removed and the matter is left to be dealt with in the regulations.

Clause 8 amends section 29 of the principal Act so that it provides that the registration of a dog will expire if the dog is removed from the area in which it is registered with the intention that it will be usually kept at a place outside that area.

Clause 9 amends section 33 of the principal Act which requires that a dog must have a collar around its neck with the registration disc attached to it and with the name and address of its owner marked on the collar or an attachment to the collar. The clause adds a further provision that collars for guard dogs must comply with the requirements of the regulations. The penalty for an offence against the section is increased from $100 to a division 10 fine (a maximum of $200). The clause removes the present exception under which a dog that has been tattooed in accordance with the Act is not required to wear a collar.

Clause 10 amends section 36 of the principal Act which relates to the seizure and impounding of dogs that are wandering at large. The clause rewords subsection (1) so that an authorised person is not required to 'find' a dog wandering at large before seizing it, but may if necessary leave a cage to trap it. The clause rewords subsection (3) so that it is clear that costs, charges and fees may be recovered from the person responsible for a dog whether or not the dog is returned to that person. The clause makes other amendments of a more minor and technical nature.

Clause 11 amends section 37 of the Act by removing the power of an authorised person to enter a dog owner's property without a warrant. This power is restated in a slightly wider form in the new section 50a (3) inserted by clause 18. Clause 12 repeals section 42 of the Act concerning the abandonment of dogs. The same offence is created under section 13 of the Prevention of Cruelty to Animals Act 1985, with a more severe penalty. Clause 13 amends section 44 of the Act which makes it an offence if a dog attacks, harasses or chases any person or any animal or bird in the charge or under the control of a person. The clause adds a provision under which a court that finds a person guilty of such an offence may order the person to pay compensation for injury or loss caused by the actions of the dog.

Clause 14 amends section 45 of the Act so that it is clear that compensation may be ordered in respect of loss as well as injury suffered as a result of an attack by a dog. Clause 15 amends section 46 of the Act by giving power to a warden under the National Parks and Wildlife Act 1972, to lawfully destroy a dog which is found attacking or harassing a protected animal on a reserve. Clause 16 amends section 49 of the Act by providing that it is to be an offence punishable by a division 6 fine (a maximum of $4 000) if a person fails to comply with an order of a court made under that section.

Clause 17 amends section 50 of the Act by making changes that correspond to those made by clauses 14 and 16. Clause 18 expands the power under section 50a to seize and detain dangerous dogs so that it extends to dogs that are unduly mischievous (in the same way as applies under section 50). The clause also confers a power of entry without warrant for that purpose where urgent action is required. Clause 19 amends section 51 of the Act by removing a reference to the Alsatian Dogs Act 1934-1978, which has been repealed. Clause 20 amends section 52 of the Act which provides for damages for injury caused by a dog. The clause rewords the section so that it is clear that it extends to loss as well as injury caused by a dog. Clause 21 rewords sections 57 and 58 of the Act. The new sections are essentially the same as those replaced but various minor problems of interpretation are addressed.

Clause 22 repeals section 59 of the Act which creates an offence relating to cruelty to dogs. This matter is left to be dealt with under the Prevention of Cruelty to Animals Act 1985. The clause substitutes a new section 59 which gives a court power to order that a person who has been convicted of two more serious offences relating to dogs on separate occasions within the preceding period of two years must dispose of any dogs owned by the person or in the person's possession or control and must not acquire any other dog for a specified period or until further order. Clause 23 makes an amendment to the evidentiary provision, section 61, that is consequential to the amendment to section 26 relating to the minimum age for registration of dogs. Clause 24 repeals section 64 of the Act which provides for the expiation of offences. The clause replaces the section with a new section that is substantially the same but, in addition, provides for acceptance by a council of late payment of an expiation fee where the person pays the prescribed fee for late payment or, if proceedings have already been commenced, pays the costs and expenses incurred by the council in relation to those proceedings.

Clause 25 rewords section 65a of the principal Act relating to the making of by-laws for the purposes of the Act. The new provision continues the requirement that any such by-law must be made in accordance with Part XXXIX of the Local Government Act 1934. It also contains a new provision that the provisions of the Local Government Act 1934, including the provisions relating to the variation of fees, or the prescription of forms, by resolution of a council, apply in relation to a by-law for the purposes of the principal Act as if it were a by-law under the Local Government Act 1934. The schedule proposes amendments that are of a statute law revision nature only, or that adjust penalties for offences against the Act and convert them to the new divisional penalties provided for under the Acts Interpretation Act 1915. The statute law revision amendments do not make any changes of substance but bring the provisions into line with current drafting style with a view to the publication of a consolidation of the Act.

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

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

The Hon. T.H. HEMMINGS (Minister of Housing and Construction) obtained leave and introduced a Bill for an Act to amend the South Australian Housing Trust Act 1936. Read a first time.

The Hon. T.H. HEMMINGS: 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 Government wishes to amend the South Australian Housing Trust Act in terms of the composition of the board of the Housing Trust. At present, section 9 of the South Australian Housing Trust Act 1936, deals with disqualification from membership of the trust and provides:

> No person shall be or continue to be chairman or a member of the trust if he has any interest, direct or indirect, in any contract made by the trust: provided that a person shall not be disqualified from holding office as chairman or a member of the trust by reason only of the fact that he is a member of a company which is interested in any contract made by the trust if that company has 32 members or more.

The Government has two major concerns. First, section 9 of the Act disqualifies Housing Trust tenants from membership of the board. It is now broadly recognised that trust tenants should be represented on the board. Such representation will allow trust tenants the opportunity to gain a better understanding of the trust's role, objectives and responsibilities. The board as a whole will have direct access to tenant feedback, providing for more informed decision making. The South Australian Housing Trust Act Amendment Act 1989 provides that a person will not be disqualified from membership of the trust if their only contractual relationship with the trust relates to the letting or sale of a trust house.

Secondly, at present, persons are disqualified from membership of the trust if they have any interest, direct or indirect, in any contract made by the trust. It has recently emerged that this provision includes involvement by board members in charitable and community bodies which have contractual relationships with the Housing Trust, say, for instance leasing of a house for children with disabilities. It is clearly undesirable to limit the contribution of Housing Trust board members to community life to South Australia in this way. The proposed amendment provides that disqualification from membership of the Housing Trust board shall not apply where a board member is involved as a member, or member of the governing body of a non-profit organisation which is a party to a contract with the Housing Trust.

Clause 1 is formal. Clause 2 repeals and substitutes section 9 of the principal Act which provides that a person may not be or continue as chairman or a member of the South Australian Housing Trust if the person has a direct or indirect interest in a contract made by the trust. The present section contains a proviso that a person is not disqualified by reason only of the fact that the person is a member of a company that is interested in a contract with the trust if the company has 32 members or more.

The proposed new section continues the present provision for disqualification but recasts and extends the exception so that a person is not disqualified from membership by reason only of the fact that:

(a) the person has an interest in shares in a public company that is interested in a contract made by the trust, provided that the person's interest does not amount to a substantial shareholding in the company;

(b) the person is a party to a contract for the letting or sale of a house by the trust, or occupies, or is to occupy, a house or part of a house as a result of any such contract made by the trust with another person;

or

(c) the person is a member of a non-profit association, or of the governing body or a committee of a non-profit association, that is a party to a contract with the trust.

Mr INGERSON secured the adjournment of the debate.

HOLIDAYS ACT AMENDMENT BILL (No. 2)

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Holidays Act 1910. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this amendment is to make provision for the Governor to allow, by proclamation, banks within a specified area to open on any bank holiday or holidays mentioned in the proclamation. In the past some problems have been experienced by banks not being able to offer service during events which have international significance, such as the Grand Prix. Inconvenience is caused to visitors from interstate, but more particularly from overseas whose banking needs cannot be catered for by automatic teller machines.

Whilst the Act permits the Governor, by proclamation, to declare special full or half days to be bank holidays and further permits him to declare that some other day is to be a bank holiday in lieu of a day listed in the schedules to the Act, there is no power for the operation of the Act to be temporarily suspended. It is obvious that to require that the Act be amended each time there is a special event where weekend or public holiday banking services are required is inefficient. The amendment will affect banks only and have no impact on retail traders or any other commercial activity. I commend the Bill to the House.

Clause 1 is formal. Clause 2 makes an amendment to section 6 of the principal Act relating to the closure of banks on bank holidays. The present provision requires that banks be closed on bank holidays but makes an exception in the case of any bank holiday occurring during the declared period under the Australian Formula One Grand Prix Act 1984. This exception is replaced with a more flexible exception which would allow the Governor to issue a proclamation authorising the opening of banks within a specified area on any bank holiday or holidays specified in the proclamation.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Occupational Health, Safety and Welfare Act 1986. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to expand the membership of the South Australian Occupational, Health and Safety Commission from 10 to 12 members and to make the position of chairperson a part-time appointment. These changes have been proposed as a result of representations from the major parties represented on the commission and are seen as necessary in order to achieve a greater degree of effectiveness in the commission's operations.

The proposed increase in the number of commission members is to enable a broader representation of industry interests. This broader representation has been found to be one of the strengths of the WorkCover Board and is considered to be appropriate for the commission given the similar broad industry coverage of its activities. It is clear that commitment to change in this important area is enhanced by the involvement of direct industry representatives on the commission. They act as a conduit of ideas and as a means of effectively communicating with the various major industry groups within the State economy.

This Bill also seeks to separate the functions of the Chairman and the Chief Executive Officer. The Chairman's position is concerned with maintaining the balance of relationships that exist on the tripartite commission. The Chief Executive Officer's role is to manage the commission's staff and to develop and implement the practical administrative arrangements necessary to meet the commission's objectives. The skills required of these two positions are of a different nature and it is appropriate that the structure be changed to reflect this. WorkSafe Australia, the counterpart national tripartite organisation, as a result of an inquiry into its structure in late 1987 came to a similar conclusion and has separated the two positions.

These changes are seen as necessary and are supported by the United Trades and Labor Council and by a number of employer organisations including the South Australian Employers Federation. The changes contained in this Bill will enhance the direction, efficiency and effectiveness of the commission and I accordingly commend the Bill to the House.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides for the reconstitution of the commission. The commission will no longer have a full-time member, and the number of members appointed to represent the interests of employers, or employees, is to be increased. Clauses 4 and 5 make various consequential amendments to sections 9 and 10 of the principal Act. Clause 6 provides that a quorum of the commission will be seven. In the absence of the presiding officer of the commission at a meeting, the members present at a meeting will decide who is to preside. The person presiding at a meeting will have, in the event of an equality of votes, a second or casting vote. (The Act presently provides that the person so presiding does not have such a vote.)

Clause 7 creates the position of Chief Executive Officer of the commission. The Chief Executive Officer will be responsible for the efficient management of the commission's activities and the supervision of staff. Clause 8 makes a consequential amendment to section 18 of the principal Act. Clause 9 sets out various transitional provisions associated with the commencement of the measure. Clause 9 (1) expressly provides that the offices of all members of the commission become vacant on the commencement of the Act. The person who was the full-time member of the commission will be entitled to be appointed as the first Chief Executive Officer, and his or her deputy will be entitled to be appointed as deputy to the Chief Executive Officer.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act 1972; and to repeal the Industrial Code 1967. Read a first time.

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

That this Bill be now read a second time.

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

The SPEAKER: Is leave granted?

The Hon. J.L. Cashmore: No.

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

The Hon. R.J. GREGORY: This Bill is concerned—

Members interjecting:

The SPEAKER: Order! The honourable Minister has the call.

The Hon. R.J. GREGORY: If the member for Coles is polite enough to listen, she may hear what I have to say. As she requested that I read the second reading explanation, I would expect that courtesy from members opposite.

This Bill is concerned with a number of measures which are designed to improve the ability of the Industrial Commission to regulate the conditions of employment of the workforce and to facilitate the general operation of the Act.

In particular this Bill provides for the expansion in the jurisdiction of the Industrial Commission to settle collective disputes of an industrial nature involving so-called independent contractors. This general issue has been raised on previous occasions before this Parliament. However, the approach adopted in this Bill is significantly different, in that emphasis has been placed on only intervening in the contractual relationships between the contracting parties where it is clearly in the public interest to do so. Specifically the Bill provides for the commission to intervene where there is a dispute or a threatened dispute involving a number of contractors that is akin to an industrial dispute and where it is in the public interest that the commission intervene. In addition, under the new Division IV it is proposed that the commission will also be empowered to amend or void grossly unfair contracts that exploit individuals who are vulnerable because of their lack of bargaining power.

At present there are only restricted avenues available to resolve disputes involving such sole contractors. The general

inquiry power under section 25 *(b)* of the Act has been used on past occasions in relation to collective disputes involving a number of sole contractors. However, that power was not designed for the purpose of settling such collective disputes and can only be activated with considerable delay. As a mechanism it is also quite inappropriate for the resolution of disputes involving individual unfair contracts for service that are essentially of a labour only nature and which are grossly unfair. At present the Industrial Commission and the Department of Labour Inspectorate are powerless to intervene in such individual contractual situations even though they are clearly of an industrial nature and involve gross exploitation. The exploitation of minors under such contractual relationships is a particular area of concern which the proposed provision seeks to remedy.

Under the Bill a new Division IV is proposed which will enable the commission to call a voluntary or a compulsory conference of disputing parties where the delivery of goods or services is threatened within an industry. An example of where this power would have been of use is in relation to disputes involving owner drivers in the ready mixed concrete industry. This industry has in the past been the scene of a number of protracted disputes which have seriously dislocated the building industry. In the most recent dispute, in late 1985, major building work was held up and thousands of building workers were under threat of being stood down as a result of a three week dispute involving owner drivers and the ready mixed concrete companies. Disputes in this industry have in the past been settled by the Industrial Commission but only after protracted stoppages have forced the parties as a measure of last resort to seek the commission's assistance.

The provisions contained in this Bill accordingly formalise what is already to some degree occurring in practice. Importantly the provisions contained under this Bill will enable the commission to intervene at an early stage in a collective dispute and attempt to resolve the issues by conciliation. The commission would be specifically empowered to make recommendations in settlement of such collective disputes. It is expected that such recommendations would have suasive value without the need for formal orders to be handed down binding the parties to observe the conditions of settlement.

The proposed provisions would thus operate in a discretionary way and would only apply where the contractual relationships had broken down and a dispute of an industrial nature had occurred or was threatened. This expanded jurisdiction will only apply in relation to collective disputes involving contractors who are essentially sole operators and who are engaged on a basis little removed from the relationship that exists between an employer and employee. The provisions are thus not only discretionary in operation but are restricted in application to a certain class of sole contractor and are totally directed to settling collective disputes that threaten the flow of goods and services to the community. The Bill also contains provisions which will enable the Industrial Commission for the first time to regulate the employment condition of all outworkers.

As the current Act stands, outworkers who are engaged on a contract for services basis fall outside the jurisdiction of the Industrial Commission. The case for the regulation of their conditions of employment is a compelling one. As a group outworkers are particularly vulnerable to exploitation given their social isolation, their often migrant non-English speaking background and their lack of protection under the current industrial law. Examples of exploitation abound, including the non-payment for work completed, extremely low pay for long hours of work and lack of compensation for costs incurred. Without legislative change of the nature proposed in this Bill no avenue of satisfactory redress exists for these workers.

The provisions contained in the Bill relating to outworkers are purposely broad. The proposed provisions seek to provide the commission with a general jurisdiction to cover outworkers. The actual setting of employment conditions and/or the coverage of particular classes of outworkers would, however, only follow the formal hearing of appropriate award applications before the commission and a proper consideration of the merits of each case. As a further safeguard a provision is contained in the Bill which would enable certain classes of outworkers to be excluded by regulation from the commission's jurisdiction, where that was considered appropriate. I am waiting for the member for Coles to pay attention.

Members interjecting:

The Hon. R.J. GREGORY: The member for Mitcham does not have to interrupt. He should get his mother to teach him some manners.

The SPEAKER: Order!

The Hon. R.J. GREGORY: In addition to these various provisions that are designed to enlarge the basic jurisdiction of the Industrial Commission, the Bill contains various other provisions which seek to improve the operation of the current Act. In line with the Federal Industrial Relations Act the Bill proposes that workers who have been underpaid by their employers can claim up to six years back pay in lieu of the limitation of three years under the current Act. It should be pointed out that this remedy is currently available to workers through the civil courts but is rarely availed of because of the costly nature of such a recovery process. The central point that needs to be emphasised in support of this change is that workers cannot avail themselves of these provisions unless they have been underpaid and, in that sense, even six years is a limitation on their rights.

A provision is contained in this Bill which would enable the Industrial Court to award a penalty on moneys owing to a worker who has been underpaid where the employer concerned had no reasonable grounds to dispute the claim for underpayment and should not have put the worker to the trouble and cost of pursuing a recovery action through the Industrial Court. This provision is designed to act as a deterrent against that small minority of employers who refuse to meet their obligations even in the face of clear evidence that they have underpaid a worker. These extra penalties would not apply where there was any reasonable doubt about the appropriate rate to be paid.

To assist in the settlement of industrial disputes by encouraging the direct parties involved to keep technical legal points to a minimum, the Bill seeks to place restrictions on the parties' rights of representation by legal practitioners. This restriction only applies to those conferences called under the Act where the commission seeks to use its powers of conciliation to settle disputes and will not apply once a formal hearing has commenced.

To facilitate the policing of awards by Department of Labour inspectors a provision is contained in the Bill that would enable inspectors to require employers to undertake the detailed calculations of award wage underpayments. Without this power and in the absence of employer cooperation, inspectors of the Department of Labour are forced to undertake these time-consuming calculations and this can and has placed a heavy workload on scarce departmental resources.

It is considered a much more efficient use of departmental resources for the employer to undertake this work, once the fact of an underpayment has been acknowledged by the

employer or has been confirmed on a review by the Industrial Court and for the inspector to then check that the work has been properly carried out. To a great degree this procedure is already standard practice but legislative support for this approach is required to put its legality beyond doubt and to enable inspectors to enforce employer compliance in those few cases where this may prove necessary.

A further provision of the Bill seeks to enable workers on long service leave to avail themselves of their accrued sick leave entitlements should they be incapacitated by a serious illness lasting more than seven calendar days. Currently sick leave can be utilised if a worker falls sick on annual leave but not on long service leave. Such a provision would not add to the total costs of sick leave as any sick leave taken on long service leave would simply reduce outstanding credits available to cover future periods of sickness. Importantly access to sick leave credits on the basis proposed would enable accrued long service leave to be used for the purpose it was intended. The other proposed amendments to section 80 contained in the Bill seek to clarify existing entitlements.

The Bill seeks to amend section 153 to enable consent agreements reached on the payment of wages in non cash forms as part of the 4 per cent second tier wage round or other wage negotiations to be given proper legal recognition. Currently such agreements do not have a proper legal standing and the amendment seeks to ensure that such agreements are binding.

The Bill seeks to remedy problems that have arisen in isolated instances in the past where certain employers, who have been found to have underpaid their workers by the Industrial Court or who have been ordered to pay compensation under section 31, have been tardy in paying the amounts involved. To act as a deterrent against these delays in payment by this small minority of employers, the Bill proposes an amendment to section 154 to provide for the payment of penalty interest where such delays occur.

Other amendments contained in the Bill are of a technical nature or seek to align certain provisions contained under the State Act with those contained under the Federal Industrial Relations Act. In particular, the amendments relating to the protection of unionists against discriminatory acts by their employers has been based on similar provisions under the Federal Industrial Relations Act and are directed to the tightening up of existing provisions under the current Act which already provide for some, albeit inadequate, measure of protection.

In conclusion, this Bill is primarily concerned with matters relating to the extension of the State Industrial Commission's jurisdiction to settle industrial disputes in the public interest and to prevent the exploitation of certain vulnerable sections of the work force. The Bill contains a number of important social reforms, and I commend it to the House. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides for several amendments to the definitions used in the principal Act. The definition of 'employee' is to be altered to include 'outworkers' (see clause 4); the definition of 'industrial matter' is to be altered to recast paragraphs *(d)*, *(e)* and *(f)*; and a new subsection is to be included to ensure that for the purposes of the Act, the performance of work includes the provision of services.

Clause 4 relates to outworkers. Under the new provisions, an outworker will be a person who, for the purposes of a trade or business of another, performs certain work in, about or from a private residence, or in, about or from some other prescribed premises (not being business or commercial premises). In addition, the definition will extend to situations where a person is working for a body corporate in circumstances similar to those described above, or is engaged or employed to organise outworkers or to distribute work to, or collect work from, outworkers. It is proposed that Part VI of the Act, and any relevant award or industrial agreement, will only apply to outworkers who are brought under the operation of the Act by virtue of the new provisions to such extent as may be determined by award or industrial agreement made after the commencement of the new section.

Clause 5 amends section 15 of the principal Act in two respects. The time within which a claim or application may be made under section 15 (1) *(d)* is to be extended to six years. It is also proposed to include a new subsection that will enable the court in proceedings under section 15 (1) *(d)* to impose a penalty in cases where the defendant has acted unreasonably in requiring the claimant to institute the proceedings. Clause 6 provides that an intervenor may be represented before the court by a legal practitioner or agent.

Clause 7 recasts section 25 (2) of the principal Act to provide expressly that the commission must have regard to the objects of the Act. Clause 8 amends section 25a of the principal Act to provide that an award of general application may be made subject to any limitation stated in the award. Clause 9 relates to the manner in which a person may be summoned to attend a compulsory conference. It is proposed to delete the provision that allows a person to be summoned by telegram and include a provision that allows a person to be summoned by telex, facsimile machine or other similar means of telecommunication.

Clause 10 amends section 31 of the principal Act in two respects. It is intended to repeal subsection (5) and to allow the President to authorise a stipendiary magistrate to preside at a conference under this section where the parties are located in a remote area. Clause 11 relates to the representation of parties in proceedings before the commission. New subsection (la) of section 34 will provide that a legal practitioner may only appear at certain conferences before the commission by leave of the commission. Leave will be granted in prescribed circumstances. Leave will not be required in relation to a legal practitioner who is an officer or employee of one of the key industrial relations organisations or who is an officer or employee of a registered association that represents employers or employees.

Clause 12 proposes a new Division relating to the jurisdiction of the commission to make orders with respect to contracts of carriage and contracts of service (as defined by new section 37). Under new section 38, the commission will have limited power to intervene in disputes arising under contracts of carriage or contracts of service. The commission will exercise this special jurisdiction on its own initiative, or on the application of the Minister, the United Trades and Labor Council or an appropriate registered association representing interested paries. It is proposed that the commission be empowered to call a conference of the parties to attempt to settle the particular dispute by conciliation or agreement. The commission will be empowered to make recommendations at the conference for the settlement of the dispute. New section 39 will empower the commission to review any contract of carriage or service contract that is grossly unfair and contrary to the public interest.

Clause 13 amends section 44 of the principal Act to give the United Trades and Labor Council a right of intervention in proceedings before the court or commission that are likely to affect the interests of a registered association that is affiliated with the council. Clause 14 corrects an error in section 48 of the Act (the error having occurred on the reprinting of the Act in 1987). Clause 15 relates to the powers of an inspector where the inspector has reason to believe that an employer has underpaid an employee. New section 50a will allow an inspector to require the employer to calculate (or recalculate) an amount due to the employee and to provide an appropriate certificate setting out the calculation. The employer will be able to apply to the court for a review of the inspector's actions.

Clause 16 will allow a legal practitioner who is employed by a registered association that represents employers or employees to be a member of a conciliation committee. Clause 17 relates to the jurisdiction of conciliation committees. New section 69 (8) will provide that a committee must, in the exercise of its jurisdiction, always seek to promote the objects of the Act. Clause 18 relates to sick leave entitlements under section 80 of the principal Act. It is proposed to provide that a person will be entitled to claim sick leave if he or she is sick for seven or more consecutive days while on long service leave (a similar entitlement presently exists after three consecutive days when an employee is on annual leave). Subsection (3) is to be amended to clarify that sick leave accrues during an employee's first year of service on a week by week basis. New subsection (4c) will ensure that the provisions of the section do not affect awards or industrial agreements that confer more favourable entitlements than the terms and conditions provided by the section.

Clause 19 inserts a right of appeal under section 96 of the principal Act in relation to any order made under new section 39. Clause 20 sets out the persons who are entitled to appeal against an order under new section 39. Clause 21 amends section 108 so as to allow industrial agreements to be entered into for any length of time (instead of the present case of up to two years). An agreement may provide that different parts of the agreement are to operate for different lengths of time.

Clause 22 relates to the approval of industrial agreements under section 108a of the principal Act. The commission will be given the discretion not to approve an agreement if it is contrary to the objects of the Act or if a registered association that has 'coverage' in the area, and a proper interest in the matter, is not a party to the agreement. Clause 23 makes amendments to section 146b of the principal Act in relation to the commission having regard to practices and procedures of the Commonwealth commission and to allow key industrial relations organisations to apply for declarations under the section.

Clause 24 amends section 153 to allow various authorisations to be given to employers so that they may pay their employees otherwise than by cash.

Clause 25 recasts subsections (3) and (4) of section 154. In particular, new subsection (3) *(c)* will empower a court in certain circumstances to award penalty interest against a person who has failed to comply with an order under section 15 (1) *(d)* or 31 of the principal Act.

Clause 26 amends section 156 of the principal Act. It will be unlawful for an employer to threaten to take action against an employee in the cases described by the section. It will also be unlawful to alter detrimentally the position of an employee in those cases. The period in relation to which subsection (2) may operate is to be altered from two months to six months.

Clause 27 amends section 157 in a manner consistent with the amendments to section 156. The provision also revises the cases in relation to which the section will operate.

Clause 28 recasts section 158 of the principal Act to provide a degree of consistency with section 157.

Clause 29 extends the operation of section 159 (which requires employers bound by awards to keep certain records) to employers bound by industrial agreements. New subsection (7) will require an employer, subject to any award or industrial agreement, to provide certain information on a payslip to each employee.

Clause 30 repeals the Industrial Code, 1967. This proposal is linked to the inclusion of all 'outworkers' under the Industrial Conciliation and Arbitration Act.

Clause 31 and the schedule revise the penalties under the principal Act and introduce various penalties that are set out in section 28a of the Acts Interpretation Act 1915.

The Hon. J.L. CASHMORE secured the adjournment of the debate.

PRISONERS (INTERSTATE TRANSFER) ACT AMENDMENT BILL

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 object of this Bill is to give effect to an agreement between the States, the Commonwealth and the Northern Territory to amend uniform legislation relating to the interstate transfer of prisoners to provide a transfer mechanism for those persons imprisoned for Commonwealth offences or joint Commonwealth/State offences. The model provisions, prepared by the Parliamentary Counsel's committee, have now been enacted in Queensland, Tasmania, Western Australia and New South Wales. This Bill conforms with the model provisions with minor changes having been made to reflect the existing South Australian law.

Clauses 1 and 2 are formal. Clause 3 amends the definition section. The principal changes are the insertion of definitions of 'Territory' and 'State' (which now includes the Northern Territory) and the corresponding definitions of the relevant Ministers. 'Commonwealth sentence of imprisonment' is distinguished from 'State sentence of imprisonment'. 'Joint prisoner' means a person subject to both a Commonwealth and a State sentence of imprisonment. The rules for deciding at what point a sentence of imprisonment has been completed are set out in new subsection (7). The remainder of the clauses of the Bill deal with all the amendments consequential upon the necessity to refer to Territories and the Commonwealth as well as to participating States. References to 'superintendent' of a prison are deleted and 'manager' is substituted. New sections 8, 16a and 21 make it clear that State orders made in relation to joint prisoners have no effect unless a corresponding Commonwealth order is in existence.

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 February. Page 2065.)

Mr D.S. BAKER (Victoria): This Bill contains four amendments, and the Opposition agrees with three of them. The Bill provides the opportunity for more accurate budgeting by shifting the time required for boards to submit their estimates from 30 June to the end of October. That is a commonsense amendment and has the Opposition's support. However, it is strange that the legislation could have been drafted in such a way that made people submit in June their budgets for the following calendar year. This is a very sensible amendment and councils and plant control bodies will be able to tidy up the considerable problems that they have encountered in the past.

Another amendment seeks to exempt control of a proclaimed plant for the purpose that it may be kept for research. That has always caused concern, especially in the South-East, where orders have been given to get rid of certain plants, when research should be done on the correct method of getting rid of them. I have written to the Minister on this particular point several times when, willy-nilly, people have been asked to spray plants although spraying may not be the best method of controlling that plant or when more and better research methods and trials should be done. The Opposition supports that amendment.

Concern has been expressed by some land-holders and authorised officers that they could be prosecuted for the control of feral goats when they carry out what is considered to be a lawful action. The Opposition also supports the amendment to that provision. The major provision is the insertion of a new section 64a, which is definitely not in the interests of the people concerned. It provides immunity for the owner of the land or members of the board from criminal actions and liability under the Act. The reason given for inserting this new section, which does not require the Crown to accept liability, is that under the financing provisions of the Act it would cost an extra $45 000, which would be borne partly by local government and partly by the State, to ensure against professional indemnity and to cover all the boards.

I think this is the same situation which applied when ETSA tried to absolve itself from liability. Amendments to the relevant Act came before the House and the Bill was the subject of a select committee. ETSA tried to absolve itself from liability for bushfires which, it was proved, were started by that organisation. I think that that is completely wrong. There are many cases in which professional indemnity should be covered.

The Minister stated in his second reading explanation that, in the 12 years the commission has been operating, no claim has been made. I do not believe that losses which may occur through negligence or the use of incorrect methods should be borne by people on the receiving end of such treatment. I will discuss this matter further during the Committee stage. So, with that exception the Opposition supports the Bill.

The Hon. M.K. MAYES (Minister of Agriculture): The second reading debate has explored to some extent the clauses which deal with the budgetary process and exemption liability. The member for Victoria has indicated that he will pursue the issue of exemption liability with regard to a board's collective responsibilities with respect to landowners. I am happy to canvass that matter during the Committee stage. I thank the Opposition for its support of the remaining clauses. Effectively, the Bill provides for improved efficiency of the Animal and Plant Control Commission, which is a very important Government quango.

I am not sure whether the Opposition put the commission on its list of Government bodies to be knocked off, but I imagine that anyone who suggested that would be dancing dangerously because the commission's role is very important to the agricultural community. It is a body which, in my opinion, is essential for the well-being of the agricultural community at large and, of course, the community in general. I look forward to the Committee stage of the Bill. I thank the Opposition for its support of four-fifths of the Bill and, hopefully, the fifth part can be resolved for the benefit of the community as a whole.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Immunity from liability of landowner, etc.'

Mr D.S. BAKER: I believe that we should uphold the principle that the victim must be protected. There have been complaints throughout the State with respect to the use of sprays and the liability which may ensue. In many cases, if not properly administered, spraying can be very dangerous. Even if properly administered drift can cause serious damage. In fact, quite a few problems have been caused, especially in high rainfall areas; and in more closely settled areas more problems could be caused than in other areas.

This is especially significant for those pest plant control officers who operate in the vicinity of vineyards, where there have been many alleged problems, caused inadvertently, with severe financial ramifications. It is often said that one only has to drive past a vineyard which is at the flowering stage with an open drum of 2-4D to severely affect the following year's crop. I believe that the land holder or the owner should be protected.

Other problems occur because of the ability of some sprays to penetrate water supplies used by animals in hot weather. This can have not only a toxic effect but, in some cases, a residual effect which, as the Minister would well know, was highlighted recently when residual pesticides were found in meat. I think it is an absolute furphy to say that because nothing has happened in the past 12 years the Government is not prepared to protect the victim. In other words, as the Minister quite rightly said in his second reading contribution, because local government would not be fully covered the State or the Crown would pick up the cost in the end.

I think it is only right and proper that the Crown should cover these pest plant boards and their employees. I think it is a completely wrong approach to say that $45 000 could be saved when the ramifications to the person concerned can run into many thousands of dollars more than that. The Opposition opposes this clause quite vehemently.

The Hon. M.K. MAYES: I think that the honourable member misunderstands the intention of the clause. If I understand him correctly, he argues that in circumstances where professional advice is given there is no remedy available to the landowner. I would like to clarify that point because on my understanding there is a remedy available through public liability. There is not a remedy available to the commission, but a remedy is available in respect of the responsibility of a statutory authority to the Crown.

The honourable member opposes this clause because there is no remedy available to the landowner, but I point out that a remedy is available. It is not available in the sense

of professional indemnity but in the sense of public liability, which would be accepted. For example, if an officer advised that a certain spray could be used on a weed and, subsequently, it had an impact on a crop, the remedy would not be sought against the officer who gave the advice or the commission (as has been pointed out by the honourable member, in terms of the commission's insurance)—it would be sought against the Crown. That is my understanding of the matter. So, a remedy is available. If the honourable member wishes to pursue his opposition to this clause on that basis, it is misdirected.

Mr S.G. EVANS: The Minister says that the member for Victoria misunderstood what the clause says. I would like the Minister to explain his interpretation of the clause. The Minister has received advice from others as to what they think it means. Proposed new section 64a refers to immunity from liability of a landowner and provides:

(1) Notwithstanding any other Act or law to the contrary an owner of land, the Commission, a control board or any other person who—

(a) destroys an animal or plant;

(b) captures and removes an animal from land;

(c) takes any other action that is a prescribed measure for the control of animals;

or

(d) after an animal has been removed from land, sells or otherwise disposes of the animal,

pursuant to this Act, is not subject to any criminal or civil liability in relation to that action.

(2) The immunity provided by subsection (1) to an owner of land, the Commission or a control board extends to a person who acts on behalf of the owner, the Commission or the control board.

If a person is instructed to move onto land to spray weeds or to destroy a stray animal and, if as a result, plants on a neighbour's property are affected, the owner of that land is not liable for that person's actions. The clause does not stipulate that anyone else is liable for those actions. How would the court interpret legislation which exempts a landholder who sprays the weeds but then makes somebody else liable?

What is the position with removing sheep, horses, deer or commercial goats? What happens if a person destroys something belonging to someone else? Some nut trees are very susceptible to certain sprays, such as Garlon which is used on blackberries. I do not refer to aerial spraying, which would kill the fruit within a one kilometre radius. I refer to spraying by other means where a neighbouring landholder may argue that it has been used irresponsibly. It is very difficult to prove that point, because this legislation provides that the commission may direct how it is to be used but, if in the process a neighbour's plants are destroyed, the person who has used the spray is not liable and, under the next new section, neither is the commission.

I think that substantial claims were made in relation to an area at Murray Bridge and also one at Virginia. I believe that one was successful, but I am not sure about the other one. It is suggested that individuals could claim against the Crown as an alternative to a claim against the landholder, but I believe that people should be able to challenge the landholder who is believed to have caused the trouble. If that landholder subsequently believes that the directions from the Crown, the commissioner or somebody else were wrong, they should be able to claim against whomever gave those directions. This clause does not provide for such action.

The Hon. M.K. MAYES: I was a little confused by the question asked by the member for Victoria because, in essence, when he commented on this legislation before the Committee convened, I believed that he would oppose new section 70, although he also mentioned new section 64a. I believe that my comments to the member for Victoria have already answered the second portion of the question asked by the member for Davenport.

There are guidelines in relation to new section 64a. I suppose that the best way to explore the interpretation of this new section is to examine an example and the processes which would be followed. If a goat strayed onto a neighbour's property and caused damage, obviously that neighbour would want to resolve the situation. If the owner of the goat refused to resolve it, there are guidelines for the process to be followed and that could lead to the destruction of the goat. Those guidelines are very precise and must be followed by the officers or the owner of that property when resolving the situation. I imagine that the farming community would support that intention.

Obviously, certain guidelines would be followed not only for the removal of animals or the spraying of plants but also in relation to dogs. Stray dogs can threaten stock, so obviously there are guidelines to be followed by officers or owners for the removal of stray dogs. That is why in those circumstances those people must not be subject to any criminal or civil liability in relation to their actions. They are the reasons for the inclusion of new section 64a.

I believe that there is some confusion between new section 64a and new section 70. I hope that my remarks have explained the reason for exempting those people from a criminal or civil action and why the liability rests not directly with the officer when he carries out his functions but, rather, through the commission, with the Crown.

Mr LEWIS: What a mess! I am not sure what the Minister meant. In his explanation he did not clarify who owned the goat. He did not explain whether it was the owner of the land upon which the goat was found, or whether it was the owner of the neighbouring land which the goat was presumably damaging. Further, he did not clarify whether or not the goat had been registered under another Act under his control and thus carried ear tags because it was not a feral goat.

A feral goat does not belong to anyone and it must be exterminated, if it is not a feral goat, it is marked in accordance with another Act which defines how stock ownership can be determined. As that other Act now stands, the owner of the goat must restrain it and keep it on his property, otherwise the neighbour may destroy it. I think that the Minister referred to the procedures which must be followed in such circumstances.

I am still disturbed about the narrow purview of the Minister's remarks when he responded to my two colleagues about this very important ambiguity in the legislation. He did not countenance the circumstances in which a landholder, or an officer working for a board, distributes poison bait for, say, rabbit control. That could be distributed on public land on the side of a major highway along which a landholder could then move livestock that could then graze on the poisoned carrots or oats in the area where the bait has been laid. The adjacent landholder might not have been notified of the distribution of the poison and the stock could die.

On a couple of occasions heavy rain has washed bait from one person's property to another. One has to take care. The bait was washed off the roadside into a person's property and that person lost two thoroughbred mares and a stud bull that ate the bait. If we pass this legislation the people who lay the bait will have no responsibility. They can simply thumb their nose at the aggrieved party and that is not fair. It is important that we consider not only the baiting of feral animals defined as pests under that section of the law as it now stands dealing with such animals but also the control of pest plants by the use of chemicals, to which the member for Davenport has referred. Such chem-

icals can drift across fencelines if they are in the form of spray. Moreover they can be washed from one field to another in the event of a heavy downpour.

That happened to me on a property that I had at Virginia. The neighbour had used, along his tracks or roadways internal on his property, a weedicide called Vorox. He also used it along the fence line. He was on gently undulating land just uphill from my property. He had distributed the weedicide only 24 hours before a heavy thunderstorm. The bloody Vorox washed across my lettuce patch and wiped out three acres of lettuce. I did not know that it had happened and therefore did not understand why the lettuce was wiped out. I attempted to replant it, without success. After losing two replantings and attempting to establish a cauliflower crop on the land, I discovered that the poison it contained had come from next door. It was not carried on the wind but by running water. I am pretty much a gentleman (whether or not the Minister thinks so) and accepted it fairly graciously in a settlement arranged between me and the neighbour. He was in no position to pay out any great amount of compensation, but he had effectively ruined that land for cropping for more than 12 months. The chemical had to be leached out of the soil and oxidised. Eventually we got rid of it and got a limited crop of pumpkins out of the land.

I have given an example of how proposed new section 64a provides complete immunity for people who use chemicals in keeping with the provisions of an Act defined elsewhere but where they are nonetheless acting irresponsibly by not contemplating the consequences of other events over which they have no control, such as weather, but which they should countenance when using chemicals of this kind.

We could resolve many of the problems that have arisen in the past and will continue to arise in the future with the application of pesticides (and pesticides include fungicides, insecticides, nematicides, for nematodes, and the like—everything, including weedicides, which can be used as chemicals to assist in the improvement of the efficiency of the production process) if we allowed those pesticides to be applied by ultra-light aircraft, because agricultural aircraft cannot operate in a good many situations where ultra-light aircraft can operate. Light aircraft continue to operate in wind conditions in which it is inappropriate, in my judgment, for them to operate with many chemicals: the risk of drift is too great. Ultra-light aircraft, because of the minimal requirements for landing and takeoff, can land and take off almost anywhere. They do not have to go to a decent size paddock some kilometres away. At present that is not possible under the terms of the Civil Aviation Act to use ultra lights.

I have given a great deal of thought to and studied this proposition, examining the feasibility by considering the strength of the air frame of the modern ultra-light aircraft. There is no doubt that it is a hell of a lot more efficient as a means of distributing chemicals. It has all the advantages I have spoken of and absolutely no disadvantages if we compare the risk of flips and bust-ups between ultra-light aircraft and ordinary agricultural aircraft. One can simply stand on the ground and operate the thing without riding it. Whether lawfully or otherwise, I have seen demonstrations of ultra-lights doing this kind of work and I have seen the use of remote control ultra-lights, even model aircraft, for difficult jobs. It works extremely well.

The Minister would like to know of an instance where weed control up and down a cliff face was possible using remote control with a model aircraft having a two metre wing span. It would not be possible to apply the chemical to the weeds in question by any other means. We could solve a good many of the problems that have arisen if we allowed that. This is the operative clause under which we could absolve ourselves of some of those difficulties. I ask the Minister to consider the implications of this clause in the control of feral animals that elsewhere are husbanded in herds or flocks, goats being the case in point. I ask the Minister to contemplate the context in which those animals are destroyed. I ask him to contemplate also the situation in which a chemical substance that is not applied as a spray but is attached to a bait or compound to be used as a poison for animals or insects is moved other than through the atmosphere—by running water—from one property to another. I ask him to contemplate further the use of solid weedicides as well as bait that will kill domesticated livestock although intended to kill feral animals.

In conclusion, one must contemplate the consequences for the inappropriate and/or unfortunate circumstances in which chemicals have been used by application, through the atmosphere, as a spray, and they drift from the subject land and the target crop across a boundary fence into a neighbour's place. It is just not fair to leave the victim to cop it sweet. This clause, if it passes in this form, I believe leaves the way open for a vindictive neighbour to deliberately set about finding circumstances by which to claim immunity from prosecution under the terms of this or any other Act for their actions, lay the blame somewhere else, and wipe out the neighbour's crop or income wholly or partly by their mischievous and vindictive behaviour. This must be contemplated, and I urge the Minister to do so.

The Hon. M.K. Mayes interjecting:

Mr LEWIS: The Minister cannot say that: I have met some miserable bastards in this world and they would do it and then they would hide behind the provisions of this and other clauses in the legislation. I cannot share the Minister's optimism about human nature in that respect. I urge him, therefore, to contemplate the specific circumstances in each instance and the kind of nastiness to which I have alerted the Committee in relation to the personalities of a few oddball twits in our midst.

The Hon. M.K. MAYES: In relation to the point raised by the member for Davenport, and looking more specifically at the issues relating to sprays, as that is the circumstances that he mentioned—

Mr S.G. Evans: Sprays and animals.

The Hon. M.K. MAYES: Yes, I mentioned animals and I want to make the situation quite clear. In spelling it out on the basis of circumstances, there is no exemption from criminal or civil action intended for someone who sprays other than the plant that is designated under the proclamation on the schedule, which will refer specifically to this provision, if this legislation passes, under the general Act. What will happen is that, if someone sprays and the spray drifts across and affects another person's crop, that person is liable. If circumstances are such that something other than the intended plant is affected by the spraying, they are also liable.

The Hon. E.R. Goldsworthy interjecting:

The Hon. M.K. MAYES: The provision refers to the destruction of an animal or plant. The proclamation in the schedule refers to the type of plant and therefore the person who causes an impact on the plant sprayed, whether it be one in the oat family, a medic, or whatever, is liable. The intention relates to exemption from action in relation to the intended plant. That is on advice and is clear in the regulations. The regulation, for example, referring to goats—and again this does not refer to feral or any other goat in particular, domestic or whatever—provides:

The following measures are prescribed under section 47 (3) of the Act in relation to goats in all parts of the State except the Flinders Ranges and the Off-shore Islands:

(a) in the case of goats that are on land owned or occupied by the owner of the goats or on land with the consent of the owner or occupier of the land, the goats must—
(i) be secured or confined in a manner determined by the commission;
and
(ii) in the case of goats that are over six months of age or 15 kilograms in body weight—be permanently identified in a manner determined by the commssion;

(b) in the case of goats that are on land without the consent of the owner or occupier of the land the goats must, subject to regulation 18—
(i) be captured and removed from the land within six weeks after capture;
or
(ii) be destroyed.

So, it is quite specific about what is intended. I might say that the UF&S totally agrees with this proposition. I note that the member for Murray-Mallee has gone. The specific intent is to aim directly at the problem, that is, the plant or the animal. The provision refers to the destruction of a specific animal or plant—not any other plants or any other animals. So, people are not exempt from liability in any other circumstances. The provision relates to the specific plants and animals listed in the schedule as requiring a particular action.

It does not exempt anything outside that. If spray should drift to another property it would not have been used in accordance with the directions or guidelines as established and not in accordance with the regulations or the proclamation and, therefore, a person would not have any immunity from prosecution. So, if it occurs in the circumstances as suggested by the member for Murray-Mallee, who suggested a malicious act on the part of a neighbour, that neighbour is liable—there is no question about that. The process is there quite clearly. It is very specific. I am a little confused as to why this question of acrimony has suddenly arisen, when in fact there have been extensive consultations with all the boards and the UF&S, all of which agree with the purpose and the intent of the provision.

The Hon. E.R. GOLDSWORTHY: If on the order of a pest plants board a person goes out and sprays blackberries or furze, or one of the other things listed as plants that have to be destroyed, and if that person damages a neighbouring orchard in the process, people who are acting pursuant to that order are free from immunity.

Mr. S.G. Evans: He didn't say that.

The Hon. E.R. GOLDSWORTHY: Well, I must have misunderstood the Minister. I thought he was making it specific to the plant; that it did not apply to a plant not on the list. But is the Minister saying that a person is still liable? That is not the way I read it. It says here that the person is free from immunity. The provision states:

Notwithstanding any other Act or law to the contrary an owner of land, the Commission, a control board or any other person who—

(a) destroys an animal or plant—

and in the case I am talking about, say, blackberries—

. . . pursuant to this Act, is not subject to any criminal or civil liability . . .

The Hon. M.K. Mayes interjecting:

The Hon. E.R. GOLDSWORTHY: Where else in the Act is there a provision that negates what I am saying?

The Hon. M.K. Mayes: I will repeat it for the Committee, if that is necessary.

The Hon. E.R. GOLDSWORTHY: Well, I cannot follow this. It provides that in those circumstances a person 'is not subject to any criminal or civil liability in relation to that action'. In what other circumstances would a person be liable for civil action, unless a person had done damage to somebody? Under what circumstances would they be liable?

Mr S.G. EVANS: Perhaps I can follow through the point that the Deputy Leader has just raised. I interpreted the Minister to mean that if an order was given, according to this legislation, to destroy a plant or an animal and if the person who was carrying out the action to implement that order destroyed only that plant or that animal, this clause would exempt them from any action. One must then ask why in the world should this clause be included. Perhaps the Minister can explain this to me. If a person is carrying out an instruction, according to the Act, that is a lawful action, and surely a person cannot be liable for a claim for damages when carrying out an act within the law. That is where I have a problem is understanding why this clause is included.

The Hon. M.K. MAYES: I suggest that the honourable member is wrong, because, of course, some action can be taken by the owner of a particular animal against a person who proceeds even in accordance with the Act as it currently stands, under the prescriptions that are set down and the listings under the proclamation. So, a person can take action.

The Hon. E.R. Goldsworthy: Action against whom?

The Hon. M.K. MAYES: Action against a person for damaging the property—goats, say, if it relates to goats.

Mr S.G. Evans: Is the Minister saying that a person can take successful action?

The Hon. M.K. MAYES: Well, they could take an action; I do not know whether it would be successful.

Mr S.G. Evans: That is a different thing.

The Hon. M.K. MAYES: It is not for me to judge that. The point is that they are not exempted, and that is the purpose for inclusion.

Mr D.S. BAKER: Can the Minister tell me what happens if an officer goes out to spray a plant and makes a mistake and sprays a plant that is not on the schedule, say, a grapevine or some valuable plant, and simply says, 'Well, I made a mistake; it wasn't on the schedule.' Under this provision, in that circumstance there is no recourse whatsoever to civil liability. It could be a very expensive plant—it could involve some of those plants that are grown illegally, even. However, it is quite clear that under this clause if he goes out and sprays a plant, he can claim that as a defence and say, 'I sprayed a plant but, bad luck, it was the wrong one.' There would be no civil action.

The Hon. M.K. MAYES: With due respect to the honourable member, I think he is confusing proposed new section 64a and proposed new section 70. That is what confused me initially. In his opening remarks, the honourable member addressed section 64a, when, in fact, he addressed the issues in section 70. In fact, there is liability and I went through the process whereby civil liability can be processed. Although we are not dealing with section 70 at the moment—I respect your ruling on that, Mr Chairman—that section deals with the aspect of where liability rests in those circumstances. I made that clear in my initial comments when I addressed the second part of the question from the member for Davenport in relation to the implications of section 64a. There is liability and there is an avenue of redress.

The Hon. E.R. GOLDSWORTHY: I heard some of that on the intercom but I obviously missed a bit when the Minister said he would repeat it for my benefit. According to the Minister, the let out in relation to immunity from prosecution in the case that I cited where, in good faith, an officer goes out and sprays blackberries and the spray drifts over a neighbour's property and does damage, is that he will still be liable because he is not acting pursuant to the

Act. I would like the Minister to repeat his explanation and show me where in this Act there is a let out from this clause which states that a person who has had his fruit trees ruined can then sue the Crown, the board, or the officers thereof.

The Hon. M.K. MAYES: I am not sure what the Deputy Leader wants to achieve, but I will go through it again. New section 64a provides:

(1) Notwithstanding any other Act or law to the contrary an owner of land, the commission, a control board or any other person who—

(a) destroys an animal or plant. . .

That prescription is quite specific: animal or plant is listed. It is referred to in the Act under proclamation of schedules of plants and animals, and it refers to the sections of the Act which apply, and to the controlled areas of the whole State. It refers to the proclamation whereby that is a plant or animal. Then, there are guidelines under the regulations which prescribe the method which must be applied by officers or the person involved in eradicating the problem, whether it be a plant or animal. It is very specific.

An honourable member interjecting:

The Hon. M.K. MAYES: It applies to blackberries or any other proclaimed weed. Therefore, if the spray should drift on to another property, it would not have been used in accordance with the prescriptions in the Act, and it would not be in accordance with the directives and guidelines. Therefore, it would not have any immunity from prosecution.

The Hon. E.R. Goldsworthy interjecting:

The Hon. M.K. MAYES: Effectively, that is the circumstance. The proposal protects the innocent landowners and the people who are innocent to the events. It does not exempt officers who may be applying the particular treatment to those weeds in the circumstances. Therefore, there is (under new section 70), a process by which—irrespective of the circumstances of the officer, whether it is professional advice or whatever—the landowner has redress. So, we move to the next section before us, which is a substitution for the existing section 70.

Mr S.G. EVANS: The Minister still has not shown me—and I know I am not a legal eagle—why it is necessary to have this clause, which I believe states that if a person, in destroying a plant or animal, has done everything according to the Act and regulations, is not liable to a successful claim. I would like the Minister to tell me whether or not I am wrong. I believe that if a person is destroying a plant or animal and does so according to the Act and regulations, they are not liable to a successful challenge or claim. Why do we need a clause in an Act that says that? The Act provides that if you act in accordance with the Act, that is lawful. That is the point I want the Minister to clarify. If one acts according to the Act and regulations one can be liable to a successful claim for damages. That is what the Minister is inferring. If that is the case we have funny laws.

The Hon. M.K. MAYES: I do not want to answer for the laws generally but, in this case, the person is not exempt. It is not a question of a successful—

An honourable member interjecting:

The Hon. M.K. MAYES: No, that is the circumstance. That person would be subject to the Criminal Consolidation Act. That would be the circumstance for an officer or owner of land. Let us take the example of someone's pet goat. In accordance with the regulations, the prescriptions, and the Act, if that goat was destroyed, at the present time, someone can take action against the person who has destroyed that animal, even though that may be the owner who does so on the advice and with the support of the commission as a whole. Action can be taken against them. That is why the provision is here. It is as simple as that.

Mr S.G. Evans interjecting:

The Hon. M.K. MAYES: Perhaps I should encourage the honourable member to take a basic course in law.

An honourable member interjecting:

The Hon. M.K. MAYES: That is not the case. That is the advice I have received.

The Hon. E.R. GOLDSWORTHY: I am back to my blackberries, not goats. This clause gives immunity from liability—the regulations have now been introduced into the argument—unless the regulations have been breached. I am certainly not happy with that explanation. We are not *au fait* with the regulations. I would say that wind velocity would have to be precisely determined in those regulations. If there is to be a let out in the case of spraying blackberries and the spray drifts on to a neighbour's property, we will then need to have recourse to the regulations to decide whether or not that action is pursuant to the Act. For the life of me I think that is a most clumsy situation in which to try to adjudicate disputes when some damage is done when removing pest plants.

The wind velocity would need to be delineated, the size of the spray droplets, and so on. The sort of thing that leads to spray drifts is the size and breadth of the spray—the misting. The critical factor is the wind velocity. I admit that I am not *au fait* with these regulations, but I would be very surprised indeed if the regulations can spell out, in the sort of detail necessary, to allow for successful litigation.

The Minister is contending that there could be successful litigation if damage is done to neighbouring crops. I am contending that the regulations—in the case of each pest plant—must go into very fine detail if a successful prosecution is to be launched. As I said, all of those factors are critical. My colleague, the member for Davenport, tells me that, with aerial spraying, Garlon can travel for a kilometre. I am talking about spraying along the road with a wand, producing a fine mist. If the weeds are long on the road outside my property, some of my shrubs may be sprayed, with adverse results.

The Hon. M.K. MAYES: The Deputy Leader is advocating irresponsible actions by people. If the honourable member is talking about 2-4D, which can be used on blackberries, he is advocating that people spray with 2-4D probably against the directions on the label. He is encouraging people to spray irrespective of the conditions prevailing on the day and the effect of that spray on the neighbour's property. Such spraying would be totally irresponsible and in accord with neither the legislation nor the instructions on the label.

The Deputy Leader does not understand the use of sprays. The conditions provided in the legislation reflect the responsible position that is supported by the boards and the United Farmers and Stockowners. The Deputy Leader is suggesting that, if anyone sprays with a chemical that can have an adverse effect on the environment, that person can spray away and worry afterwards when the neighbour's potato crop and animals have been destroyed.

The Hon. E.R. Goldsworthy: That's not what I am saying.

The Hon. M.K. MAYES: It is, and I am astounded by the Deputy Leader's reaction. The legislation applies to animals and plants. Regulations will be required pursuant to the Act and that is how this provision will be applied to protect the community, by ensuring that animals and pests can be dealt with effectively. Indeed, this is a sensible provision that can only benefit the community.

Mr D.S. BAKER: When he gets into a corner, the Minister must personally abuse my colleague. The new section is clear.

Members interjecting:

The CHAIRMAN: Order! The honourable member for Victoria is having trouble being heard.

Mr D.S. BAKER: I could raise my voice, Mr Chairman. It is perfectly clear that the Minister did not realise what the Deputy Leader was talking about. New section 64a clearly provides that, if anyone destroys an animal or plant pursuant to the legislation, he shall not be subject to criminal or civil liability. However, we do not want some provision in a nebulous regulation to be a defence in respect of the action of someone who causes another person to incur loss. Opposition members are trying to protect the victim. Nothing that the Minister has said today has allayed my fears concerning this provision. In fact, the Minister's outburst has caused me to have even graver fears on the operation of this new section.

The Committee divided on the clause:

Ayes (28)—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, and Klunder, Ms Lenehan, Messrs McRae, Mayes (teller), Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

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

Majority of 12 for the Ayes.

Clause thus passed.

Clause 6 and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (1989)

Adjourned debate on second reading.

(Continued from 23 February. Page 2151.)

Mr INGERSON (Bragg): In rising to debate this Bill, I point out that the Opposition supports in principle the introduction of photographs on drivers licences. However, a lot of matters are not provided for in the Bill although they were mentioned at great length in the Minister's second reading explanation. The introduction of photographic licences has become something of a saga. On 21 December 1987, the Minister issued a press release stating that photographic licences would be introduced early the following year. On 4 November 1988 another press release from the Minister was issued stating that photographic licences would be in force by July.

Because it has been a long, drawn-out saga, I wonder why, having taken so long to introduce these provisions, the Bill does not cover everything. It seems to me that the Bill has been drafted in haste, yet there has been all this time in which to consider the introduction of photographic licences. Matters that are very important to the State and to the Parliament are not explained at all.

When the first announcement was made in December 1987, the Opposition suggested that the licences should be colour coded to identify the different categories of licence. In his second reading explanation, the Minister stated that licences will contain a photograph and will be colour coded. A full licence will be blue, a probationary licence will be red and a learner's permit will be yellow. Although mention is made of it in the second reading explanation, the Bill does not contain any such provision. I can only assume that it will be effected by regulation. Such a dramatic change should be provided for in legislation, not merely announced in a second reading explanation without any obvious follow-up in law. Once again, significant regulations will have to be drawn up and introduced after the Bill passes Parliament.

The explanation stated that the licences will be in the form of a plastic card which, I assume, will be the size of a Bankcard and similar to those which have been introduced in Queensland, New South Wales and Victoria. A photographic licence has significant value for police in identifying offenders, whether they be in breach of road traffic laws or have committed offences of a criminal nature. With colour coding, police will be able to specifically identify the categories of licence. For the driver, a photographic licence will be beneficial for general community use. Although it will not be introduced as an identity card, a photographic licence has significant use for small businesses and hotels.

The next matter concerns the information to be contained on the licence. This is not contained in the Bill, therefore I can only assume that name, address, class code, licence number, date of birth and licence expiry date will appear on the card. Will there be an organ donation statement, blood grouping or general instructions on the back of the card? It seems to me that, when legislation which introduces such significant changes is drafted, some mention should be made—even if it is only in the Minister's second reading explanation—of the detail to be contained in the plastic licences. I say that because the Minister has changed the size of the card and the requirements relating to probationary licence specifications.

How will change of address be advised? At the moment this is done via a tear off slip. There is no mention of this in the second reading explanation, as again, I assume that it will be covered by regulation. The second reading explanation states that the method of manufacture of these licences will be centralised. The question is: where will it be done, who will do it, and will it be done internally, externally or by tender? Those sorts of questions about the centralised manufacture of those licences should be explained in detail to Parliament. We can assume that it will be done by the department, but it may be done by private contract—nobody knows. Those sorts of things should be spelled out to Parliament.

It is mentioned that security will be very high—and I believe that—but nowhere in the Minister's second reading explanation is it detailed how this security will work. How will photographs be stored and who will have access to them? I remember a significant debate in Federal Parliament when a lot of concern was expressed by all members about the storage of information and who would have access to it. Here is a significant change, which is supported by the Opposition, but I believe that it needs to be fully explained to Parliament. Who will have access to the photographs and what duplication processes, if any, will be available? I assume that there will be none, but I think that those matters should be properly explained.

With respect to how a person can obtain a new licence, the second reading explanation states that this can be done at country and metropolitan divisional offices of the Motor Registration Division and through a 'supporting network of agencies'. Again, there is no explanation with respect to the 'network of agencies'. In the *News* of 25 November 1988 the union movement expressed significant opposition to the use of outside agencies and, in particular, post offices. I am at a loss to understand why the union movement is opposed to the use of post offices, but the article by Mark Grady clearly states that there is an objection to their use. I can only assume that the union movement believes that the Motor Registration Division should be expanded to include this area and that it should not be given to another sector

of the Public Service. I hope that in his reply the Minister attempts to give us a better understanding of this point.

The next area of concern is the fact that drivers will need to attend personally at a specific place to have photographs taken. It is obvious that one will have to go somewhere to have a photograph taken, but some of the people with whom I have consulted are concerned that they may be told to go across to the other side of town to have their photograph taken. I told them that commonsense would not allow that to happen, but there is the problem of where these people work. The Registrar of Motor Vehicles would know where a person lives but would not know where they work. I do not believe that this is an important point, but it was brought to my attention and I ask the Minister to comment.

In relation to this same point, the second reading explanation states that, if a person lives more than 80 kilometres from an agency, a certified passport photograph can be supplied. It is interesting to note that the Bill contains no mention of this distance of 80 kilometres, nor the requirement of a certified passport photograph. As the Minister would know, there is a significant difference between the requirement of a photograph, as mentioned in the Bill, and a certified passport photograph. Again, it needs to be clarified in the Bill that the Registrar requires a certified passport photograph.

Whilst on many occasions we have heard assurances from a Minister in relation to certain parts of a Bill, we often find that the courts do not take a great deal of notice of such assurances, but simply read the Bill as it is. The Bill does not identify clearly that a certified passport photograph is required. The Government has had plenty of time to put this Bill together and this information should have been properly set out.

The Opposition supports strongly the changes proposed by the Government in relation to the issuing of probationary licences for only 12 months. I remind the Minister that on a couple of occasions I have approached him about young people who have been required to take out a five-year licence and, subsequently, their licence has been suspended. They have accepted that penalty only to find themselves in a double jeopardy situation in that not only have they lost their licence but also the five-year licence fee. The Opposition supports this proposed change to issue a licence only for the probationary period. The Government should be congratulated for recognising this problem.

However, what will happen when a person with a probationary licence transfers to a full licence at the end of the probationary period? Is the payment for the five-year period to be recognised at that time? There is no mention of this point in the second reading explanation. I assume that that will be the case but I think it should be clarified because it could mean that those people currently holding a five-year licence will be penalised when they transfer from a probationary licence to a full licence.

The Opposition is concerned about the requirement for 'L' and 'P' plate drivers to carry their licence at all times. Considerable concern about this compulsion has been expressed to me by young people. They are concerned that they are being discriminated against because they are required to carry their licence all the time whereas a fully licensed driver is not. A fully licensed driver has the option of carrying his licence or producing it within 48 hours if so required. I believe that that is a reasonable situation which should apply to everyone. Some concern has been expressed about this area and at a later date the Opposition will move an amendment to this effect.

Whether the information is changed because of a classification change, disqualification, or some change caused by the courts, the old card must be sent in. People receive a new card free of charge, and we support that. However, what happens to those people who in the meantime have sent their cards in so that the information may be changed? The legislation provides for an interim permit while they are awaiting the issue of a new licence, but the Bill does not mention what will happen in the case of a classification change or a disqualification. I assume that again an interim permit will be issued, but that question should be clarified.

Everyone can understand the reason for a photograph not being available over the counter and that there will be a delay, but what sort of timeframe is expected and for what period will this temporary permit be issued? There is a significant problem in that area. The changeover period will be vital if this centralised system is to run efficiently. Again, I come back to that centralised system whereby a much broader explanation is required than in relation to the production of photographic licences.

The next change relates to drivers over 70 years requiring some sort of medical examination in order to have their licence re-endorsed; at present that examination occurs every 12 months. I do not believe that situation will change under this legislation although they will now be able to obtain a five year licence. I support that proposition, but I believe that a facility should be available so that people can take out a licence on a yearly basis if they so wish. That is not clearly explained in the Bill, so could the Minister clarify that situation? As he would be aware, many people over the age of 70 years recognise on an annual basis that that time may be the last time they obtain a licence.

The Hon. J.W. Slater: If they die, do they get a refund?

Mr INGERSON: That is another question: the Bill does not mention that.

The Hon. G.F. Keneally: They do.

Mr INGERSON: The Bill does not say that. People should be able to obtain a licence on an annual basis if they choose, and there is the option of a five-year licence. Do they have the same opportunity upon disability and/or death to obtain the same rebate? The Minister has stated that that is set out in the Act, but could he clarify that situation?

I have had discussions with the Professional Driving Instructors' Association and it supports the provision which requires instructors not only to have their licence with them but also to carry photographic identification. Because the association supports that provision, obviously the Opposition will accept it.

We are concerned that new section 98aa requires people, who teach their children to drive, to carry a licence for identification. As a consequence, during Committee I will move an amendment to enable that person to either carry a licence for identification, or to produce it within 48 hours, as applies now to a fully licensed person. We understand the intention of that provision, but we do not support it.

A number of matters are not covered in the legislation or in the second reading explanation. First, there is no indication as to costing; no-one knows how the proposal will be financed or what method will be used for payment. I have heard on the grapevine that there may be a charge in relation to the registration of motor vehicles or the licences. Will the Minister explain the method and the likely cost of setting up the whole exercise? What will be the cost of the photographic equipment? What will be the cost of setting up all the new agencies, and will they be operated by the private or public sector? What will be the overall cost to the consumer and, more importantly, what principle was used to decide the final method of charge to the consumer?

Another area not covered in the Bill relates to how often the photographs will have to be renewed and the cost to the consumer. As we all know, it is very important to upgrade photographs at least every five years. The Bill does not stipulate whether or not that will be a requirement or merely desirable. If the individual consumer wants to have the photograph upgraded every five years, will they have to pay, or will that photograph be supplied free of charge? The Bill does not clarify who can certify the photograph of a person who lives more than 80 kilometres away, so again we have the question of the passport-type certified photograph as compared with the type of photograph required under this Bill.

Finally, how will the scheme be promoted? Most members of the Opposition can remember the changes under the third party scheme and the diabolical mess which resulted because of the very poor promotion of the change. Will the Minister explain what promotion scheme will be undertaken, particularly as it relates to the L and P plate holders? More importantly, if the Government does not accept the amendment, a heavy promotion scheme will be required in order to acquaint members of the public with the requirement to carry a photographic licence when teaching their children or neighbour's children to drive.

Mr LEWIS (Murray-Mallee): I am astonished that the Minister was so banal as to bring this measure into the Parliament in such an incomplete form. I am sure that you, Sir, and other members of this Chamber recognise the validity of that remark in that the legislation is clearly deficient when compared with the substance, as described by the Minister in his second reading explanation. There is just not sufficient provision within the Bill to in any way provide the conditions to which the Minister referred in his explanation (page 2149 of *Hansard*, 23 February). Had the Minister been compelled to read the Bill rather than incorporating it in *Hansard* without reading it, he might have realised that.

It makes me think that it might be necessary for me to compel Ministers to read their second reading explanations, as I have done on previous occasions in relation to important legislation and as the member for Coles did today. I believe that the Minister either had not read the second reading explanation that he incorporated or had not read the legislation—or both.

If we look at the second reading explanation we find that the Minister made some glaring oversights. For example, he refers to provisions requiring the registrar to issue to a person aged between 67 and 70 years (clause 12 of the Bill, section 84 of the principal Act), a licence that expires when the person attains the age of 70 and to issue to a person aged 70 years or more a licence for one year. That is struck out of this clause, thus enabling—indeed requiring—the registrar to issue a five-year licence to these drivers. If the Minister had read that, he would have realised how ridiculously unjust it is, because a 70-year-old person has to front up at least once a year, maybe more often, to prove medical eligibility to drive; that is, they must be physically and mentally competent to be given a licence to control the movement of a motor vehicle. That is the best way of putting it. We all prefer to think that we know what the term 'drive' means, but if we were talking to Greg Norman he would say that he needed a one wood driver or a one iron, so it is as well to explicitly state what we mean in using words that have more than one meaning imputed to them in our language.

The Minister, I am sure, would not want to be guilty of such an injustice as this measure will perpetrate upon an old person who possibly, even one day after having turned 70 or indeed 67 years of age, has a slight stroke and loses central vision or some other essential capacity to drive. Such people, having paid for a licence for five years would then have that licenced revoked. There is no provision in the legislation for the Minister or his department to refund the money that they have outlayed, yet they will have to meet the cost of moving about other than by motor car or, in the unlikely event, motorbike or, in the very unlikely event, omnibus or truck, upon which they otherwise rely as their means of locomotion or transport.

If the Minister had read and considered the legislation and the second reading explanation, I am sure he would not have made that oversight. I am also sure that you, Mr Acting Speaker, would not want us to impose that condition upon old people—it is not fair. It really is harvesting revenue for the Government because, from that day forward for the remaining four years and 364 days, the outlay they have made in paying the Government revenue for that five-year licence is lost to them. I guess that it was not much when only 364 days or, more recently, three years was involved. I recognise that this same thing can happen to anyone regardless of their age, although with less frequency as medical evidence shows. Again, I would have thought that that would trigger the Minister's attention to the anomalous situation that would be created if this legislation passed in the present form.

I will not attempt to amend it as that would only waste the time of this House. I have been told off for doing that before, even though I have done it in good conscience. I leave it to the Minister to address this question after, as I assume will happen, the legislation passes in this Chamber but before it was introduced in the other place; an amendment should be considered. I do not believe that it is fair for someone, whether old or indeed of any age, who loses their capacity to drive through some medical misadventure suddenly occurring, to forgo what they have contributed to Government revenue. It should be possible for them to apply and to recover a substantial proportion, if not all, of the *pro rata* amount. There are other such instances, albeit of lesser significance, in the legislation.

I wish to run through the second reading explanation and the Bill side by side in order to make specific points. We read that a photograph of the licence holder will go a long way towards eliminating the improper use of licences. That will be only in circumstances where we can guarantee the integrity of the licence so issued. It is very easy for someone to front up to the Motor Registration Division, give the name of a person and say, 'I require a photograph for my licence.' That name may not be that person's name at all. They stand before the camera, nonetheless, looking about the age of the person; even if they are required to produce a full birth certificate, it does not prove who they say they are. Standing before the camera, they have their photograph taken and have it put on the licence; but they might indeed have been forbidden from driving for life for, say, driving under the influence of alcohol or pot, and so sentenced by the court. They go along and pay a fee of $200, $500 or $1 000—whatever the going price is—to get someone—possibly someone who is mentally retarded who does not want a driver's licence at all and indeed probably does not know what a driver's licence is.

Nowhere on the birth certificate would it be shown that a person with such limited mental capacity was unable to acquire any competency in literacy and numeracy. Nowhere on the birth certificate would it be shown that a person had such limited intellectual means. A person of the same sex, whether it be a brother or a sister, could take such a person's identity, as a matter of convenience, and if not the same sex then someone who looks about the same as they do,

and say, 'This is me,' and then toddle off with that birth certificate. It is not difficult to imagine how they would do that in company with a person of such impaired intellectual capacity. That person could go to the Registrar of Motor Vehicles and have their own photograph taken, instead of the person who is of limited mental capacity, and have it incorporated on a licence, showing the particular name of the mentally retardee. When a policeman saw the licence he would see the likeness in the photograph and presume that that was the person involved. Thus, I have explained to the Minister and to the House how this system, even though we hope it will be the panacea, can be easily beaten by those people who wish to beat it. Therefore, I believe that it is necessary for the same rigorous conditions to apply to anyone seeking to obtain a driver's licence with a photograph on it as otherwise apply to a person seeking to obtain a passport.

I note in the second reading speech that the Minister, without explanation as to how, why, or anything else, canvasses the good idea of having colour-coded licences in the credit card form that they are to be presented. I commend that. It is very convenient; it is very appropriate. They are durable and they will not go limp if they get wet, for instance, if one happens to fall or be thrown into—

The Hon. J.W. Slater: A washing machine!

Mr LEWIS: —water or a fountain, or if one leaves it in one's shirt pocket and it happens to go through with your laundry, as the member for Gilles, out of his place, reminds me by way of interjection. They are all good things, but it is not included in the legislation, nor does the Minister say how he will give them the imprimatur of law through regulation, if that is possible, under the existing structure that is permitted in the regulations by the principal Act. In his second reading explanation the Minister said:

> The centralised system of licence manufacture offers the highest level of security.

I dispute that. I say that that is absolute and utter nonsense. It is not true at all. Indeed, it exposes it to the kind of risk that I have just explained. I believe that a more decentralised system, especially where it comes to establishing the identity of the photograph and the person of whom it is taken, is preferable. I do not mind if the manufacture, that is, putting the photograph into the plastic card is centralised. In fact, modern technology in the 'smart card' context would enable us to incorporate the image of that photograph into a holograph which, in my opinion, would be even better than the straight photograph, because photographs can be subjected to chemical degradation and to degradation through exposure to infra-red or ultraviolet radiation—depending on which technology is used in the taking of the photograph.

The other point I wish to attack in relation to matters referred to in the second reading explanation (and nowhere contained in the legislation, however) relates to what the Minister said in his second reading speech, as follows:

> Where a person resides more than 80 km from a photo point, or cannot for good reason, attend a photo point, the facility will be provided to supply a certified passport photograph for use in manufacturing a photographic licence, without personally attending a photo point.

Frankly, I reckon that, while that in fact goes some distance towards what I have just said needs to be done in all instances, it ought to go a bit further than that, so that the kids on the beach at Cactus cannot go and chum up with someone who is a schoolteacher at Ceduna in about the same peer group and con them into signing their photographs for the licences. I believe that they need to give good reasons why they are 80 km away from a photo point—and the good reasons ought to fall into two categories. (I have given this point considerable examination in my mind). There are two relevant points in relation to what this involves: first, that people are required to be in such a location by virtue of their employment, like jackaroos on a pastoral lease or station or hands on a farm somewhere or other, who do not have the capacity to get away from their employment and to go to the place where they can have their photograph taken.

The second point is that they might be otherwise living with a parent or parents in that situation. They might be still undertaking secondary schooling. It is an unlikely circumstance, I agree, but it is still feasible that they might be doing that. They might still be undertaking secondary schooling by correspondence, by DUCT technology, and so on, and not have the means to get away during normal hours to obtain the photograph. However, I believe that the integrity of all these photographs needs to be very rigorously established—otherwise we go nowhere and we go to a great deal of expense to get there and we would have improved not one jot on the system that we have now and would have simply made a more elaborate mess.

In the short time left to me, I draw attention to two other matters. In his second reading explanation the Minister said:

> Accordingly, it will be necessary to provide the licence holder, on payment of the appropriate fee, with a temporary paper licence which will be valid for a period of up to one month, or until the licence holder receives the new photographic licence, whichever is the earlier.

What happens in circumstances where the jolly photographic licence does not arrive in one month? The paper licence would have expired and so the poor devil would be without a licence again. Whose fault is that? At whose expense would it be rectified? I think that is a ridiculous situation, and I would like it to be addressed.

In conclusion, what about the provisions in relation to change of address? The member for Bragg, my parliamentary colleague and spokesman on transport matters, drew attention to this matter. There is no means by which it is possible for the licence holder to send the licence back with a *pro forma* attached on which the change of address is easily written. For many people who are not really very competent in their measure of literacy that, to my mind, is an inadequacy, and that is very much a misfortune.

The last point is that I do not believe that we should compel the adult sitting next to a learner's permit holder to have to carry a licence while they are doing that. I has not been the case in the past, and elsewhere in the legislation we acknowledge that people who have their full licence—neither learner's nor other permit—that is, a full licence to ride a motorcycle or drive any other form of vehicle, do not have to carry their licence. Not many members realise that this provision has been inserted in the Bill, and I do not see any necessity for it. If a farmer has been out on the header all day and the son or daughter has been with him and the time comes to go home and he or she has their learner's plates, I do not see why they cannot put them on the car or ute and drive it back home—as would normally be the case.

The farmer in this example, may not have his licence with him because he does not want to lose it or get it dirty in the process of seeding, harvesting, mustering, or whatever he might be doing. In this circumstance if he allowed the learner to drive he would be breaking the law, because he would not be carrying his licence. I think that is stupid. I do not mind the stipulation that learners should have to carry their permit with them whenever they are driving. That is appropriate, but I do not think it is appropriate that adults who have a learner driver sitting next to them should be compelled to do likewise. That is just not reasonable.

Mr BLACKER (Flinders): This is a Committee Bill and it does not behove me to speak at length on the second reading because there are a number of aspects that need to

be dealt with in the Committee stage. However, I give my general support to the Bill because I believe that drivers licences have always been too easy to obtain and that not enough attention has been paid to the training of drivers and to making a driver's licence not a right but, indeed, something that should be treasured, earned, treated with respect and used with that same respect. Therefore, I do not have any major problems with the overall philosophy of the Bill.

We all tend to agree with the concept of a photograph on a driver's licence. There is a connotation similar to that attached to the tax file number, but many of us have wished that we had a photograph on our licences when we have been asked for proof of identification; for example, when changing a cheque or dealing with a bank while on holidays, and so on. A photograph on a driver's licence could well be used for other than the purpose originally intended; that is, for identification.

The colour coding makes a lot of sense. A lot of our technology today works on colour coding and that, in itself, is of some value. With respect to the photograph, I see some problems and I know that many of us would wonder just how much we age in a five-year period. However, there is also the vanity aspect. Many ladies have already expressed some concern to me that they are not quite sure how they should present themselves for the photograph. Should they be photographed with their hair done? Would they want a policeman looking at a photograph of them if they presented themselves in casual clothes? There will be some humorous aspects but the idea of a photograph to eliminate the abuse of drivers licences will be an advantage.

In relation to the five-year licence for drivers 70 years of age and over, I am not yet convinced of the practicalities of working through the licence in the manner that the Government has proposed. I recognise that the introduction of this scheme will create a few problems, and I do not know that anyone is denying that fact: it is something that will need to be worked through. If there are problems they should be straightened out, and I am sure that the Government will take that into account.

I hope that the Minister will address the question of the cost of the card. There must be some cost element and I hope that the Minister will give the Parliament some indication of that cost and indicate whether or not the reissuing of cards from learners permits to a full licence requires yet further photographs, or whether the original photograph can be used through the whole process; from learner's permit, to probation, to full driver's licence.

I would like some further explanation in relation to endorsements. In my own case, I carry an endorsement on my driver's licence to indicate that I am only able to drive an automatic vehicle. In later years I have obtained a further endorsement which enables me to drive a vehicle with a hand fitted clutch. I do not know whether or not that wording will be colour coded on the licence. I raise a point that is not totally relevant to this debate, but it is an area of concern to me. My licence is endorsed to indicate that I can drive only an automatic vehicle or a manual vehicle with a hand operated clutch. Whilst I have no objection to that, there is no way of checking on the means of installation or construction of that automatic clutch.

With such a licence I could go to any vehicle, rig up a hand operated clutch to any design and be legally entitled to operate it. I can assure the Minister that I do not do that. However, the opportunity is there for me to abuse the system if I wished to do so. That is a matter of concern because there would be drivers with endorsements that are perhaps not followed up or, if they change their vehicles, are not accompanied by appropriate testing.

The requirement for licensed drivers to carry their licences when accompanying a learner driver causes me some concern. I have no problem with that requirement in relation to people who are instructing learners, or who are licensed instructors, and so on. In the main, I believe it is recognised that that requirement is not an undue harassment or inconvenience. However, in the farming community there is a problem because in many cases, where a farmer has sons or daughters working with him, they become eligible for a learner's permit (invariably where there is a large family, the farm may be spread over several blocks or family members are involved in travelling to town) and this requirement would make it almost mandatory for the farmer to carry his driver's licence with him when, in the course of his farming activities—whether he goes onto a neighbour's property or another property nearby—he accompanies his son or daughter as part of the tuition process.

It may be nitpicking to a degree, but I see a practical problem where that will be the case for every farmer on the land. I have been a farmer for many, many years but never once have I thought of taking my driver's licence with me when I am taking my tractor down to the paddock or taking a young brother with me while he is learning to drive. I put that situation to the Minister. It is an unnecessary restriction on the farming industry, and I am not sure whether there is a way around it. However, to all intents and purposes, where a person will be on the road, even for tuition purposes, there is some justification in what the Minister says. Nevertheless, I see an impractical proposition whereby farmers, who are assisting their sons, daughters, employees or farm trainees, are obligated to carry their driver's licence. Inevitably, when he alights from his vehicle in the middle of a 100-acre paddock, the licence will be lost, and it will be lost for all time, when the farmer bends over and drops the licence out of his pocket. I trust the Minister will consider this matter further.

We all agree with the idea of a plastic card: there is some value in that. The concept of a card is something with which I have had experience. I was fortunate enough to go to Great Britain on a CPA trip. For security reasons we had to have a photograph bonded to a card. Admittedly the card was only valid for three or four days, but we still had to go through the process. This indicated how simple the process was. It was done in that instance to enable us, as members of that parliamentary conference, to have access to Parliament with relative ease.

I hope that the Minister can provide further information on the 80-kilometre provision, because I can see that that could be abused. It is used as an excuse not to front up to the department from time to time. However, many of my constituents would be obligated to travel to Port Lincoln for the photograph, unless the department could allow photographs to be taken at a prearranged time, for example, at Loch, Wudinna or somewhere in the centre of the peninsula.

The photographic equipment can be portable and, if that is the case, it is not unreasonable that, particularly during the introductory stages of this scheme, a country run could be widely advertised and organised to facilitate the initial rush for the new licences. I support the Bill and I look forward to further debate in the Committee stage.

The Hon. T. CHAPMAN (Alexandra): I support the Bill. I do not know why members are seeking to involve themselves in debate at such length on this matter because the Opposition agrees with the principle of photographic identification on drivers licences, and I place on record my

unqualified support for that measure. However, the provisions within new section 98aa are debatable and I understand that the Minister has given our shadow Minister or spokesperson—

The Hon. E.R. Goldsworthy: Executive member.

The Hon. T. CHAPMAN: The Deputy Leader corrects me. The member for Bragg, who is representing the Party on motor vehicle matters, has secured an undertaking from the Minister that this clause will be looked at. If that is the case, I hope that commonsense will prevail. For those who have not read the Bill and those who do not understand the import of this measure, I point out that it requires a fully licensed driver, when accompanying a learner or a P-plate holder, to carry his or her licence at all times. That is discrimination of one group of fully licensed drivers against those who, if apprehended or required to produce their licence, have 48 hours in which to do so. Regularity should prevail in that regard and any person holding a full driver's licence should have 48 hours in which to produce it and should not be required to carry it on his or her person at all times.

Linking that aspect with what I understand to be proposed in a further Bill to be introduced relating specifically to P-plate drivers, I believe it makes the situation even more glaring and discriminatory. Without pre-empting debate on that further Bill but in support of this one, I acknowledge the merits that have been outlined in the second reading explanation, which have been canvassed at some length by my colleagues, and conclude my contribution with that brief indication of support.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I have no argument with the basic thrust or tenor of the Bill. Indeed, some very good ideas are incorporated in the proposed legislation. I have always thought that the idea of having a photograph on a driver's licence is an excellent scheme. There has been no indication of what the scheme will cost or how the money is to be collected. One scheme mooted was that a levy—I do not know how much—would be imposed on registrations rather than drivers licences, which would tend to spread the cost over a wider community. That matter will be considered when the Minister indicates how he intends to cost the scheme.

In no way should or could this measure be identified as an ID card. However, I see some merit in publicans and others using the licence to determine the age of under-age drinkers. The member for Murray-Mallee indicated that there could be some forgery of licences or that they could be obtained illegally. Nevertheless, that is a subsidiary point. This is a good scheme and it will be useful in that regard, although it should not be considered as an ID card.

My colleagues alluded to clause 18 which refers to a person accompanying a learner but the detail is not spelt out in the Bill. As it stands, the requirement that a licence must be carried at all times is unnecessary and too restrictive. I understand that a proposal will be brought into effect by the middle of this year which will dictate that a learner will need to be accompanied for 12 months. That scheme will be quite onerous and impracticable in country areas, even in the Adelaide Hills in electorates such as mine and other areas close to the metropolitan area, because students with a learner's permit are required to attend TAFE colleges, for example, in the city. I was told of one instance involving an apprentice who travels from Gumeracha to Mount Barker. It would be impossible for such drivers to be accompanied each day for a year to attend their place of learning or occupation, so I hope that the scheme is modified.

It was indicated publicly that the Government is proposing to adopt such a scheme, but it will lead to some unfortunate consequences. A parent told me that his son will get a motor bike to drive to work, which is the sort of thing that we do not want to encourage unnecessarily. Clause 18 contains an unnecessary impost and I can envisage instances of farmers' sons who hold a learner's permit travelling from one paddock to another. The idea of extending the period of a learner's permit to 12 months during which time they must be accompanied by a licensed driver will cause all sorts of difficulties and hardship for many people, particularly those in my electorate. However, the rest of the Bill is sensible and I heartily endorse its provisions, as does my Party. With those remarks, I support the Bill.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the House for the indications of support that have been presented. There is no doubt that this is a very popular measure. Ministers who have responsibility for introducing legislation do not always get the response from the general public that the Government and I have received on this measure. When it was initially mooted that South Australia was to move to photographic drivers licences, bearing in mind that other States had already implemented or announced they were proceeding down that track, the thought was that this was a *de facto* identification card. The Deputy Leader of the Opposition has pointed out, quite rightly, that in no way could this be described as a *de facto* identification card. The only information on the photographic drivers licence that is not on the existing licence is the photograph. It does allow a better identification—

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: Yes, as the member for Bragg points out, there is less information on the new licence than on the existing one. During his contribution he mentioned how we are able to cope with organ donors under the current system, but I will deal with that matter when we get to the Committee stage. I will briefly respond to a couple of points because, as the member for Flinders said, this is a Committee Bill and undoubtedly the same questions will be asked in the Committee stage, and that is proper.

The member for Flinders mentioned that the photographic drivers licence procedure is largely an administrative function, and that it will be a learning process. We will provide, as sympathetically as we can, a structure to allow for all the varying needs of people who will have to obtain photographs to have their licences renewed. However, I point out that they will be required to have their photograph taken only once every five years. So, when we talk about the distances people will have to travel and any inconvenience that is imposed on them, it must be seen against the once in five years requirement.

Two main issues were raised in the debate. The first was the method of financing. I have made it clear from the outset as to the method of financing that the Government supports. I have corresponded with motoring agencies about that and, as the Deputy Leader said, it is a levy, if you wish, on motor registrations—it will be $2 on a 12 month registration and $1 on six month registration. The reason for that is so the cost of the system will be spread more equitably amongst the community and amongst those who are best able to pay. For example, a low income household with, say, five licensed drivers and one motor vehicle will pay $2; on the other hand, a household that has one licence and five motor vehicles may pay more. So it is a progressive social justice measure and I think it will be accepted as such.

The second matter was raised by the member for Murray-Mallee. He made a long speech about how the Government had obviously overlooked the problems that five-year licences would create, particularly for pensioners or people who have retired and who have lost their licence not through breach of the law but as a result of illness. I point out that the regulations already provide that, when a licence for whatever reason is handed back to the Registrar, the unused portion is refunded—so people are not out of pocket.

The other factor relates particularly to those who receive the 50 per cent concession, and I remind the House that we are talking about a five-year licence costing $37.50. Of course, I am not saying that $37.50 is not a hefty slug for anyone who does not have any money. There is provision in the regulations for the Registrar of Motor Vehicles to take into account special circumstances and provide a one-year licence in those instances.

Finally, we are not bringing in totally new legislation. This Bill amends the existing system, so we do not have to go back through the whole licensing procedure. We only have to debate the changes to the Act. Many of the questions that have been raised are of an administrative nature and do not need to be written into the legislation. One of the problems is that over many years parliaments have written too many simple administrative functions into legislation. So, when an administrative change was required the legislation had to go before Parliament for amendment. Sometimes a simple administrative change was held up for six months until Parliament reconvened. To some extent the same situation occurred in relation to regulations.

Many of the questions raised are administrative and I am happy to respond to them during the Committee stage. I thank the House for its support. I believe that this Bill has the overwhelming support of the community. In fact, the most common question I am asked is 'How can I get my photographic licence as soon as possible?' Over the past 12 months we have tried to give those people renewing their licence an opportunity to acquire a photographic licence as early as possible by issuing them with a paper licence for 12 months. So that the issue of photographic licences will be spread evenly we intend to provide them as driver's licences become due for renewal. We will not provide them by request. I think I should address any other questions during the Committee stage. I urge the House to support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr BLACKER: Does the Government have a program as to when the first photographic licences will be circulated?

The Hon. G.F. KENEALLY: In July this year photographic licences will be provided to those fortunate people whose licences are renewed during that month.

Mr INGERSON: In reply to the second reading debate the Minister said that those people who requested a photographic licence would not be able to obtain one. It is my understanding that, if you request one, you might be able to get it. What is the situation? Will photographic licences be issued only as they fall due or can you obtain one if you request it?

The Hon. G.F. KENEALLY: I am advised that the Registrar of Motor Vehicles is looking to see whether a duplicate licence can be issued if a paper licence is already held. I caution the House about what happened in Victoria. The Victorian Government decided to issue photographic licences as licences became due for renewal.

However, they said that anybody who wanted to jump the queue could do so if they paid a service fee of, I think, $12. They were swamped with applications and could not cope; so many people wanted to have the photographic licence before their actual renewal date. I caution people not to believe that, as soon as the system is introduced, all and sundry who apply for a photograhic licence can expect to receive one. It is physically and logistically impossible to do that. However, it could be argued that in some circumstances certain people could have a duplicate, which is a photographic licence, of the existing paper licence. The circumstances would have to be very unusual before such a duplicate was issued; otherwise, the Registrar would be placed in a difficult position of having to make those sorts of judgments.

Clause passed.

Clause 3—'Interpretation.'

Mr INGERSON: In his second reading explanation the Minister referred to colour coding. What will be the colour coding system?

The Hon. G.F. KENEALLY: There is no requirement for, and nor is it necessary to insert in the Bill or the regulations, a colour code. It is an administrative action and I included it in the second reading explanation so that the colour code system was quite clear to this Parliament and to the South Australian public. Unlikely circumstances would require it to be by regulation or by an Act of Parliament. The new licences will be distinctively colour coded. A full driver's licence will be blue, a probationary driver's licence will be red, and a learner's permit will be yellow. We were not convinced to follow the New South Wales suggestion of issuing a black licence for somebody who, as a result of a driving offence, loses the licence. I am not sure whether or not that black licence has been introduced into New South Wales.

Clause passed.

Clause 4—'Issue and renewal of licences.'

Mr INGERSON: The Minister earlier stated that for 12 months the cost would be $2 per registration. I understand that there are about 1.1 million registrations in South Australia. Is the annual anticipated cost about $2.2 million?

The Hon. G.F. KENEALLY: It will be about $1.4 million and, on the figures available, it is as close to cost neutral as one could achieve, so there will be no revenue gain as a result of this system, and that was the intention. The method of collecting $2 per registration was decided because it was considered to be fair to levy a registration rather than a driver's licence. I point out that those figures do not mean that there are 1.1 million vehicles: it will be a levy on cars and motor cycles and it will be $2 per 12 month period, but $1 for six months will not apply.

Mr INGERSON: In relation to the information contained on the card, I accept that it will show the name, address, and all other details that are currently shown on the card. What will happen with the organ grouping and, probably more specifically, the general instructions? The Bill provides for the removal of the probationary instructions. What other instructions and information will remain on the card? At the moment the licence contains a tear-off slip which enables a driver to notify a change of address. What will happen to that sort of facility?

The Hon. G.F. KENEALLY: I think that they are important questions and it is necessary for everyone to understand what is happening. There will be a change. The new card, because of its size, will have codes on it. When a person receives his paper driver's licence for the fortnight or month, or whatever it is, before he gets his photographic card, spelt out on that paper licence will be what the code covers. As

the member for Flinders pointed out earlier, the situation will be covered at that stage, but when a person gets his photographic licence he will have only the code. He will know the code and that can be checked when it is referred back to the Registrar.

For organ donors there will be a stick-on, just as they have in Victoria. If a person wants to make certain organs available on his or her death, that can be shown by a little stick-on tag. The change of address is also on a stick-on tag which goes on the back. The licence will be different, but the necessary components which exist on the paper licence will be available on the new one.

I should like to make clear one point about forgery that was raised earlier. This card will be inestimably more difficult to forge than the existing licence. I do not know that one can ever create a scheme which is totally fraud-proof, but we believe that this one is fairly close to it. That is the view of the States which have used the system. There are two systems. There is one that New South Wales, Victoria, South Australia and Western Australia will use, and the other is the one that the Northern Territory and Queensland are using. There is no doubt that the CP Australia system is the better of the two.

Mr INGERSON: In some States blood groupings are included. There has been much comment that that has been excellent in terms of road accidents. Is there any intention to include blood groupings as an extra?

The Hon. G.F. KENEALLY: We had not intended to include the blood grouping, but we have looked at it very closely. We are aware of what the honourable member has said. We will see how it works elsewhere, and if there is good reason to do it we may consider it in future. At the moment we have decided not to put the blood grouping on the card.

The Hon. P.B. ARNOLD: Is the manufacturing of the licence to be centralised; where will it be done; by whom, externally or internally, for the department; and will it be done by tender or just by day rate within the department?

The Hon. G.F. KENEALLY: The photographic licences will be manufactured by CP Australia. That company currently manufactures most of the credit cards in use in Australia and it has premises at Cavan. Initially we believed that we would be able to manufacture them in South Australia and so create some jobs. In the event, we have not been able to achieve that. They will be manufactured in Victoria, where all the other photographic licences are manufactured. By doing that, there will be significant cost savings to the South Australian taxpayer. The licences will be manufactured by CP Australia centrally in Victoria. CP Australia still has premises in South Australia from which the cards will be distributed no doubt direct to the Registrar. The departmental offices will not be involved in the process, except in the provision of information.

Clause passed.

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

Clause 5 passed.

Clause 6—'Insertion of new ss. 77a, 77b and 77c.'

Mr INGERSON: I have been asked many questions about what happens to the photograph, who has access to it other than, obviously, the Registrar, and what sort of security is involved. As the Minister would recall, during the ID card discussion in the Federal Parliament many questions were asked about who would be linked into the system. I am aware that the Police Department for obvious reasons must have access, but who else will have access and what security can we guarantee people in relation to the photograph?

The Hon. G.F. KENEALLY: The negative is sent to the manufacturer, who is required to destroy it within two months. There is only one photograph and it is in the possession of the owner of the licence. The Registrar has an interest in it as he issues the licence. The police have an interest in it for a number of reasons: they may wish to identify a person who has a driver's licence for a number of reasons, particularly if that person is in breach of the road laws. No-one else will have access. There is only the manufacturer, who has to destroy the negative, and the person who owns the photographic licence.

Mr INGERSON: How often does replacement of the photograph occur? Under new section 77b (1) *(b)* a person must supply to the Registrar one or more photographs as specified by the Registrar. In the Minister's second reading explanation reference was made to a certified passport photograph, but no reference is made to that in the Bill. Can the Registrar specify that a certified photograph be produced and, if so, who will certify the photograph?

The Hon. G.F. KENEALLY: Proposed new section 77b provides authority for the Registrar to require provision of a passport photograph where a person cannot attend a Motor Registration Division office or an agency at which a photograph or camera is available. There are a number of reasons why a person would want to send in a photograph, which would be treated in much the same way as a passport photograph. It would have to be authorised as a true photograph of the licence holder by the same people who currently authorise a passport photograph: a justice of the peace, a police officer, a registered nurse, a medical practitioner, a minister of religion, and so on, and I notice that members of Parliament do not make the list. However, I believe that if a member of Parliament was to certify a photograph any reasonable person would accept that as being evidence that that person was the *bona fide* holder of that licence. If a person sent in two photographs, the Registrar would be required to destroy one, so a person need send in only one photograph.

Mr INGERSON: My question about how often photographs need to be replaced was not answered. An 80 kilometre boundary was referred to in the second reading explanation; how will that system work and why is it to be introduced?

The Hon. G.F. KENEALLY: The holder of a driver's licence will be required to have his or her photograph taken every five years on renewal of their licence. We have looked at the systems that apply elsewhere in Australia and that is a standard requirement. After consideration, I believe it is a reasonable requirement.

We would like to be as accommodating as we can in providing access to photo points for all South Australian licence holders. Of course, in the metropolitan area people would go to a Motor Registration Division office to have a photo taken. In the country, if people live within 80 kilometres of the local Motor Registration Division office they would go there every five years to have their photo taken when the licence was due for renewal.

We would be looking to provide agencies in strategic places throughout the South Australian countryside. At this stage, after negotiations with Australia Post, it seems that country areas will be covered through post offices, and of course Australia Post has a very wide coverage.

We have looked at the statistics and only about 1 per cent of South Australians reside outside that 80 kilometre boundary; that is why it was chosen. The provision of photographic capability in central shopping facilities will satisfy the need of country folk. People who reside outside the 80 kilometre boundary can take advantage of the pass-

port photograph system and send a photograph to the Registrar. There may well be occasions where people who live within the 80 kilometre limit may find it more appropriate to have their photograph taken and send it to the Registrar, and in those circumstances the Registrar could accept it. However, it would be more efficient for people to attend the Motor Registration Division offices or the appropriate agencies to have their photograph taken and their licence renewed.

Mr BLACKER: In my second reading speech I referred to having portable photographic equipment available in the initial stages of this program. Has that matter been considered? This is the first I have heard of post offices being used. Will that solve the problem? Secondly, in the Minister's answer to the question of the member for Bragg he claimed that justices of the peace were able to authorise passport photos, but I do not believe that that is the case. Although members of Parliament can authorise such photographs, justices of the peace cannot.

The Hon. G.F. KENEALLY: I am willing to accept that. If what the honourable member says is correct, we will make the necessary adjustment. In our system to be introduced it will require certification of good likeness of the applicant by a justice of the peace, police officer, registered nurse, medical practitioner, minister of religion, etc. Most members of Parliament are justices of the peace. It used to be common, although I know one or two members who have not become justices of the peace, but that is rare. Secondly, we have not, nor will we, consider the idea canvassed by the honourable member. If we did not have country agencies what the member for Flinders says would have much merit. However, post offices exist in most country communities of a reasonable size and we will pick out strategic post offices and negotiate with them to have photographic equipment installed and facilities to allow the renewal procedures to take place. Where that will not be the case, I am advised that if people are in a town where photographic equipment exists, and if a licence is to be renewed in six to nine months, there could be an advantage if people are in a central shopping community to have their photograph taken then instead of at the time of licence renewal.

In his second reading speech the honourable member indicated that there could be some managerial or administrative difficulties. If we confront them, we will overcome them. We want to introduce a system to meet the needs of everyone. I am not saying that it is perfect, but we believe that it is as close to perfect as we can make it. The member for Bragg says that sometimes when one thinks a system is perfect the courts decide otherwise. There will be a learning process, but we have the example of other States and we are learning from them. We are not trying to do anything radically different, but we believe the system will work. However, if it does not work we will move quickly to rectify it. We do not reject any recommendation or advice that we will get here or elsewhere if it helps us install a system that is effective and workable.

Mr BLACKER: As to the Minister's comment about photographs being taken in strategic post offices in the country, would they also be available for passports?

The Hon. G.F. KENEALLY: There is no reason why they should not be. People would use the same photograph. If several copies were made, one could be used for the licence and one or two for the passport. The idea would be to get three or four prints and use them in that way.

Mr BLACKER: The Minister said that a JP would be able to authorise these photographs, but that is not the case in respect of passports because a JP cannot authorise a passport photograph. I see no objection to the Minister's proposal, but it is not the same requirement as for a passport photograph.

The Hon. G.F. KENEALLY: I accept that.

The Hon. P.B. ARNOLD: Under the temporary licence provision can the Minister foresee a situation where the temporary licence could expire before the photographic licence becomes available to the applicant?

The Hon. G.F. KENEALLY: It would be the Registrar's responsibility to ensure that the person who is renewing the licence always has a valid licence. The contract with the manufacturer requires a five-day turnaround. It is very unlikely that that would involve a period longer than a fortnight. The legislation provides 30 days to allow for any possible delay. If there is a delay of more than 30 days, the Registrar would be required to provide another temporary driver's licence. The likelihood of that occurring is fairly remote. Nevertheless, as the honourable member knows, we have been in this business long enough to know that the most unusual circumstances occur from time to time and, as a consequence, cause some of our major workload. However, it would probably be in the interests of the licence holder to advise the Registrar of the situation. The issue of the licence would be free; there would be no extra cost to the individual—nor should there be.

The Hon. P.B. ARNOLD: Given what the Minister has just said, it would not be an automatic procedure; for example, an applicant in a remote part of South Australia would have to write to the Registrar in advance. If the applicant waited until the thirtieth day and found he did not have his photographic licence, technically he would be off the road.

The Hon. G.F. KENEALLY: The honourable member is absolutely correct. I think that matter should be investigated. I cannot advise the Committee what the Government would do in those circumstances. It would be a most rare occurrence. When it does occur, it could very well occur in the manner suggested by the honourable member: someone in an isolated area might not have the opportunity to advise the Registrar in time. A phone call would be sufficient. In any event, we will look at the matter. It is an administrative matter and does not require an amendment to the legislation. However, we will have a look at it and get a report back to the honourable member.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Probationary licences.'

Mr INGERSON: With the change to the probationary licence, that is, for a period of only one year, a large number of people may wish to renew their licence. In that case, there will be an amount outstanding because the previous licence was for a period of five years. What is the situation? Will that amount roll over to the full licence?

The Hon. G.F. KENEALLY: It is intended to ensure that the same regulations or provisions apply to all licences, whether they be the old paper licence—as we now describe them—or the new photographic licence. The regulations will be changed. When the photographic licences are introduced—that is, a learner's period, a probationary period and a full licence—the same provisions will apply to a paper licence. If you are a probationary driver and lose your licence, you will only lose the 12 month period. There will be a refund if necessary.

It is important that we do not have a set of rules for the new licence different from those applying to the old. It is a good point, and I accept that it should have been stated more clearly during the second reading explanation. I am pleased that the honourable member has raised the point

because we can now advise the Committee that the rules will apply equally. I think almost every member of this place has had occasion to contact either me or the Registrar about the probationary licence, because they have been concerned that their children who have lost the licence and are holders of a P-plate are confronted with losing five years of their licence when the offence does not seem to warrant that.

However, the courts always take that into consideration when imposing the penalty. We will change the regulations to ensure that the old paper licences have the same provisions as the new credit card photographic licences.

Clause passed.

Clauses 10 and 11 passed.

Clause 12—'Term of licence.'

Mr INGERSON: This clause changes from one year to five years the period of the licence as it relates to an aged person or anyone with a relevant medical condition. Some people will still want a one year licence. There are many instances of people over 70 years saying, 'I think I will drive for only one more year so I will take out a one year licence.' Will they still be able to do that and, if not, what can the Minister do about that? That seems a fairly important issue for the aged.

The Hon. G.F. KENEALLY: Many of my colleagues on this side have expressed exactly the same concerns about the facility for people of 70 years and older. They have pointed out that, although a five year licence is $37.50 as against $75, nevertheless $37.50 is a considerable amount of money for someone who may not have it, even though he may at the same time have a motor vehicle. I believe that people are entitled to have motor vehicles and that that should not be a reason to judge their capacity to renew drivers licences.

Administratively, we can do what the honourable member asks, and the Registrar of Motor Vehicles can allow the choice of one to five years. We believe that many people will take five years because it is the cheaper option if one has the initial capital outlay. If one does not have it, one may wish to take it year by year. People who get very depressed in their mid seventies and think that they are not going to reach 80 if they take a five year licence can be assured that if they do not reach 80 the unused portion of the licence can be refunded to their estate, although I do not know whether that would be very comforting to them. That is a provision which we should have available, particularly for those of 70 years and over, and that point has been taken on board.

Clause passed.

Clause 13—'Variation of licence classifications.'

Mr INGERSON: How will this be done?

The Hon. G.F. KENEALLY: The Registrar must act upon competent, professional advice. That may be medical advice such as that from an ophthalmologist, or it may be advice from the courts and police. The Registrar cannot decide unilaterally to take away a licence but must have supportable evidence when doing so. Generally, that evidence relates to medical conditions or the requirements of the courts.

Clause passed.

Clauses 14 to 17 passed.

New clause 17a—'Duty to produce licence.'

Mr INGERSON: I move:

Page 6, after line 18—Insert new clause as follows:

17a. Section 96 of the principal Act is amended by striking out subsection (4) and substituting the following subsection:

(4) In this section—
'driver' includes—
(a) a person sitting next to the holder of a learner's permit in a vehicle being driven by the holder of the permit;
(b) a person being carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit:
'member of the Police Force' includes—
(a) an inspector;
(b) an inspector as defined in the Road Traffic Act 1961.

I have moved this amendment because, as it presently stands, the Bill places a burden on a parent, friend or teacher of a person holding a learner's permit, by making such a person carry his or her licence at all times when with the learner. The existing legislation provides that a person who is teaching another person to drive can produce his or her licence within 48 hours of being pulled over and questioned by a police officer. The Opposition believes that that provision should apply to a person teaching a son, daughter or friend to drive. To insist that the teacher be required to carry a driver's licence is unreasonable.

The member for Chaffey will take up this matter in more detail but, with the proposed legislation that will extend learners' permits to 12 months, a member of the family or a friend will be required to drive with a person holding a learner's permit for that 12-month period, and that person will always need to carry his or her own licence. There are many instances in the country areas where people do not normally carry their licence with them. We believe that the existing law, which provides that the licence be produced within 48 hours, should still apply.

The Hon. G.F. KENEALLY: During the second reading debate I listened very closely to the contributions of members opposite and I must accept that there was a certain logic in what they said. There were several options. First, I could accept the amendment, see how it operated, and give notice to the South Australian motoring community that, if there were breaches of the law of a nature that would require the Government to contemplate reintroducing this measure, we would do so. Secondly, I would not accept this amendment at this stage but listen to the arguments and reconsider the whole clause before the matter reached another place. Thirdly, I could reject it out of hand—but I do not want to do that.

After consideration (and I have changed my mind a couple of times, I must admit), I have decided not to accept the amendment at this stage. Instead, we will look at the problems that may occur if we do not provide that the person who is in the seat alongside a learner driver is in fact licensed to drive that vehicle. If the learner driver is in a bus or a truck, it is no good having a person alongside them who has only a car licence—they must have the appropriate licence. The same applies with respect to a motor bike. I recognise that there are circumstances—and I think the member for Flinders pointed this out earlier—where a person could be in breach of the law whilst acting in good faith. Frankly, I have no problem at all with the requirement that a licensed driving instructor should be required to have their licence with them. In fact, they should have their instructor's licence with them.

The Hon. P.B. Arnold interjecting:

The Hon. G.F. KENEALLY: I understand that. There are some difficulties with this and I will need to have further discussions with the police. I have opted for that action. Personally, I have no great difficulty with the Opposition's proposal. However, if the police feel that this provision is necessary, as we have been advised, then of course I must have regard to that. Until I have taken advice from the responsible Minister or senior police officials, I will not be in a position to accept the amendment. All I can do is

assure the Committee that if this clause is rejected—and I recommend to the Committee that we do so—I will have Motor Registration Division officers speak to the Police Department and I will speak to the responsible Minister to see whether, if this amendment is moved again in another place, there has been a change in attitude. I have taken the opportunity to speak to one or two people during the dinner break and, as a result of those discussions, I have decided—at least at this stage of the passage of the Bill through Parliament—to oppose the member for Bragg's amendment.

Mr BLACKER: I support the member for Bragg's amendment. Whilst I sympathise with the Minister that in the majority of cases to which he is referring—in particular, those in the metropolitan area—I do not think it is unreasonable that a person who is accompanying a learner driver should take his or her licence with them. I do see problems and I again put them on the record. I refer, for example, to the rural areas where a farmer might be working on a block just down the road and his son, daughter, young employee or farm training member is with him and the farmer sits alongside that young person to drive back home or take something down the road in the course of his farming pursuits.

In my view, it is unrealistic that a farmer should be obliged to take his driver's licence with him in the normal course of his farming operations. The Minister would probably understand that most farmers would lose them somewhere along the track as they cover many thousands of acres. So, there is a potential problem.

I can see what the Minister is looking at and that he sees a practical problem in some circumstances. The Minister has explained to the Committee that it is quite reasonable to expect a licensed driver to take his licence with him while he accompanies a learner driver. However, I just put in a plug for the rural industry because, in some cases, it will be a matter of some concern and ridicule if farmers are expected to take their licences with them during the course of their normal farming pursuits.

The Hon. P.B. ARNOLD: I wish to indicate my support for the amendment and for the comments made by the member for Flinders. As a primary producer I agree that it is quite unrealistic to carry a driver's licence or wallet when engaged in normal farming pursuits. It would be quite unreasonable to do that. If it was found that the person sitting alongside a learner driver was not licensed to drive, would not the $500 penalty apply to that unlicensed person? The safeguard about which the Minister is concerned with respect to allowing 48 hours for a licensed driver to present his licence would surely be covered by that $500 penalty which the person risks incurring if he is, in fact, unlicensed.

The Hon. G.F. KENEALLY: We have some very good arguments for giving the Registrar power to exempt certain classes but, at the same time, there is difficulty in providing exemptions when the rest of the community is required to adhere to the Bill. I will see whether the Government is able to come up with a form of exemption to take into account the examples put forward by members opposite during the Committee debate—I am not prepared to go any further than that. I will report back to members and to my colleague who will have carriage of the Bill in another place.

This process will be complex and will require some legal advice as to whether a definition can be framed to provide for such an exemption. I do not want to give *carte blanche* to all people who may sit alongside a learner driver. On the other hand, I do not want to unfairly discriminate against those people who may be in that position with the best will in the world, doing what they regard to be the proper thing when the circumstances mentioned by the member for Flinders might not allow them to have their licence with them. I expect that practically everyone will carry their licence all the time, but that does not overcome the circumstances mentioned by the member for Flinders. Coming from a farming background myself—

The Hon. P.B. Arnold interjecting:

The Hon. G.F. KENEALLY: That is right. I must say that coming from a failed farming family, one of those families who were forced off the land—

Mr Tyler: That is not failed.

The Hon. G.F. KENEALLY: Well, yes, the conditions were a bit harsh and we were unable to survive.

An honourable member: Was that the 1890s?

The Hon. G.F. KENEALLY: No, it was the 1930s and 1950s. However, this is anecdotal and not to the point. At this stage I urge the Committee not to support the amendment moved by the honourable member—which does not indicate that I do not think it is worthy of consideration. We will consider it and, before the Bill goes to another place, we will decide our attitude about the amendments.

Mr INGERSON: I am sorry that the Minister is not prepared to accept the amendment, because we are not asking for an exemption. All we are asking is that, if a person is driving a vehicle and they are pulled over by police, they have 48 hours in which to produce their licence. We are merely saying that the same conditions should apply to a person who is sitting in the passenger seat and who is teaching someone who has a learner's permit.

The member for Chaffey mentioned that, if I were the driver and I was pulled over by a policeman, provided that I produced the licence within 48 hours, there would be no penalty. However, in this case, if I am the teacher sitting in the passenger seat, if I do not have that licence with me, I am fined $500. In essence, there are two totally different conditions for a person holding the same licence with the same classification. We wanted to point out that we believe that, first, the penalty is unrealistic and, secondly, whether a person is in the passenger seat teaching someone else or whether they are driving the car, the same conditions ought to apply. I hope that the Minister has reconsidered this amendment but, if it is not passed, we will move it again in another place.

New clause negatived.

Clause 18—'Duty to carry licence when teaching holder of learner's permit to drive.'

The Hon. P.B. ARNOLD: In many respects this clause foreshadows the legislation which the Minister has suggested will be introduced relating to the duty to carry a licence when teaching the holder of a learner's permit. Many of the applicants for a licence in this State are 16 year olds, and they will be able to drive a motor vehicle only when a licensed driver sits alongside them but, between the ages of 16 and 17, they will be able to ride a motorcycle. That situation will force many of our 16 to 17 year olds, in particular, to ride motor cycles, and that will be a retrograde step in this State.

That fact was brought to my attention and I have raised it with the Minister, who indicated his appreciation of the point. However, I think that fact should be placed on record at this stage so that it can be considered further before the foreshadowed legislation is introduced. I refer to a letter dated 6 February written by a Berri family, and they state:

> I am writing to express my deep concern about the Government's decision to alter eligibility for drivers licences from 1 July. I feel that such legislation is particularly unfair to country adolescents because they have no access to public transport systems. Our son will be 16 in late July and, because of this proposed legislation, is prevented from accepting a job in any other Riverland town until he is 17 years old. My husband and I both have

work commitments in Berri and would not be able to drive him to work in another town.

The letter further states:

One very real problem that will be created by the proposed legislation is that our young people will be 'forced' onto motor bikes as they can then legally travel alone at 16 years of age. With the very high accident rate for bike riders (and the horrific injuries received) this must be avoided at all costs.

This clause is a forerunner of what the Minister has foreshadowed is his intention in legislation to be introduced in the next week or two. It will be a retrograde step if we force 16 and 17-year-olds on to motorcycles. The accident and death rates on motor cycles are horrific. I hope that the Government will give that matter very serious consideration and not create a situation which will put more of our young people in jeopardy through riding motorcycles.

The Hon. G.F. KENEALLY: I thank the member for Chaffey for the points that he has made. He did me the courtesy of raising the matter with me privately. We shall be introducing legislation to implement a graduated driver's licensing system for young drivers—16, 17 and 18-year-olds. Young people will be able to get an L-plate at 16, but they will not get a P-plate until they turn 17 and they will have a P-plate for two years. A person will have to be 19 before being free of the L and P-plates. If someone obtains a licence later than that, he will still have to serve the 12 months P-plate period.

The reason for introducing that measure is safety. We want to make young drivers more proficient. We want them to have time to graduate through a dangerous period in their driving lives. Driving competence is related to age, not necessarily to school. It seems that with age comes maturity and attitudes improve. Of course, we know that there are quite a number of mad 19, 20 and 21-year-old drivers around. However, the statistics show that one is less likely to have an accident the older one is, not necessarily the longer one has had a driver's licence. This is all related to safety.

The member for Chaffey believes that in doing that we will create an unsafe situation because we shall encourage young people, who would normally seek to have a full driver's licence or at least a P-plate, to move to motorcycles. We have some worries about that. I think that motorcycles represent a healthy and attractive means of travel and recreation, but the statistics clearly show that they are fairly dangerous if people are in any way irresponsible or if they are hit by an irresponsible driver. The problem does not rest with the motor cyclist; often it rests with the motorist. I do not discount that matter. I have given an undertaking to consider it. I will talk to the road safety people in the Department of Transport and check what happens elsewhere. In Victoria one cannot get a full licence until one has turned 18. There may be a lesson to be learnt from Victoria. As the Minister with responsibility and concern for road safety, I will look at the matter. When the legislation comes before the House, at least that part of it will have had the opportunity for further examination.

Clauses 18 and 19 passed.

Clause 20—'Insertion of new ss. 139ba, 139bb and 139bc.'

Mr INGERSON: One of the requirements of new section 139bc relates to an endorsement on a licence or learner's permit. I am concerned about the promotion of this scheme. Will the Minister explain how this photographic licence scheme will be promoted to the community so that the changes which are to be made will be clear to all concerned?

The Hon. G.F. KENEALLY: Clause 20 brings together all the provisions that exist in the present Act requiring the production of a licence. No new provision is contained in the clause; it simply tidies things up. The Motor Registration Division has a budget of some $120 000 which will enable it to mount an active campaign of education for the motoring public of South Australia as to how the new system will work and the requirements for a new driver's licence. The details of the campaign have not been worked out, but I assure the Committee that a competent advertising and press campaign will be mounted so that when people are due to renew their driver's licence they will be fully acquainted with the system and the part they will be expected to play within the system.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That the House do now adjourn.

Mr BLACKER (Flinders): As all members would know, the area in the northern part of my electorate and parts of the electorate of the member for Eyre have been subject to some devastation as a result of drought and environmental conditions over time. The situation has been exacerbated due to financial problems that many people have fallen into, the reasons being many and varied. The single most important factor has been interest rates, particularly where farmers acquired land on advice of Government departments and other authorities to 'get big or get out'. They acquired land when land prices were escalating and were at an all time high. Interest rates at the time were reasonable—around 13 per cent to 13.5 per cent. The farmers calculating the facts, figures and budgeting at the time, using the financial expertise of the banks and in many cases the rural industries assistance, were encouraged to buy additional land, which they did. That has created phenomenal problems.

I have spoken of this issue on many occasions. However, the issue now is of growing concern. I refer specifically to what the present economic climate is doing to country towns, rural communities and the morale of those people involved. To that end it is necessary for the Government to take a long hard look at what is happening. To quote a brief example, in Kimba three football clubs have had to amalgamate to form and field one football team. Two football associations have had to amalgamate and collectively they could field only a six team association.

That is an example of the devastation to the community structure that is occurring. People moving out of the area seeking employment wherever they can get it has an effect on schools and every other community activity. I quote an example. In the very first year of the rural crisis and the commencement of Roxby Downs 26 young married couples left the Kimba area. If one follows that through, one will see that that is two classes of children all the way through their schooling years. The impact of that on that particular town has been very severe.

I could point to a number of other towns where exactly the same thing is occurring. One of the problems is that the young people are moving out—the future generation farmers. What I put to the Government is that it should amend the criteria for its loan of $250 000 at 8 per cent. Under the present criteria that loan is only available to viable outside farmers. They will buy out an unviable farmer, and that is where it is wrong because that farmer will then leave the area—it does nothing to keep existing farmers in the area.

My proposal is that the eligibility criteria for the $250 000 loan at 8 per cent be extended to include farmers' sons or first farm buyers where their *bona fide* credentials can be established. Such a young farmer establishment scheme would provide a number of things. It would enable the older generation farmer to get out with dignity; it would enable the young farmer to buy his father's or a relative's farm; and it maintains a younger age group in the farming community.

Of course, that assists with sport, schools, and the general maintenance of the whole community. The problem that we are facing now is that as people are leaving the older generation is left, and any debts or community structuring is left to the remaining older generation and they cannot keep up. We are finding that some of the sports stadiums, gymnasiums and swimming pools can no longer be maintained with that sort of community support and in some cases there is a heavy financial commitment.

I ask the Government to seriously consider extending the criteria of the $250 000 loan at 8 per cent to include farmers' sons. I believe that if that is done it would prevent, or at least slow down, young people leaving the district and would assist in the retention of members in that community. The inability of young farmers to acquire their parents' land and other farms means that they are forced to leave the district. The resultant generation gap has a serious effect on school enrolments, sporting teams and the ability of the remaining members of the community to service and support the existing community infrastructure.

I believe that a change in eligibility criteria will, first, enable the retention of a stable community structure, including farmers and country businesses, which, of course, are suffering and, in many cases, are being wiped out. Secondly, it will enable older farmers to get out with dignity. Thirdly, it will enable young farmers to buy farms where presently they are unable to do so. Fourthly, it will maintain established farming skills, which will remain in the community. That is one of the greatest problems: because young people are being forced to move out, the farming skills that have been established by the older generation over a long period will be lost.

Regardless of what anyone might think, one cannot learn from a textbook farming skills relevant to a specific area. One can learn a lot of the fundamental principles, but one has to live with and understand the land and virtually grow with it. There is no way that a newcomer can manage a property with any real success and in the best interests of protecting the land.

Further, I believe that the proposal which I mentioned and which I support is probably one of the most effective and efficient means of recovery in the rural areas. Restrictions could be placed on such a scheme to ensure that the purpose for which it was designed was met. For example, it could be obligatory that for an eligible participant to undertake training through a TAFE college or other approved body or undertake similar such training and, further, a participant eligible for a loan should have to abide by restrictions placed on the later sale of a property. By that I mean that, because that person has had a subsidised interest rate to enable him to get into farming, if he sells the property in the short term, simply looking for a quick capital gain, he should have some obligation to reimburse the Government.

On the other hand, if a genuine farming son is unable to continue through and he becomes an established farmer, I believe that the Government has an obligation and a valuable part to play in encouraging those people through. There are many benefits to this. It would help the rural areas and indeed other areas of the State. It would help the younger generations to get onto the land and it would enable the older generation to get off the land with some dignity. It would certainly help our farming communities to continue with the expertise that the State needs so much *apropos* the continuation of the farming industries within our State.

Mr RANN (Briggs): Tonight I want to talk about the Liberal Party in this State. I do not want to be seen as being a fixationist—so this will probably be the last time I speak about this matter this week. But about a week or so ago the Leader of the Opposition, in addressing a Liberal Party conference, warned the delegates to that conference that the Labor Party was going to get dirty on the Opposition. I find this rather extraordinary, in the light of the attacks on the Attorney-General, the attacks today on the Minister of Tourism, and the attacks last week on the State Bank chief, Tim Marcus Clark.

Apparently, the Leader of the Opposition has decided to adopt the tactic that he will get himself down in the gutter but he will accuse everyone else of doing so. He is warning against dirty tricks while at the same time promoting that course. The Leader of the Opposition is asking South Australians to trust him, yet he goes out and deliberately shades his words to suit whatever audience he is speaking to at that particular time.

One moment he is out there arguing for a cut in spending, while the next day he is talking about spending more. He talks about cuts to the work force and then he talks about creating more jobs—again, depending on who he is talking to at that time. The Leader talks about cutting red tape, he talks about efficiency, and yet he opposes deregulation. 'I am on your side,' he says to whatever group is available at the time. It is phoney, and someone has to tell this easybeat Opposition that it is no good going around the State saying 'Trust me.' Trust has to be earned.

In the past couple of weeks, I have actually been accused, believe it or not, by the Opposition of being a fabricator. Every time I ask a question in Question Time the Leader of the Opposition and the member for Coles yell out the word 'fabricator'. The Deputy Leader of the Opposition yells out the words, 'Can't get it up!' I am not sure whether he is referring to a story that I was putting out on the Liberals or whether it was an appeal for help from an old man. I want to talk about that particular story.

Three weeks ago I was told by a senior member of the Liberal Party that there had been moves to challenge the deputy leadership of the Liberal Party—'to knock off the Deputy Leader of the Opposition' were the words used. Interestingly, channel 7 had also been given this information by a member of the Liberal Party who sits on the benches opposite.

I understand that this was confirmed by other front benchers or previous front benchers. The story being put around was that the rebels in the Party were one vote short of knocking off the Deputy Leader of the Opposition and replacing him with the member for Bragg. Apparently this was all part of a move to try to head off at the pass the move by the member for Victoria to get down to the leadership after the next election. Already front, middle and back bench members opposite are talking about what will happen when they lose the next election.

Of course, the story that I put out was described as being a fabrication. My credibility was ruined, and so forth. I saw a story the following week by Rex Jory—not by the fabricator, not by the member for Briggs—but by the former Executive Assistant to the Leader of the Opposition, the

former chief media adviser to the Leader of the Opposition. In a story about Yin and Yang, he went on to say:

> At the same time Yin—dark, passive and absorbing—has threatened to rip the parliamentary Party apart with plots against the Deputy Leader, Roger Goldsworthy, the economic spokeswoman, Jennifer Cashmore, and even the Leader himself, John Olsen.

After some more talk about Yin and Yang, he goes on to say:

> Mr Olsen also restructured his front bench. Some shadow Ministers were promoted, other dumped. It may have been little more than a deckchairs operation but it gave the impression of action.

That is what the Leader of the Opposition is about—impressions. The report continues:

> The shadow Cabinet reshuffle left the tigers in the Party savage and angry. At the first Party meeting after the announcement, now three weeks ago, members who were demoted or overlooked directed their snarling anger on Mr Olsen, Mr Goldsworthy and Ms Cashmore.

That is a direct quote from the former press secretary to the Leader of the Opposition, who goes on to say:

> Hesitant attempts were made to topple Mr Goldsworthy as deputy and replace him with the transport spokesman, Graham Ingerson. In the end Yang could not raise the necessary nine votes and no motion was put. As late as this week angry Liberals were still touting around lists showing that with Mr Ingerson they could have raised eight votes, said to be Ted Chapman, Stephen Baker, Heini Becker, Peter Arnold, Graham Gunn, David Wotton, John Oswald and of course Mr Ingerson, who claims to know nothing.

Apparently this attempted coup against the Deputy Leader of the Opposition failed—

Mr Oswald: You got the list wrong.

Mr RANN: Apparently I got the list wrong, but it seems as though there were rebels and this is being confirmed by the member opposite. There was a list and I have got it wrong. Apparently they failed to win over the member for Murray-Mallee, the balance of reason in the Liberal Party, who held the future of the Liberal Party in the crucible in the hole in his head. The report continues:

> No doubt some of these members on the list would deny any knowledge of rebellious talk.

Yet several former frontbenchers were busily talking not only to the media but to members on this side of the House. The report continues:

> At the rowdy meeting, Mr Goldsworthy challenged the Yangs to move a formal motion putting his job on the line. Ms Cashmore, who was promoted to economic spokewoman despite claims she had been disloyal to the Party on environmental issues, was called—

I will not use that word in this House. That word was something that was used by the same member who said it about people on this side of the House. It is a fixation with him. The report continues:

> It is three weeks since the reshuffle but the tigers are still roaring and snarling. They cannot get the numbers to mount a leadership challenge, but it doesn't stop the grumbling and internal dissatisfaction. More than one backbencher has said a challenge against Mr Olsen's leadership, mainly for promoting Ms Cashmore, cannot be ruled out before the election. They claim the numbers are close.

That night a staff member of the Leader of the Opposition told people listening to radio stations that it was a total lie, that the story was not true.

The Leader of the Opposition lost his temper with a radio reporter: it was totally untrue. Yet, in the morning, that same staff member was ringing around the media and saying, 'Actually, there were a few disloyal members.' She mentioned the member for Hanson, the member for Bragg, and she went through the list. That should not be a surprise to members opposite, because the Leader of the Opposition used his staff to disparage Bruce McDonald when he was running for the presidency of the Liberal Party. The Leader of the Opposition used his staff to send around dossiers cut out from the *National Times*, saying that Mr McDonald was somehow tied up with Nugan Hand, which I am sure is not true. It did not go into other matters. Now, the Leader is using his staff to disparage members opposite. They are being accused of being rebels and of being disloyal. The member for Hanson is on the list, and the member for Mitcham is not far behind.

Mr Becker: Repeat that outside Parliament.

Mr RANN: I am quite happy to repeat this outside the House. I went on radio saying it! I gave briefings to the journalists. I was called a fabricator. In fact, the honourable member's Party's former executive assistant—who is one of the most decent and righteous journalists in this State—confirmed every single word I said. I would like to see the Deputy Leader—Roger Goldsworthy—stay where he is. The member for Kavel has a unique place in the history of this continent and, indeed, in Australasia: he is the longest serving losing Deputy Leader in the Southern Hemisphere. I want to see him achieve world fame: long may he stay there.

As for the member for Bragg, I feel sympathy for him. He was not a major partner in this action. He said, 'I would like the job. I think I can do better. I will get my vote—I'll vote for myself—but you have to get the other members first.' That is the state of the Liberal Party! However, the real clue is that the journalists were told it was a lie. Members opposite know that there was an attempt to destabilise the leadership of the Liberal Party. I will stand by that and I will repeat it until they go blue in the face. It was interesting that the Opposition Whip also played a part in it.

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

Mr TYLER (Fisher): I would like to use this time tonight to talk about the Federal Government's suggestion that the Glenthorne Agricultural Farm at O'Halloran Hill should be subdivided for housing. At the outset I want to place on record that apart from being the local State member for this area I am also a resident of O'Halloran Hill. However, I believe that I speak on behalf of the majority of my constituents in the O'Halloran Hill area who are concerned that the Federal Government has proposed to dispose of this parcel of land for housing.

I am quite sure that the land is highly desirable to be used for housing and I am also sure that there would be many developers in this State who would be very keen to get their hands on this parcel of land. If there is any part of the land that could be used for housing, in my view, it would only be on the south-west corner and nothing more. I say this because I believe there are environmental considerations applying to the rest of the property that should be taken into account. This area is known widely in the southern area as the CSIRO land. It is visible from South Road and Majors Road and is a significant green belt that should be retained for future generations. I consider that it is quite outrageous to suggest that this land should be subdivided for housing. It is an expedient short-term solution to a housing problem interstate. It will not help one of my constituents in meeting their mortgage repayments.

The Glenthorne site is zoned rural B which is a permanent rural zone for agricultural production. The land is undulating, lightly treed and very attractive. It is an important component in the aesthetic makeup of the area. It is one of the reasons why families are attracted to the lifestyle of the beautiful southern suburbs. If the bulk of this land, which is visible from South Road and Majors Road, was subdivided it would destroy a significant part of the open space area between the Adelaide Plains and the Noarlunga Basin.

It would also be inconsistent with the open space and urban consolidation objectives of the State Government. In calling the housing summit I am aware that the Commonwealth had confined its attention to land supply and zoning matters. While I believe they are important matters, it is also important to point out that in South Australia the land release and planning system works extremely well. The housing problems in South Australia are not in the supply of land or its costs: it is in the cost of money to private purchasers, those young families who are waiting to get into their first home or who are buying their home.

The South Australian Government has taken considerable action to maintain land supply, including the release of broadacre land by the South Australian Urban Land Trust, so regional considerations need to be taken into account. While I understand the motives of the Federal Government in wanting to dispose of land, it is not necessarily appropriate to South Australia.

If the Federal Government wants to help our housing problem, it should look at improving the first home owners scheme. It should also offer some tangible assistance to ease housing repayments for low and middle income earners. It should put its money where its mouth is and offer some assistance to the States for the financing of infrastructure in new housing development.

It is my strong opinion (and I am delighted that the Minister of Housing and Construction also stated in this House yesterday) that there is no need for the bulk of Glenthorne to be used for housing. It would destroy a very important green belt and open space area. It would not only be a tragedy for residents of the O'Halloran Hill area, but it would affect the aesthetic makeup of the area, therefore destroying some of the beauty that attracts people to live in the area. It is also the gateway to the Fleurieu Peninsula, which has the highest number of day trippers of anywhere in South Australia. If this area were subdivided for housing, it would most certainly destroy one of the things that make the area so pleasant, charming and delightful.

I would now like to turn to another matter that is very dear to my heart. In this Chamber on 15 October 1987 (page 1232 of *Hansard*), I asked the Minister of Recreation and Sport to play a coordinating and leadership role in the establishment in the southern suburbs of a multi-purpose sports park. On Friday 17 February 1989 the Minister announced that he had established this working party and that it would involve 10 people. He also indicated that he expected a report by the end of May.

This is a welcome initiative and has been widely commended by locals. The Minister has been congratulated in the press and by most of those involved in sport in the southern suburbs. As I have told this House in the past, the southern area of Adelaide—as the Minister well knows, and appreciates my concern—lacks adequate recreation and sport facilities. For instance, there is no artificial hockey pitch south of West Beach. There is also no league football or district cricket venue south of Glenelg Oval. In fact, of the 116 league football matches played each season only seven are played south of Richmond Road.

The South Adelaide Football Club would be involved in only two of those games, if they were lucky. In reply to a question by me earlier today on this matter, the Minister named the members who will be participating on that committee. Most of those members are well-known to me and I believe that they will conduct a balanced and thorough examination of our sporting needs.

For instance, I am delighted that the South Adelaide Football Club will be involved in the committee. Although I have family loyalties to West Torrens, considering the fact that I have now been a resident of the southern area for more than 12 years and the fact that I played schoolboy football in South Adelaide's competition, I do have a considerable soft spot for the South Adelaide Football Club.

Their interests on the working party will be represented by Mr Bob Bache, their General Manager. Bob comes to the committee with some considerable expertise as well as commitment to sport. In the area of football and cricket I would doubt that there would be a person more knowledgable of the needs, problems and aspirations of these sports in the south. He, along with the other members of the committee, will be a welcome asset.

The other interesting appointment is that of Meredith Crome as Chairperson. Although Meredith is only a recent acquisition to the southern area because of her appointment as the Southern Region of Councils Executive Officer, I am aware of her expertise. Meredith is a former member of council, a former President of the Local Government Association and a current member of the Local Government Advisory Committee. Other members of the committee from local government, planning and sports administration also bring superb qualities and qualifications to this committee. I wish them well in their deliberations and, along with other sports enthusiasts, I look forward to their findings.

When they consider their proposal, I hope that they take into consideration all sports, at all levels, involving both men and women. I would like to emphasise two sports. Hockey is one of the boom sports, which is widely played by men and women in the south, for which the south lacks facilities. The Happy Valley Hockey Club, through its energetic President (Mr Barry Swan) has developed a very thorough and professional case for hockey. The committee would be wise to consult with this club in its deliberations.

Although the South Adelaide Football Club is involved in the committee, obviously this represents the club's best chance in relocating to the southern suburbs. I know that there are a lot of historical reasons but, when one considers that this club has to put up with training and playing at Adelaide Oval, having its football club administration and social club at St Marys, and its catchment zone in the southern suburbs, it is little wonder that the club has lacked success in recent years.

I look forward to the day when the club has all of its facilities located in the one area down south. I can assure the House that, when this happens, the other clubs in the SANFL will know all about it because, with 40 per cent, or about 72 000 people, under the age of 19 years, there is enormous potential for success. Netball, tennis and basketball clubs also lack facilities, and I hope that the committee will look at those factors that affect the community's lifestyle. I certainly wish the committee well and, along with other sports enthusiasts in the area, I look forward to its findings.

Motion carried.

At 8.53 p.m. the House adjourned until Thursday 9 March at 11 a.m.