HOUSE OF ASSEMBLY

Wednesday 25 October 1989

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

PETITION: RIVER MURRAY FISHERY REGULATIONS

A petition signed by 1 838 residents of South Australia praying that the House urge the Government to review the Murray River fishery regulations and implement a river fishery management plan was presented by the Hon. P.B. Arnold.

Petition received.

PETITION: WALLAROO JETTY

A petition signed by 2 705 residents of South Australia praying that the House urge the Government not to ban public use of the Wallaroo jetty while vessels are berthed was presented by Mr Meier.

Petition received.

QUESTION

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

SOUTH AUSTRALIAN CENTRE FOR MANUFACTURING

In reply to **Mr LEWIS (Murray-Mallee)** 24 August.

The Hon. LYNN ARNOLD: The reply is as follows:

(a) No company specific and commercial-in-confidence information on client/customer companies is provided to the Board of Directors of the South Australian Centre for Manufacturing Pty Ltd (a tripartite board) or the State Executive Committee (SEC) of the National Industry Extension Service (NIES) (a tripartite committee). The only information which is provided to the board and the SEC is:

- The name of the company.
- The name of the specific program of assistance in which the company is involved or wishes to become involved, that is, Business Plan, World Competitive Manufacturing or Contribution of Labour Program.
- The name of the consultant who is providing the specific program of assistance.

(b) The information detailed above is provided monthly to the board of directors, bimonthly to the State Executive Committee of NIES and quarterly to the shareholders (the Premier and the Minister of State Development and Technology). The quarterly report to the Minister of State Development and Technology is circulated (with the approval of the board of directors) to the management committee of the Manufacturing Advisory Committee (a three person committee).

(c) The very limited information (detailed above) which is provided to the SEC of NIES is subject to commercial-in-confidence treatment and all members of the SEC have signed a confidentiality agreement in this respect.

(d) No company specific detail such as financial data, product and process information, employment data, shareholders, etc., is provided to anyone outside of the South Australian Centre for Manufacturing Pty Ltd. Within the centre, this very sensitive information is restricted to senior staff, and then only to those managers on a need-to-know basis. No more than two people, namely the NIES Operations Manager and the NIES Business Development Manager within the centre have regular access to the company specific detail provided directly by the company or the consultant to the company.

(e) Within the centre the company information is held in a secure manner in a secure location with a number of safeguards having been instituted to ensure maximum security of confidential material with minimum access by centre staff only on a restricted, need-to-know basis.

(f) The SEC of NIES does not consider or vet proposals for assistance. The CEO of the Centre for Manufacturing who is the Deputy Chairman of the SEC and the NIES Operations Manager have delegations of authority to approve the applications for assistance under the NIES scheme. The SEC is basically a policy development body which is responsible for the overall direction and operation of NIES in South Australia. The SEC is not involved in the day-to-day operations of delivering assistance to companies.

(g) I am of the opinion that there has been no breach of confidentiality of company information and that the union official who approached the company in question took considerable licence which was not 'fact' in telling the employer that 'his application to the National Industry Extension Service would be approved if the company allowed union representation of its work force'. This is simply not true and could not take place under the current system for considering and approving applications for assistance.

(h) No consideration whatsoever is given by the two delegates when approving an application for assistance as to whether the company is unionised or not.

MINISTERIAL STATEMENT: HEALTH AND LIFE CARE LTD

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

Leave granted.

The Hon. J.C. BANNON: On Wednesday 19 October the member for Coles sought an answer to a question in relation to a company known as Health and Life Care and its relationship with the State Bank of South Australia. Subsequently, that same day the honourable member made an adjournment speech on the same issue. Yesterday, the honourable member asked a follow-up question and later sought to explain her earlier question. While a more appropriate course would have been to approach either the State Bank or the company itself directly on this matter, I undertook to get some further information, which I now provide.

The honourable member made considerable play of the involvement of the State Bank as an enticement to employees to join the share scheme. At various stages she said:

> A highly bullish report from Morgans convinced employees that both Morgans and the State Bank of South Australia knew what they were doing . . .

And later:

> who . . . would not believe that the State Bank knew what it was doing when it was buying a company and that that company was likely to have a profitable, at the very least, secure future.

The honourable member also agreed with her colleague the member for Mitcham when he said:

> It is almost like a State Government guarantee.

Finally, Mr Speaker, the member for Coles said:

Many believed their employer and believed the State Bank when it lent on a proposition that was to guarantee them security and prosperity.

The prospectus was offered to staff in June 1986. I am informed that the shares under this scheme were taken up by 10 October 1986. The State Bank became involved in Health and Life Care 10 months after this, in April 1987, when HLC purchased the assets of Consolidated Health Care Group (CHC). The bank was not involved with HLC at the time the employees entered the scheme. I am at a loss to understand how the honourable member can argue that staff members entered the share scheme based on some faith in the State Bank, if the bank was not involved.

Having established that the State Bank was not responsible for attracting these employees into the share scheme in 1986, I turn to the question of the bank's actions today. The second major claim of the honourable member is that a threat has been made on behalf of the bank that, despite the agreement of Westpac, Partnership Pacific and the Stock Exchange to vary the employee share scheme, it will act to liquidate the company and pursue the employees for the outstanding balance on their shares. The honourable member claims that this threat was made by Mr John Heard through Mr Harper of Health and Life Care to one of the employees. Mr Heard says that no such threat was made. It is a fact that the option of forgiving the outstanding balances of the shares is favoured by the board of Health and Life Care. The board has, however, entered a moratorium agreement with the banks including the State Bank. If the directors breach the moratorium agreement, the banks could appoint a receiver. But no threat has been made. The directors of Health and Life Care have been informed of the bank syndicate's desire not to have the outstanding balances forgiven at this stage. I am informed by the State Bank that the cancelling of these shares faces some legal problem.

As I stated earlier, the State Bank is the lead bank of a syndicate of bankers. In these circumstances the bank cannot act unilaterally to forgive these shares. But, further, the articles of the company do not provide for the proposition to forgive unpaid shares. We should consider just what such a proposal would mean to other individuals who are unsecured creditors of Health and Life Care. These unsecured creditors would normally expect to have a claim against the company including the unpaid value of shares. If these unpaid amounts are forgiven, it may make the shareholders happy, but it will not provide any help to these unsecured creditors. The member's proposal simply passes the problem from shareholders to either creditors or lenders.

I believe that Health and Life Care has the right to operate without the sort of publicity that the honourable member has generated, and its response should be publicly noted. A statement made following last week's question is as follows:

Health and Life Care Limited is alive and well. It has not been placed in receivership and the company's board of directors has no plans to call on former employee-shareholders for funds.

Mr Len Harper, the General Manager of the leading South Australian-based health care group, said today that comments attributed to the South Australian Opposition in State Parliament on Wednesday were 'totally inaccurate'.

'It is obvious that the Opposition's economic spokesperson, Ms Cashmore, has been ill-informed and has not properly researched her topic,' he said. 'Ms Cashmore did not even contact HLC management to discuss the matter so her comments must be seen as politically motivated.'

Mr Harper went on to say that the accurate facts were:

- Health and Life Care Limited is not in receivership.
- The State Bank of South Australia has not appointed a receiver to Health and Life Care.
- Health and Life Care is in a strong recovery mode and there are no signs of the State Bank of South Australia or any other bank liquidating the company. To the contrary, the company's banks have expressed satisfaction with Health and Life Care's recent improved performance.
- The 1.4 million shares issued to HLC staff in 1986 were not due for call-up until April 1991 and Health and Life Care directors have no intention of calling on funds from employee-shareholders.
- In fact, directors of Health and Life Care have been examining ways in which the financial liability outstanding on HLC employee shares can be 'extinguished'.

For the moment, I believe the parties should be allowed to deal with the situation without being subjected to destabilising publicity. By her actions the honourable member has served the interests of none of the parties involved. Claims have been made about the State Bank which the bank denies. Claims have been made about Health and Life Care which may damage its reputation and which the company denies. The interests of the employees have not been advanced and they may have been damaged. It would seem that, for the opportunity of a headline, the member is prepared to accept these consequences.

MINISTERIAL STATEMENT: STATE BANK GROUP

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

Leave granted.

The Hon. J.C. BANNON: Yesterday, the member for Heysen raised two matters relating to members of the State Bank Group. First, he referred to a matter of legal dispute between the State Bank and Continental Venture Capital Ltd and, secondly, he referred to the actions of the Receiver-Manager in relation to the Henry Waymouth Centre which is financed by Beneficial Finance.

Today's *Advertiser* carries a story which states that Continental Venture Capital and its Chairman, Mr Vanda Gould, have withdrawn their legal action and publicly apologised to the bank. Mr Gould had originally instigated Federal Court action on the basis of his claim that the State Bank had acted precipitously by appointing a receiver to Laserex after calling in a $2 million overdraft at 24 hours notice. Mr Gould says in his letter:

CVC and I unreservedly withdraw the allegations and apologise to the bank for any embarrassment suffered by it.

The actions of the member yesterday in relation to this matter are difficult to understand. If CVC had sought his assistance, it failed to advise him of its changed position. If the member raised this issue on the basis of rumour, he did himself little good in failing to research the issue. With regard to the matter of the Henry Waymouth Centre, if the member can provide me with the names of the companies involved, I will undertake to consult the State Bank Group and obtain a response.

Mr Olsen interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I specifically mention the Leader of the Opposition as being called to order.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of State Development and Technology (Hon. Lynn Arnold)—

Tourism South Australia—Report, 1988-89.

By the Minister of Agriculture (Hon. Lynn Arnold)—

South Australian Egg Board—Report, 1988-89.

By the Minister of Housing and Construction (Hon. T.H. Hemmings)—

State Services Department—Report, 1988-89.

QUESTION TIME

HOUSING INTEREST RATES

Mr OLSEN (Leader of the Opposition): I address my question to the Premier. I refer to his statement reported in the *Advertiser* of 16 August this year in response to the Federal budget, as follows:

> All factors indicated interest rates were coming down.

When does the Premier now expect interest rates to fall?

The Hon. J.C. BANNON: I wish I could say. At the time that statement was made there had been some considerable lessening of the pressure on interest rates, and all the economic indicators at that time were talking about a reduction in interest rates. So, it was a reasonable statement to make. In fact, the subsequent balance of payments issues have ensured that interest rates remain at their current level, which is far too high. I believe that it would be quite intolerable if rates were to remain at the levels they are at at the moment, not just because of the problems it causes home owners—and in this context—

Members interjecting:

The SPEAKER: Order! I call the member for Victoria to order. The honourable Premier.

The Hon. J.C. BANNON: —the State Government has in place the interest rate protection plan and the home mortgage relief scheme. We have also proposed and implemented innovative and special ways of attempting to ensure that our housing market remains at a reasonable level of activity. That has been rewarded: while the rest of Australia has seen very substantial reductions in activity and while we have shared in those reductions, they have not been anywhere near the same extent in this State as in the rest of Australia. I know that that is a cause of regret by members of the Opposition, who would like to see us have a full-blown recession, but that is not the case.

Secondly, interest rates are intolerably high for business, particularly those small businesses trying to service their capital needs. What I am most concerned about in this area is that, if rates remain at this level, they will choke off investment in productive capital equipment, refurbishment and revitalisation of businesses in order to ensure that they are more competitive in terms of both import replacement and export.

The balance of payments is an important element. The extent to which we are going into debt to obtain techniques and equipment that will improve our productive capacity is no cause for alarm, but the extent to which we are going into debt simply on some sort of consumption binge is a cause for alarm. While the balance of payments situation remains as it is, there is obviously no prospect of early relief for interest rates generally. I believe that that is to be regretted, because it is absolutely vital that we remove the pressure, first, from home owners and, secondly, from businesses in this country.

TAXES AND CHARGES

Mr TYLER (Fisher): Will the Premier inform the House how the level of taxes and charges in South Australia compares with that in other States? Yesterday the Leader of the Opposition made a statement which implied that the level of taxes and charges and the efficiency of the public sector compared unfavourably with the Australian average. It has been put to me that the statement is at odds with an independent assessment issued today by the National Institute of Labour Studies.

The Hon. J.C. BANNON: The honourable member is referring to a publication which was launched today, called *Budgetary Stress: The South Australian Experience*, and which represents the most extensive review of any State's economy.

Members interjecting:

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

The Hon. J.C. BANNON: It is the most extensive review of any State's economy and public sector administration ever undertaken. The significant fact about that is that it was done here in South Australia with the active cooperation of the South Australian Government. We have nothing to hide, and we are prepared to subject ourselves to that rigorous analysis, in a way that no other Government in this country so far has been willing to do. It is about time they did, because I think we would find some very interesting results.

Having said that, I would say that the most startling feature from the report, if one considers the debate that has been going on in this place, and as far as the Opposition is concerned, is the complete contradiction of recent statements by the Leader of the Opposition about our economy in South Australia and those knocking, nit-picking comments which we have become used to, and which have no basis of fact.

Specifically, in relation to taxes and charges, in chapter four of the book entitled 'Funding public sector activity', the following statement appears:

> Its revenue from taxes, fees and fines is less per head of population than any State except Queensland . . . net borrowing per head of population is also least for the South Australian Government of all State Governments; in brief, the South Australian Government runs a tight financial ship compared with most State Governments, taxing less severely and borrowing on a more prudent scale.

Then, in a section of the chapter headed 'Conclusion', the following statement is made:

> South Australia is a low tax State in comparison with other States.

In the introduction to the book there is yet another statement about the administration of this public sector, as follows:

> The State public sector is now amongst the least debt ridden in the land.

The report also comments on and commends a program of reform that is under way in our public sector, although it states that this needs strengthening and broadening. Another recurring theme throughout the report is that, despite cutbacks in funding from the Commonwealth in recent years, the quality of our community services is being maintained. This is another area in relation to which we have to put up with a lot of absolute nonsense and untruths on the part of the Opposition.

Members interjecting:

The Hon. J.C. BANNON: Members opposite do not want to hear this truth; they try to shout it down. This is most unpalatable to the Opposition, which is intent on undermining South Australia and its economy.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. J.C. BANNON: I have noticed the delight of the Deputy Leader reading the back of the book, which refers to the period during which he was the Deputy Premier

of this State. It is very nice that he has a big grin on his face. However he should not be grinning: he should feel ashamed of the record that is revealed in that passage. If he reads the book he will find that that is a statement on the historical situation and that the rest of the book is about how this Government has got us out of that situation, and we are the best placed State Government for the 1990s in this country. We have done that, with the report noting that education spending has continued to grow despite tighter economic conditions. In relation to housing the book states:

> Notwithstanding the emergence of a national housing crisis, housing consumers in South Australia face more favourable conditions than those in the other mainland States.

Most importantly (and this is the bit that the Opposition really squirms about) the report adopts an optimistic tone for the future. To quote again:

> South Australians have been increasing their productivity more than Australians generally. The State Government has shown a good housekeeping frugality. In the 1990s South Australians are going to have good reasons to rejoice at the persistence of our State Governments in being 'boring' during the 1980s rather than pursuing the trendy profligacy that makes for good media copy.

I suggest that members opposite take note of those sentiments and that, rather than trying for spectacular headlines, nit-picking and preaching doom and gloom, they start saying something positive about South Australia and its prospects.

HOUSING INTEREST RATES

The Hon. JENNIFER CASHMORE (Coles): My question is directed to the Premier. I refer to the statement made by the Prime Minister on 26 January this year at the height of the Western Australian election campaign, when home loan interest rates were at 15 per cent, predicting that they would drop by the end of this year. Does the Premier believe that Mr Hawke will be making a similar prediction during the imminent South Australian election campaign?

Members interjecting:

The SPEAKER: Order! In future, I would ask members to exercise more care in framing their questions so that the question precedes the explanation, not *vice versa*. The honourable Premier.

The Hon. J.C. BANNON: That is really a pathetic question, Mr Speaker.

Members interjecting:

The Hon. J.C. BANNON: Well, what sort of predictions are made will depend on the circumstances and the evidence available at the time. I have already covered the current situation and the prospect for the next few months in a response to the Leader of the Opposition. Why this tedious repetition is necessary, I do not understand.

Members interjecting:

The SPEAKER: Order! Although the obvious diagnosis is a case of severe pre-election tension, the House must be brought to order. I ask members to please restrain themselves.

TRANSPORT STRATEGY

Mr ROBERTSON (Bright): Can the Minister of Transport say whether this Government intends to introduce any of the transport related suggestions put forward by the authors of the book *Budgetary Stress: The South Australian Experience*? The book suggests that the Government should make direct charges for road use including electronic road use pricing, zonal charges for congested areas, tolls at choke points such as bridges, increased parking charges and distance travelled taxes on trucks. The book also suggests that the State Transport Authority should charge 'more commercially realistic fares' and that road construction and maintenance should be offered for tender. In addition, on the *7.30 Report* last night, one of the authors of the book was critical of the State Transport Authority's deficit.

The Hon. FRANK BLEVINS: I read the article in this morning's paper, quoting extracts from the book and some of the suggestions made in it as a possible way for the transport industry in this State to go. I stress at the outset, not having had the opportunity to read the book, that I am going on the press report, although I have no reason to believe that the report is anything but 100 per cent accurate. I was at the book launch this morning at 10.30, and I am surprised at the speed at which some members of the House apparently have read the book, digested it and can quote it at length. I have not had the benefit of a speed reading course or the time this morning. However, the short answer is that I see no role during the period of a Labor Government for most, if not all, of these suggestions. I will detail very briefly why that is the case.

In general, the Government and I have a philosophical difference with the way the book suggests that we run both our public transport sector and our road transport network. It may well be that the suggestions may be more in tune with Liberal Party philosophy, and that is up to the electors of this State: if they believe that some of these suggestions—or all of them—will be taken up by the Liberal Party, they will have an opportunity in the next few months to support those suggestions.

I assure those people who read the report this morning, and who perhaps fear that some of the more radical suggestions will be taken up, that they will not be. I will go through the suggestions one at a time. First, referring to the use of electronic use pricing, I suppose that that implies some kind of monitoring device placed in motor vehicles so that people can be taxed according to the precise amount of time they spend on our roads. I would have thought that the present system is far easier. A person who buys more fuel than the person next door buys is already making a greater contribution, and I cannot see that there is a great deal of merit in that proposal.

As to the suggestion that road construction and maintenance should be offered for tender, that happens now to a great extent. Certainly, all road building projects in this State which attract Federal Government moneys must go to competitive tender, and construction is undertaken sometimes by private enterprise and sometimes by the Department of Transport on an open tender basis. The public sector wins some and loses some, as do firms in the private sector. I do not see that as a particularly radical idea.

The criticism of the fare structure of the STA particularly interests me, because there was very strong criticism of the fact that STA gains only about 28 to 30 per cent of its revenue directly from its customers, something which, according to the authors of this book, they found deplorable. Not only do I not find it deplorable but I find it a very great plus. It is a deliberate policy of this Government that public transport fares are kept to the minimum, because we believe that public transport has a much greater role than merely moving people from A to B. There is also a social justice role involved, and it is important that we do not price public transport fares out of the reach of people who cannot afford to pay the full fare. If the Government decided to triple the fares overnight to recoup the entire cost of the STA operation through the fare box, many people in South Australia could not afford to pay those fares.

The STA is also used to enhance the running of the City of Adelaide. Again, if the fare were tripled, there is no doubt that there would be more cars on our roads, more call for additional roads and roads needing to be widened, and there would be a great deal of social disruption. If we want the City of Adelaide to be taken over by the motor car we should follow some of the suggestions made in this book, but we are not going to do that.

As to privatising the road building industry or introducing toll roads, this Government does not believe in that; we believe that, through general taxation—motor vehicle registration and fuel taxes—we can afford to maintain our road network and to upgrade it where necessary, and we are not prepared to subject motorists to toll roads or tolls at 'choke points', as the authors of this book suggest. That is totally unnecessary, and I do not believe that the motorists of this city should be subjected to it.

I shall be very interested when, eventually, the Opposition releases its transport policy and we see whether it contains any of these suggestions or similar suggestions. I will welcome—and I believe all citizens of Adelaide will welcome—that debate. However, the member for Bright can assure his constituents that we will not be tripling the fares on public transport, we will not be privatising the road system and we will not be adopting these apparently futuristic suggestions when there are far simpler and more equitable ways of achieving the same result.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Will the Premier seek a report from the SGIC on the current status of its $580 million put option on an office development in Melbourne? This put option is for the 28-level Collins Exchange development now under construction at 335 Collins Street. It requires the SGIC to guarantee all the developers' costs and borrowings associated with the project. I have been advised that, as yet, no part of the building has been leased and that there is concern in Melbourne that this project may be facing considerable financial difficulties.

The Hon. J.C. BANNON: I will consult SGIC and see what I can provide for the honourable member.

COUNTRY FIRE SERVICES

Ms GAYLER (Newland): My question is to the Minister of Labour representing the Minister of Emergency Services. Does the State Government intend now or in the future to abolish the volunteer Country Fire Services? It was suggested last week that not only is the CFS targeted for takeover and removal of volunteers by the Labor Party and the unions, but also that questions are already being asked about the hidden agenda for Meals on Wheels and other voluntary organisations in the community. That claim was made by the Liberal Opposition member for Morphett.

Mr Lewis interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I am very pleased that the member for Murray-Mallee thinks that I shall be remembered in history a lot longer than he will be. St Gregory has been around for a long time. A number of Popes have been named after him. I do not know of any Popes named St Lewis. My name will be in history a lot longer than the honourable member's.

I thank the member for Newland for her question. Any suggestion, whether it be from the member for Morphett or anyone else, that the Bannon Government has less than a 100 per cent commitment to the future of volunteers in the Country Fire Service is absolute and utter nonsense. It is also misleading and downright mischievous. My colleague—

Members interjecting:

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

The Hon. R.J. GREGORY: My colleague, the Minister of Emergency Services, as recently as 16 October, told the annual general meeting of the South Australian Volunteer Fire Brigades Association that 'it would not be possible to provide the fire protection for the vast country areas of this State without the committed efforts of a strong volunteer fire service such as you now provide'. That is the bottom line. It is inconceivable that the kind of service offered by the CFS could be delivered without the commitment provided by the current registered strength of almost 20 000 volunteers.

However, the Government's commitment to the growth and development of the CFS as a volunteer service can be measured by more than mere words. Our financial commitment as a Government, when measured against the commitment of the previous Tonkin Government, makes its efforts look puny. Recurrent expenditure for the service has grown from $8.2 million in 1987-88 to almost $9.6 million in the current financial year. During the same period, capital exenditure has tripled, from $1.1 million in 1987-88 to $3.3 million this financial year. The total of registered CFS volunteers has risen from 18 500 in 1985-86 to 19 984 at the end of 1988-89. The number of volunteers trained annually was almost four times greater last financial year than the number trained in 1984-85—from 760 to 2 921.

This Government has an ongoing commitment to training. We have an obligation to ensure that as many volunteers as possible are trained so that, when they are called upon to perform duties in providing safety—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: —and suppressing fires and providing rescue services, they are properly trained in performing those duties and they do not place their lives in danger because they are not trained. This year an important new CFS training facility—the Mount Lofty Training Centre—was opened at Brukunga, which is convincing evidence of the long-term need to ensure first class training for CFS volunteers. The new Country Fire Services Act and regulations make it abundantly clear that the future of the CFS is linked with its volunteer members.

Here is the evidence: South Australian Volunteer Fire Brigades Association representation on the CFS board has been increased from one member to two; brigade captains and group captains are volunteers elected by volunteers. Paid CFS employees cannot hold these positions; volunteers' brigades now have responsibility for their own defined area; and suggestions from the South Australian Volunteer Fire Brigades Association were incorporated into the new Act and regulations virtually unaltered—illustrating the credibility and commitment of volunteers to the future of the service.

Finally, let me quote again from the Minister's recent address to the Volunteer Fire Brigades Association. He said:

> Let me take this opportunity to express the heartfelt thanks of the Government and people of South Australia for the work done by the thousands of CFS volunteer firefighters. Your task is sometimes thankless and often dangerous, but it is indispensable to the safety and protection of the many communities serviced by members of your association.

MANNING OF AMBULANCES

Mr BECKER (Hanson): Will the Minister of Health investigate allegations that last Saturday night a serious disruption in the quick transportation of a seriously injured car accident victim was caused due to paid St John Ambulance staff arguing with volunteers at the crash scene about the manning of ambulances? Last Saturday night a road accident occurred at Fulham Gardens, resulting in four occupants of a car being injured. A St John Ambulance volunteer crew from the Fulham St John's Centre arrived at the scene and, after a quick assessment, found one patient with head injuries lapsing in and out of consciousness, and three other patients with various lesser injuries.

The volunteer crew removed the most seriously injured patient from the crashed car and prepared him for transportation to hospital, but had to wait for back-up ambulances to carry the other injured away. When a second crew arrived, it was staffed by paid employees who, I am told, appeared to be more interested in 'splitting crews' than in the welfare of any of the injured patients. I am told that at no point did they ask about the welfare of the patient, but continued arguing with the volunteer staff. The career staff then took the most seriously injured patient to the volunteers' ambulance, and subsequently started to monitor the patient's condition with a 'life pack'.

The monitoring, incidentally, was reported to have been carried out by a paid officer not qualified in the high support 'Echo' procedures. The volunteer crew transported one of the non-urgent patients to the Queen Elizabeth Hospital, arriving well before the ambulance manned by career staff who had assumed charge of the seriously injured victim. At the QEH, the volunteer ambulance crew were further subjected to a bombastic approach by career staff who had attended the accident scene, again arguing about whether or not crews should be 'split'.

The Hon. D.J. HOPGOOD: I will have every allegation the honourable member has put before this House investigated very thoroughly, and will obtain a very early answer for him.

COBBLERS CREEK

Mr RANN (Briggs): Will the Minister for Environment and Planning inform the House what progress has been achieved in establishing a major recreation park at Cobblers Creek in the area known locally as the Salisbury East open space?

The Hon. S.M. LENEHAN: I am delighted to be able to tell the honourable member and to announce to the House that Cabinet has approved the constitution of the Cobblers Creek Recreation Park. The proposed park will consist of 288 hectares of land, all in the hundred of Yatala, adjacent to Golden Grove Road and Bridge Road at Salisbury East. The most attractive feature of the park is Cobblers Creek, which has been identified as a significant watercourse in the metropolitan open space system.

The park's establishment will provide for public enjoyment and recreation in a major suburban open-space setting while still preserving a buffer zone between areas of residential development at Salisbury and Golden Grove. It is important to note that, while in the initial proclamation there will be provision for a road reserve, as soon as the final survey details have been completed by the Highways Department the remainder of land not required for road purposes will be included within the recreational park. This park is another step in securing important pieces of land around the metropolitan area that provide for both recreation and landscape retention. The park will be developed in accordance with a plan of management which will have regard to the requirement to preserve the landscape features of the area, and it is my great pleasure to be able to open that park early next month.

ST JOHN AMBULANCE VOLUNTEERS

The Hon. D.C. WOTTON (Heysen): Will the Minister of Health inform the House what evidence he has to back up his statement yesterday that bringing the St John volunteers under the command of the ambulance board had been ratified by the vast majority of the volunteers? The Minister told the House yesterday that the Government would give the ambulance board every support in adhering to the common goals related to bringing volunteers under the command of the board, and that these goals had been agreed to by the board, St John and the Government, and ratified by the vast majority of volunteers. Since that statement, the Opposition has been inundated with calls from individual volunteers and the volunteers organisation stating that the statement cannot be backed up by the Government, because the volunteers were totally against such a move.

The Hon. D.J. HOPGOOD: Let us just briefly rehearse the history of this matter. The Priory came to South Australia for an investigation of the situation here and put a specific set of recommendations before St John, which went to the council. The council is the representative of the body of the whole organisation, particularly the volunteers. If the council is not representative of the volunteers, then the volunteers have it within their power to do something about that. It is not something that I or the honourable member can do anything about, but the volunteers have it within their power to do something about it.

St John is, after all, a democratic body. The Priory's specific recommendations, of which members may be aware, were rejected by the council. It is not something which the council reluctantly took on board: the council rejected the advice given to it by the highest authority within the St John movement in this country. What was adopted in place by the council is the matter which I canvassed with members yesterday, which has been widely commented upon and which is now the policy of the St John Ambulance Board. I can say no more than that. It is not something that has been foisted onto St John by this Government or anything like that: it is something about which this Government was informed by St John.

St John is an independent organisation. Of course, it is funded by the community, through government. How else could it operate? But it has charge of its own affairs. The Government regrets that over the next couple of years it may be facing some considerable additions to the resources that will have to go into St John because of the decision to phase out volunteers in those metropolitan and country centres where there has traditionally been mixed crewing, but that is the decision of that organisation and, as I said in a different context this morning, a volunteer is a volunteer. There is no way that one can force a volunteer to be a volunteer.

That is the situation in which we find ourselves. The Government is cooperating fully with the decision made by an independent body under a democratic process. If people are contacting the honourable member who believe that the processes through the St John organisation are not as democratic as they should be, I cannot comment on that. I have

no evidence of it but, in any event, the remedy lies in the hands of those same people.

INDUSTRIAL DISPUTES

The Hon. R.K. ABBOTT (Spence): Will the Minister of Labour tell the House the results of the Australian Bureau of Statistics latest survey on industrial disputes as it relates to South Australia, and what the figures mean for this State?

The Hon. R.J. GREGORY: Yes, I can. In the 12 months to July 1989, South Australia lost 55 working days per 1 000 employees in industrial disputes. This was the lowest figure of any State and the lowest figure recorded in South Australia since April 1986. A little analysis is necessary to understand how impressive this figure is.

Members interjecting:

The Hon. R.J. GREGORY: When the member for Mitcham keeps quiet and I get to the end of my answer, he will find out what happened when he was advising the Minister of Labour at the time the Liberal Party was in government. The Australian average was 207 days lost per 1 000 employees, almost four times as high as the average in this State. The worst performance was recorded by New South Wales, where 316 days per 1 000 employees were lost due to disputes—that is, nearly six times as high as the South Australian figure.

The Hon. Frank Blevins interjecting:

The Hon. R.J. GREGORY: As the member for Whyalla reminds me, New South Wales has a Liberal Government. That figure includes the New South Wales 'day of outrage' when thousands of workers took action against the Greiner Liberal Government's policies and performance. Liberal policies there have seen massive cut-backs in services to the public while charges for those services that were left have been massively increased. This is the same Mr Greiner who was in Adelaide only weeks ago at the request of the Liberals helping them with their 'scorched earth' plans for the public sector.

The Victorian figures are also high, about three times the figure for South Australia but about half the figure for New South Wales. Victoria lost 170 days per 1 000 employees. That figure includes the WorkCare disputes, a series of disputes that have not occurred here. What these figures mean is that this State can boast the sort of industrial climate that attracts investors from interstate and overseas.

That is the sort of record that the Bannon Labor Government has delivered. We could compare that with the Liberals in New South Wales and with the Tonkin Liberal Government, the performance of which was appalling. In 1980, 132 days were lost per 1 000 employees, and in 1981, 320 days were lost per 1 000 employees.

Members interjecting:

The SPEAKER: Order! The honourable member for Light.

AMBULANCE OFFICERS

The Hon. B.C. EASTICK (Light): Will the Minister of Health investigate harassment of a registered nurse at the Flinders Medical Centre by ambulance officers and give a guarantee that this campaign will not be allowed to interfere with staffing of our public hospitals? The Opposition has received evidence that this campaign has moved into another gear with a petition being circulated by paid ambulance officers which is designed to have a registered nurse removed from her current position at the Flinders Medical Centre.

The nurse to whom I refer is in a senior position at the hospital and is involved in assessing patients as they arrive by ambulance. She is also a St John volunteer. A petition which has so far been signed by 21 ambulance officers (although I am advised that some of them have had no association with this particular nurse or with admissions to the Flinders Medical Centre) states:

We the undersigned wish to express our concerns that nurse A—

I will not mention her name to avoid the possibility of further harassment—

has deliberately engaged in a policy designed to undermine our role as professional ambulance officers. We do not wish to impose a total and complete black ban on this nurse, however, there is a strong feeling in our trade union that if she continues to act in this provocative manner then the imposition of a total ban will be inevitable. The relations between the accident and emergency staff at Flinders Medical Centre and professional ambulance officers is one that we strive to strengthen and improve. It is our opinion that nurse A should either desist from interfering in our profession or withdraw to an area of nursing that does not bring her into contact with professional ambulance officers.

I have been informed that hospital nursing staff are seeking assurances that they will be protected from harassment of this nature, which involves a threat of a union ban if this nurse is not removed from daily contact with paid ambulance officers and which amounts to an attempt by the ambulance officers' union to dictate how hospital staff should be managed.

The SPEAKER: Order! I ask the honourable member not to introduce comment into his explanation.

The Hon. B.C. EASTICK: I can provide the Minister with the name of the nurse, for further investigation. On the Keith Conlon radio show this morning, the Minister said that he wanted evidence of harassment. An attempt was made to make his office aware of this matter last Friday.

The Hon. D.J. HOPGOOD: The honourable member has not explained why the attempt was not successful. Does the honourable member mean that he rang my office last Friday and nobody was prepared to speak to him, or what? I find this very strange. Anyone who rings my office with a legitimate complaint about certain aspects of the health system has the details taken down and they are thoroughly investigated. I have no doubt that if that contact took place the matter to which the honourable member refers is already being investigated by the Health Commission.

As to the guarantees that the honourable member seeks, of course they are forthcoming. Nurses at Flinders Medical Centre are employed by that body, and no-one else, and the matter of the future employment of any nursing staff will involve a decision of the Flinders Medical Centre and that will be based on their competence as nurses and the way that they deal with their patients.

Mr D.S. Baker interjecting:

The SPEAKER: Order! I call the member for Victoria to order, specifically, for the second time.

DISABILITY PENSIONS

Mr PETERSON (Semaphore): Will the Minister of Housing and Construction say whether the South Australian Housing Trust has completed its review of its rent rebate scheme and whether consideration has been given to rent rebates for recipients of disability pensions? In correspondence given to me, over the signature of the Minister, and dated 15 February this year, the following statement is made in relation to rent rebates for ex-service disability pensioners:

Arrangements are currently being made for a comprehensive review of the trust's rent rebate scheme and I have asked that the question of disability pensions be examined in this context.

Will the Minister report on that review?

The Hon. T.H. HEMMINGS: I thank the honourable member for his question. Numerous representations have been made to me, particularly by the member for Albert Park, on behalf of people receiving disability pensions. This pension has been taken into account when setting the rent. It is quite proper for the member for Semaphore to address this matter. In February 1989, I undertook an extensive review of the relative benefits provided by rebates to public tenants and of rent relief for private tenants. However, this work was suspended in May 1989 following the announcement of the Commonwealth's intention to renegotiate the Commonwealth-State Housing Agreement, due to the significant impact of the new CSHA on the rent rebate provisions.

I intend to reactivate the review once the negotiations with the Commonwealth have been completed. However, for the benefit of the constituents who have approached the member for Semaphore and the member for Albert Park, I have asked the South Australian Housing Trust to ascertain how much it will cost the South Australian Housing Trust to take the disability pension outside the rent setting formula. Once that work has been undertaken and I have received a report from the South Australian Housing Trust, in conjunction with my Federal colleague the Minister for Housing, I will make a decision on behalf of the Government.

TAXES AND CHARGES

Mr D.S. BAKER (Victoria): In view of his very selective references to the book *Budgetary Stress: The South Australian Experience*, when answering a question asked by the member for Fisher, I ask the Premier whether he has read the conclusion at page 90, which states:

> ... real taxes, fees and fines per head have been increasing in recent years and the charges of public trading enterprises have been increasing faster than the CPI over the past decade.

Further, it states on page 108:

> Since 1984-85 Housing Trust rents have been increasing at a real annual rate of 5.7 per cent; urban transport fares by a real 4.6 per cent per year; and motoring charges by a real 5.5 per cent per year.

The Hon. J.C. BANNON: I was aware of references of that kind, and I would put them into perspective. Let me repeat: we are a low tax State, yet we are delivering the highest level of services. It is certainly true that some charges have risen well above the rate of inflation, if one takes a 10-year span. Electricity is a classic example, and the Minister of Mines and Energy has on a number of occasions put before this Parliament the horrendous increases that took place under the previous Liberal Government. If one took the period from 1985, the period of this Government's second term of office, one would find those charges consistently running at below the rate of inflation.

In relation to Housing Trust rents, again, that is something that was stated quite clearly. Under the arrangements of the Commonwealth-State Housing Agreement, the mutual decision that was made finally by all State Governments and the Federal Government was that we were moving to rents more closely related to market which in fact resulted in real increases. We stated that clearly. We advised every single Housing Trust tenant individually about the nature of those increases, the reason for them and the period over which they would apply. It was a specified period, and my colleague made it quite clear that once we got through that situation—once we had reached that plateau in response to those forces—we would revert to a situation where a figure at or below the CPI would apply.

An honourable member interjecting:

The Hon. J.C. BANNON: It says exactly that: the book exactly draws attention to that fact. In fact, if the honourable member would like to read other parts of the book or consider the philosophy underlying it, he would find that the authors are quite dissatisfied with the level of rents paid by Housing Trust tenants. They would like to see them very much higher, bearing a much greater relationship to the market and a user pays concept. If that is what the honourable member is recommending, if he wants that applied to Housing Trust tenants and public transport passengers, let him say so and make it quite clear. I believe it is what he wants, because certainly his Leader has espoused the policies of the New South Wales Liberal Government, which has moved in just that direction, with the highest increases in those areas in that State's history, despite the fact that the New South Wales Premier, as with his election platform and manifesto, said there would be no such increases.

I thank the honourable member for allowing me to remind the House to be very careful indeed of the promises that will be made by the Leader of the Opposition on this score. There is no way in which the spending proposals that we will see unveiled and the revenue proposals that will be propounded can ever match, without driving this State into bankruptcy, as they did under the previous Liberal Administration.

RACIAL DISCRIMINATION

Mr DUIGAN (Adelaide): Has the Minister of Ethnic Affairs seen the article in the Adelaide—

Members interjecting:

The SPEAKER: Order! I ask the Premier and the member for Victoria to cease and desist from comparing notes on their book reviews. The honourable member for Adelaide.

Mr DUIGAN: Has the Minister seen the article in the Adelaide *Advertiser* of 23 October in which the President of the Federation of Greek Orthodox Communities said he was concerned that changes to the social security system proposed by the Federal Opposition Leader might be in breach of the Racial Discrimination Act, and will the Minister ask the South Australian Ethnic Affairs Commission to closely examine the consequences of the proposed changes on people of varying ethnic backgrounds, including those with whom Australia has reciprocal social security agreements and those who do not?

The Hon. LYNN ARNOLD: I will certainly ask the South Australian Ethnic Affairs Commission to seek further information on this matter. Of course, it will require liaison with Federal authorities because we are talking about Federal matters, particularly bilateral agreements between the Australian Government and overseas Governments in the countries of origin of many settlers in this country.

An honourable member interjecting:

The Hon. LYNN ARNOLD: The member for Mitcham says that the Ethnic Affairs Commission is supposed to be non-political. It is entirely non-political, but the fact is that it does have a responsibility to act on behalf of communities within this State. If there is a situation where one section of the community appears likely to be at risk, to be discriminated against by a policy that may in the fullness of time be implemented at the Federal level, that would be of concern to anyone, including particularly the commission.

Federal Opposition policy on this matter acknowledges that those countries with whom we have bilateral agreements with respect to social security would see that people from those countries settling in Australia are not discriminated against. Of course, that is right because they would be able to benefit from those bilateral agreements. However, those from countries whose government has not yet accepted bilateral agreements are the hapless victims who would therefore suffer as a result of that policy under a future Federal Liberal Government. That should concern all members in this place.

I would have thought that no member in this place would take issue with that point. The Greek community appears to be at risk from that sort of policy and I would have thought all members would say that that is not right. On previous occasions I have congratulated the State Opposition when, during the height of the Federal Liberal Party's racist policies last year, the members of the State Liberal Party had the guts to stand up and take issue with their Federal colleagues. I have publicly congratulated them on that stand on many occasions. I would have thought that on this occasion they would want to do the same and not follow the lines of the member for Mitcham who seems to want to hide behind other sorts of catch-cries during Question Time. We will take up this matter. Clearly we do not want to see a section of the South Australian community discriminated against by virtue of policies such as this. As I said, this is a Federal matter. Of course, it is also something that the Federation of Greek Orthodox Communities has taken to the Human Rights and Equal Opportunity Commission, which will investigate this matter.

DISTRIBUTION OF ACACIA SEEDS

Mr S.J. BAKER (Mitcham): What action is the Minister for Environment and Planning taking to minimise the damage which is likely to be caused by the distribution by direct mail of many thousands of packets of Acacia seeds in the Unley area by the local member of Parliament. Accompanied by a letter beginning with the words 'We all have to be committed to the future of our environment,' the member for Unley has distributed many thousands of packets of seeds which are on the 'not recommended' CFS list, because they are highly combustible and a fire hazard. The plant Golden Wattle, or Acacia Pycnantha, can grow some eight metres tall and six metres wide and lasts only for a short period—about seven years. Botanists consider them a garden hazard both to drainage and people and claim they are hard to remove and dispose of. They also produce a pollen which is considered highly detrimental to hayfever and asthma sufferers, according to medical advice. Botanists consider them a poor garden specimen and they are assessed as being of value only for scrubland and forests.

All this advice would have been readily available to the member for Unley and it has been suggested to the Opposition by botanists that the packets should have at the very least contained a warning and that steps should immediately be taken to ensure the public understands the problems this plant will cause if it is planted in gardens.

The Hon. S.M. LENEHAN: I think we have heard it all today. That really has to be the most amazing question that I have had directed to me since I became a Minister.

Members interjecting:

The Hon. S.M. LENEHAN: It most certainly will be. First, I congratulate the member for Unley on his commitment to the environment. I understand that there are a number of other members who have also—

Members interjecting:

The SPEAKER: Order! I ask members on both sides of the House to restrain themselves, including the member for Hanson. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. Quite obviously the member for Unley has diligently gone about his job as the local member in an attempt to beautify the area and to provide to his constituents seeds from this Golden Wattle which, let me remind members opposite, is a native of Australia and of South Australia and is—

Members interjecting:

The Hon. S.M. LENEHAN: Exactly—our floral emblem. Obviously the member for Mitcham wants to attack absolutely everything, including the floral emblem for this State, which I find amazing. However, I find the absurdity of his question really unprecedented when he talks about Unley being a high fire risk area. Does he know where Unley is? Does he understand that it is an inner metropolitan suburb, that it is not a high fire risk area, and that—

Mr Lewis interjecting:

The SPEAKER: Order! The honourable member for Murray-Mallee is completely out of order. The honourable Minister.

The Hon. S.M. LENEHAN: I would say that the member for Murray-Mallee is beside himself, and that is quite normal. We have all become used to that in this Parliament. He becomes quite obsessive from time to time, shouting, screaming and threatening members on this side of the House, but not to worry—

The SPEAKER: Order! The honourable Minister is supposed to be replying regarding the merits of the wattle, not the alleged demerits of the member for Murray-Mallee.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. I got carried away for a minute there. I should like to say again that it seems amazingly small minded and petty of the Opposition not to welcome a greening process, the planting of our native emblem and the fact that the member for Unley and other members on this side of the House have worked to raise the consciousness of their constituents about the need to protect the environment, to plant trees and shrubs and to have aided that process through the distribution of seeds.

It seems absolutely incredible that the Opposition should continue to interject while I am explaining the importance of such actions to the environment. I think that again that highlights the Opposition's total lack of commitment to environmental issues. Opposition members are completely unsupportive of the moves that have been taken by the Government in a whole range of areas to protect and support the environment. However, the most ludicrous situation was when the member for Mitcham alluded to the fact that Unley was in a high fire risk area and that the CFS was concerned that the member for Unley was distributing seeds in his electorate.

Members interjecting:

The Hon. S.M. LENEHAN: I shall not waste taxpayers' money by embarking on some enormous environmental statement about the impact of the actions of the member for Unley. Instead, I will congratulate him on them.

Members interjecting:

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

HOMESTART LOANS PROGRAM

Mr M.J. EVANS (Elizabeth): Will the Minister of Housing and Construction give an assurance that all the guar-

antees included in the public announcement of the HomeStart scheme will be incorporated in the formal mortgage documents for the loans? The HomeStart scheme, as announced, contained a number of important assurances for home buyers, such as the guarantee that HomeStart will absorb any loss sustained if the house is sold as a result of a couple separating during the period when the outstanding loan balance may exceed the sale price. The scheme also contains assurances with respect to the level of repayment not exceeding 25 per cent of income, with special protection arrangements applicable if unfortunate circumstances result in a sudden loss of income. Given that it may be some years before these assurances need to take effect in individual cases, the loan documents should reflect those assurances.

The Hon. T.H. HEMMINGS: In line with the Cabinet decision to proceed with HomeStart and in line with the launch by the Premier and me and the brochures that have been going out to all those would-be aspirants who want to get into home ownership through HomeStart, all the documentation has been dealt with by Crown Law, Consumer Affairs and the Lands Titles Office, so those documents reflect the decision by the Government in relation to HomeStart.

I am sure that the question the member for Elizabeth has raised is not the usual carping criticism we have come to expect from the Opposition—in particular, from the member for Bragg. I take this opportunity to give the House an update on those people seeking assistance from HomeStart. At close of business on 23 October we had received 12 173 inquiries; 4 523 registrations, of which 3 000 were standard, and 1 379 from those people on the existing concessional loan list; and 141 inquiries for refinancing. Information has been mailed to 7 569 households and, as I informed the House, so far 300 registrants have been sent their letter of referral.

The first 1 000 registrants have received confirmation of registration by 23 October. We hope that by Christmas over 1 000 people who would otherwise not have been able to get into home ownership will have received a loan from HomeStart and from the three retailers who have fully endorsed the Government's move with their cooperation in this program.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, line 17 (clause 10)—After 'amended' insert '—*(a)*'.

No. 2. Page 3 (clause 10)—After line 27 insert the following:

and

(b) by striking out subsection (5) and substituting the following subsection:

(5) A number of members equal to one more than half (disregarding any fraction) of the number of members for the time being appointed to the commission constitutes a quorum at a meeting of the commission, and no business may be transacted at a meeting unless a quorum is present.

No. 3. Page 4 (clause 14)—After line 44 insert subclause (2) as follows:

(2) An appointment may not be made to the position of chief executive officer of an administrative unit of the Public Service established to assist the commission unless the Minister has first consulted with the commission in relation to the proposed appointment.

No. 4. Page 6, Schedule—Leave out 'Section 9 (5)' and the items relating to section 9 (5).

The Hon. LYNN ARNOLD: As an indicator of the ever cooperative spirit of this Government, I move:

That the Legislative Council's amendments be agreed to.

The Hon. JENNIFER CASHMORE: The Opposition supports the amendments, which are eminently sensible and reasonable, which were introduced by my colleague (Hon. J.F. Stefani) in another place and which, in our opinion, improve the Bill.

Motion carried.

MARINE ENVIRONMENT PROTECTION BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 1397.)

The Hon. B.C. EASTICK: On a point of order, I believe that the business has been called on, but we do not seem to be progressing.

The Hon. LYNN ARNOLD: Can I take a point of order on this matter? I understand the point made by the member for Light, but the Minister who is proceeding with this Bill was called away momentarily and will be returning to this Chamber shortly. I hope that that will enable us to continue as quickly as possible. I cannot identify a Standing Order to support my point of order, but make the point of order nonetheless.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I thank the Opposition for their understanding. When we adjourned this debate last night I had started my opening remarks in response to a number of the contributions made by members opposite. I should like to remind them that this legislation is part of a group of Bills directed at improving and maintaining the environment in South Australia. Earlier today I released, as part of the Engineering and Water Supply, South Australia, strategy, a document entitled 'Strategy for mitigation of marine pollution in South Australia', which is a positive plan to address issues such as sewerage effluent, outfalls and their effects on the marine environment, and the red tides in the Port River referred to by the member for Semaphore yesterday.

As part of my ongoing program for consultation, this document is now available for public comment. Having established the basis for tenure and management of the fledgling (but promising) aquiculture industry in my capacity as Minister of Lands, I am now happy to assure the member for Eyre that nothing in this legislation will jeopardise their current and future operations. Consultative bodies are guiding the development of regulations in this industry, and that consultation will continue to work in the interests of that industry.

A number of points were raised by speakers yesterday, one consistently raised being the issue of consultation. The main complaint was that the Bill had not been circulated to parties such as the Conservation Foundation, the Chamber of Commerce and Industry or the Local Government Association prior to it being tabled in the House on Wednesday 18 October. While the complaint is valid, the Bill could not be circulated prior to tabling, because the parliamentary timetable did not permit this circulation.

Copies were despatched today by courier to the Conservation Foundation, the Local Government Association and the Chamber of Commerce and Industry. The Australian Conservation Foundation was advised by the Director-General on 23 October of the passage of this Bill. However,

having said that, I should like to outline clearly for members opposite just what consultative process took place. Consultation with industry umbrella groups had been directed through the Chamber of Mines and Energy. Copies are being sent to all parties who responded to the white paper, and I will clearly outline for the House to whom these copies were sent.

Copies of the White Paper were released on Tuesday 11 July and sent to 46 coastal councils, the Environment Protection Council, the Coast Protection Board, all members of Parliament, the Conservation Centre and the Commercial and Recreational Fishing Councils, and officers spoke to both councils during the period of public response. The White Paper was also distributed to the Chamber of Mines and Energy, to other professional bodies and conservation groups, and to all persons who responded to the newspaper advertisement. There were 42 written responses, 15 of which were accepted as late responses, and virtually none of these opposed the concepts of the White Paper.

The main objection was that the proposed legislation was considered lenient. I will deal with that later. Officers also met with most major companies that discharge waste into the marine environment to discuss the White Paper and its implications for that company's operations. A public seminar was attended by about 60 people. At various stages of the preparation of the White Paper there was input from the Departments of Marine and Harbors, Fisheries, E&WS, State Development and Technology, and Treasury. Apart from the fact that this Bill provides for a new Act and does not simply amend the Coast Protection Act, it does not vary significantly from the proposals in the White Paper. While an early version of the drafting instructions had been prepared in 1986, as the member for Light said, these were inadequate and have never been approved within the Department of Environment and Planning.

I now refer to the comment made by the honourable member about the commitment of some nine years ago. This commitment was to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, known more conventionally as the London Convention. I stress that the the Government has complied with the obligations under the London Convention in passing the Environment Protection (Sea Dumping) Act in 1984 and the Pollution of Waters by Oil and Noxious Substances Act in 1987.

In the intervening time this Government through several departments such as the E&WS Department has been attending to the further requirement of the convention that the Government develop products and processes which will reduce the amount of harmful wastes to be disposed of in relation to pollution from other sources such as dumping and discharges through rivers, estuaries, outfalls and pipelines. In a few instances where the Bill differs from the White Paper the variations—and this is the significant point—arose out of the responses to the White Paper.

Another point raised by the member for Light was the question of the Local Government Association and stormwater. This will require extensive consultation. It has been convenient to include powers over stormwaters in the Bill. There has been no intention to take action on diffuse sources until the point sources have been dealt with, and dealt with properly and appropriately.

At this time there are no implications for the LGA from point source controls. The White Paper, as I have already stated, was sent to 46 coastal councils which had a specific interest in point sources. The Bill even includes a provision for councils to receive the value of penalties if they wish to take action in their area. Obviously, this is as a result of consultation with a number of coastal councils.

The honourable member raised the question of penalties. It would be unwieldy to have to amend the Act proper to increase penalties on bodies corporate while using division penalties through much of the legislation for individual offences. While the fundamental problem is that the present maximum division 1 penalty is only $60 000, penalties for bodies corporate should be higher. An important fact to be placed on the public record is that at the recent Australian and New Zealand Environment Council meeting held in Melbourne last month I initiated the preparation of a paper on common penalties for environmental offences to be considered in early 1990. The paper will list a table of standard environment offences, the proposed common penalties and the hierachy of charges. When these have been accepted by ANZEC, I intend to include them in the legislation, because it was agreed unanimously by all State, Commonwealth and New Zealand Ministers that it is vitally important that penalties for offences committed against this and similar Acts in other States and nationally should be standardised throughout the country. The penalties and their inclusion in the legislation will be considered under the Acts Interpretation Act to retain the convenience of adjusting penalties under several Acts at the one time.

With respect to the notices in the Gazette, the objection raised by the Opposition is that this removes many actions from parliamentary scrutiny. The intention is to use notices to set out what water conditions are desirable as longer-term objectives. I take the view that outcomes which are desirable but which do not have an immediate implication of prohibition are not appropriate for subordinate legislation. The Bill will provide for the fact that regulations may be used to impose conditions on different classes of licences, to impose fees and to prohibit certain substances. For example, mercury and cadmium would be included on what we have euphorically called a black list of prohibited substances.

While these would draw on information contained in notices, the notices would indicate the scope of the Minister's discretion rather than an absolute limit on what might be allowed. Industry could use the information contained in a notice to develop its own business plan and environmental improvement programs. This is a vitally important part of the proposal. Notices would also allow harmonisation of objectives with other States and territories.

In referring to some of the points made by the member for Light, I cannot conclude my remarks on his contribution without picking up the point made last night about Lake Bonney and the Apcel company.

The Hon. B.C. Eastick interjecting:

The Hon. S.M. LENEHAN: I am putting it in the right perspective. I allowed the honourable member to have his say; I am sure he will pay me the same courtesy. The important issue is that the processes that generate those wastes are improved. We are saying in this legislation, and what we have been saying to companies like Apcel, is that the processes that are involved in generating the wastes must be improved.

For the past three years (it is not just since the Hinch program: it has been for the past three years) several departments have been negotiating with Apcel on its manufacturing process specifically to reduce the impact on both air and water. This is a far more positive approach. Changes which the company is testing should produce substantial reactions in the kinds and quantities of water pollution in Lake Bonney and offer real prospects of returning the lake to some of its previous beneficial uses. Members should

appreciate that investment planning and testing of new technology require time and, although we recognise this, the Government was taking positive action well before the recent publicity about the lake.

I reject totally the member for Light's assertion that, because there has been a Labor Government for 22 of the past 25 years, it should have used taxpayers' money to clean up Lake Bonney. The member for Light suggested that all the indenture meant was that the company had the right to discharge anything it liked at the factory gate. I reject that totally. The company now believes that that is totally inappropriate for the environment of our time, and we are working constructively with the company and the local community to ensure that Lake Bonney is cleaned up in a workable time-frame. No-one is suggesting that we rush in and close down the major employer in the South-East, that is Apcel, and do anything to the timber industry. I want to put clearly on the public record that I will certainly not have any part of such a proposal, and I am sure that the Opposition would not have any part of that either. I suspect that there are other people in our community who would take great delight in seeing such an outcome.

I want to refer quickly to the comments made by the member for Semaphore. Last night I congratulated and thanked him for his positive contribution, but the honourable member did raise a concern, and I have in the interim period checked it out. His main concern was whether we would control thermal discharges into the Port area. I can state categorically that it is the Government's intention that these should be covered and that local impacts are well understood from research conducted by ETSA. There were no draft criteria for this cleaning up of the thermal pollution of the Port area in the White Paper. However, there will be draft national criteria available from the Australian and New Zealand Environment Council early in 1990 and the Government will move to implement these draft national criteria as soon as it is possible to do so. I give the honourable member that assurance.

The member for Eyre raised a question about oyster farming, and I give him an assurance that it is not my intention, as I said earlier, having been part of establishing and promoting this important emerging agricultural industry, to now suddenly use this legislation to close it down or to impede its proper development.

Finally, the member for Flinders talked about effluence to Proper Bay and Porter Bay, which have been monitored extensively by the Engineering and Water Supply Department. I state categorically that both the E&WS Department and private discharges will be covered by this legislation. The honourable member also expressed concern about diffuse run-off from fertilisers. While there are no indications of problems from farming districts, better soil management and conservation would tend to reduce any potential impacts from this source. Of course, phosphorous build-up in waters is usually associated with particular matter in the water, and the criteria in the white paper covers this.

I hope that I have responded thoroughly to the matters that were raised by members of the Opposition in their second reading speeches. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MINISTERIAL STATEMENT: MANNING OF AMBULANCES

The Hon. D.J. HOPGOOD (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: I make this statement because I promised the member for Hanson and the House that I would give the earliest possible response to allegations that were contained in a question that the honourable member asked of me. Without canvassing the whole of the content of the question, I point out that the clear implication was that a patient's safety had been put at risk by an argument that had occurred between paid and volunteer crews at the site of the accident, and that in that accident the paid officers were culpable. I think that that is a reasonable summary of the implication of the question.

The facts are that two crews—one paid and one volunteer—attended the accident, as the honourable member indicated. It is also true, as the honourable member stated, that the volunteer crew arrived first. The patient referred to by the honourable member was referred to the paid crew for transport to the Queen Elizabeth Hospital, and I understand that that was an agreed position that involved no rancour or, indeed, very little discussion at all.

The paid crew offered to split crews, as is the normal practice, so that the treating ambulance officer could stay with the patient on the trip, and the treating officer was a volunteer because, as explained earlier, the volunteers got there first. The volunteer crew refused in this instance to split crews, despite the fact that that is normal practice. Despite the refusal, the patient was transferred to the QEH with no delay whatsoever.

After the delivery of the patient to the hospital there was an argument between the two crews about what had happened and who had had the right to make deicisons. A supervisor from the ambulance service was advised of this argument and was actually dispatched to investigate and, after hearing the argument, adjudged it to be a very petty argument and told both crews as much.

The important point is that both crews put patient safety first, and such argument as ensued appears to have been as a result of a strange decision by the volunteers to refuse normal practice. I have not yet had the opportunity to investigate why normal practice was refused on this occasion. This information has come to me directly from the Chief Exeuctive Officer of the ambulance service itself, and not from either paid or volunteer officer sources.

MARINE ENVIRONMENT PROTECTION BILL

Second reading debate adjourned on motion.
(Continued from page 1441.)

Bill read a second time.
In Committee.
Clause 1 passed.
Clause 2—'Commencement.'

The Hon. B.C. EASTICK: The Minister both in her second reading explanation and subsequently in reply indicated that consultation was to take place with a number of people before some of the issues were put in place. We recognise that nothing can be put in place until the regulations are formulated and gazetted by the Government. When will the Bill be proclaimed? Could it be upwards of six months?

The Hon. S.M. LENEHAN: As the honourable member knows, we are a little bit at the mercy of the other place and of certain events that will happen some time in the next month or so. It is my intention to look at bringing in regulations in the Autumn session, and moving as soon as we can. That would give an opportunity to have the kind

of consultation I have outlined both in my second reading explanation and in my reply to members' contributions. It highlights the fact that we are getting on with the implementation of the provisions of the Bill. It is important that this legislation pass the Parliament so that we can draw up regulations, put them in place and implement the legislation.

Clause passed.

Clause 3—'Interpretation.'

The Hon. B.C. EASTICK: Why is it necessary to have definitions for both declared inland waters and lakes? In every sense of the word a lake is an inland water. I am not criticising the fact that there are two definitions, but what is the purpose of including both?

The Hon. S.M. LENEHAN: We want to achieve complementary definitions and compatability with the Water Resources Bill. However, if this is of vital importance to the honourable member I can certainly have the matter checked.

Mr D.S. BAKER: In the Bill 'prescribed matter' is defined as:

> . . . any wastes or other matter whether in solid, liquid or gaseous form, but does not include any matter of a kind declared by the Minister under this section to be matter to which this Act does not apply.

Will the Minister give some examples of what can be exempted from this category?

The Hon. S.M. LENEHAN: Run-off water from a roof, if it is not obviously contaminated, would be one such exemption.

Mr D.S. BAKER: Would that be the only one?

The Hon. S.M. LENEHAN: I do not believe that it would be.

The Hon. B.C. EASTICK: I ask a further question about this because it is fairly important in one's overall appreciation of what we are seeking to do. If run-off water from roofs is not to be included, we ought to be very appreciative of the fact that this water in some circumstances can be heavily contaminated with salmonella, from bird droppings. Indeed, one of the difficulties with tanks is that bird droppings in rainwater from the roof are conveyed into the tank and it acts rather like a large crucible or flask, where the salmonella develop. Therefore, roof run-off water cannot under all circumstances be described as being non-deleterious matter. Another point is that in a number of areas there is a lot of concern about the degree of lead contained in water from roof run-off, associated with old corrugated iron.

Mr Hamilton interjecting:

The Hon. B.C. EASTICK: It goes into the atmosphere from motor vehicles and is then brought down in rain and goes into the tanks, or wherever. I do not want the effectiveness of the legislation stultified in any way, but the example given by the Minister is a little unfortunate, because this involves ramifications which if taken to the nth degree could be horrifying for the community. It could be easily determined whether run-off water is contaminated.

The Hon. S.M. LENEHAN: I thank the honourable member for the point that he has made, and I appreciate what is involved. In drawing up this legislation we thought it was appropriate to consider the definitions under the Environment Protection (Sea Dumping) Act—and I refer the member to section 8 (2) in that Act. We have ensured that the definition referred to is compatible with the definition in that legislation. It seemed important not to cover every single sort of matter. There would be a number of instances where matter would not in any way be harmful. I take the point that in extreme circumstances what the honourable member has suggested could occur; if that was shown to be the case then quite obviously any exemption for roof water run-off would be removed. In the implementation of this legislation it would not be practical to attempt to cover every single piece of matter, when in some instances no harmful effect is experienced at all. I take the point that we need to take a commonsense approach to this matter. I believe that the definition accords with such an approach.

Clause passed.

Clause 4 passed.

Clause 5—'Application of Act.'

The Hon. B.C. EASTICK: This clause refers to provisions applicable to other Acts, and I take this opportunity to take up a point which I made by way of interjection earlier this afternoon when the Minister was speaking. I was somewhat perturbed at the Minister's brief response last evening and her suggestion that members of the Opposition apparently do not believe in the principle of the polluter having to pay, simply because we had the audacity to mention Apcel.

The Hon. S.M. Lenehan interjecting:

The CHAIRMAN: Order! The debate should continue in an orderly fashion and we will sort out the problems as we go along.

The Hon. B.C. EASTICK: I do not resile from the point I made last night that we believe that the polluter should pay. We must now consider the future. We are not talking about the past. That is where this vital issue lies at present. For some 25 years the State Governments of the day had an arrangement and an agreement with the Apcel organisation. If the company takes a commonsense approach and has a genuine interest in not being seen as a noxious industry in the community and improves the discharge from the factory fence, so be it, and I am all for proceeding along that line.

The Minister's approach in relation to this subject last night, and again proceeded with today, flagged to this Committee and to the public generally that the Minister is not necessarily going to fulfil Parliament's commitment in relation to those arrangements which exist at present. A legally binding arrangement exists as between the State of South Australia and those organisations. Let us not split hairs. I believe that every endeavour should be made to improve the environment, but by no means can we be party to seeking to destroy indentures that exist at present.

The second aspect of the matter is that in 1946 the Government of the day accepted a certain responsibility to deal with the material once it left the factory and was deposited, via a channel, into Lake Bonney. Over a long period, successive Governments have not sought to reduce the problems to any tangible extent. That is the point I want to make, a point that I think is completely valid. These problems do exist. We have problems at the moment with Government-owned sewage treatment works and with Government-supported private industries, such as that which is at Port Bonython, where indentures exist and certain practices have been permitted to continue.

Some of them may well be outside the possibility of completing necessary change within the 15-year processes which appear in other areas of this Bill, but I hope that we, as a Parliament, are not going to send shock waves into industry suggesting that a $250 million upgrading program at Millicent, for example, will not receive the due protection of the law which has existed for so long. Make improvements, yes; full marks, but let us not put a shock into any industry, whether it be the one at Apcel or elsewhere.

The CHAIRMAN: Before I call on the Minister, the Chair has been fairly generous in the way the debate has been proceeding. There will be a third reading to this Bill and I will allow the Minister the same sort of latitude that I allowed the member for Light and, hopefully, we will then

come back to the Committee and take the Bill clause by clause.

The Hon. B.C. EASTICK: On a point of order, Mr Chairman, clause 5 (1) refers to 'any other Act' and, in this case, that is the one which exists in relation to the indenture, for example. It is an environmental issue.

The CHAIRMAN: I take the point that the honourable member is making. The Chair was making the point that it would expect the Committee to come back to what is normally a Committee stage. I do not want this debate to develop into another second reading situation where points have been taken from what was said during the second reading debate and answered, instead of a Committee acting like a Committee. I did not wish to take it any further than that. The honourable Minister.

The Hon. S.M. LENEHAN: I point out that section 5 (1) very clearly and succinctly answers the point raised by the honourable member. This Act does not derogate from the provisions of any other Act. In fact, the Premier and I have made it very clear that we have no intention of going back on the indenture which was agreed to under Sir Thomas Playford's Liberal Government with the particular company in question. We have come under some criticism for that. Certain sections of the South Australian community have suggested that we should just tear up this indenture, and I have made it very clear consistently since I have been Minister for Environment and Planning and Minister of Water Resources that this is not the way we will operate in this State. It is very important that I put this on the public record.

We have achieved cooperation and communication with Apcel. Apcel has embarked upon a long-term program to ensure that what leaves its plant will be of a much better quality in terms of the effect on Lake Bonney and, subsequently, the marine environment, and it is prepared to work constructively and cooperatively with a number of Government departments. I happen to have the privilege of being responsible for a couple of those departments. It is an absolute nonsense for the honourable member to be asking, 'Will we march in and tear up agreements and companies that have been in existence for years? Will we impose conditions upon them where a $250 million project will in fact be threatened?' Of course, the very simple answer is 'No', and the reason for that answer is contained very clearly in clause 5 (1).

In response to the second reading contributions of members opposite, I have already clearly articulated that this is not the intention of the Government. The point I was alluding to last night was that the honourable member said that, on the one hand he supported the 'polluter pays' principle, and then went on in a fairly long way to talk about the fact that, notwithstanding there is an indenture, it was the responsibility of the Government (and by that he means the taxpayers of South Australia) to clean up what leaves the Apcel gate.

In other words, Apcel has a right to put anything it wants into the drain that runs into Lake Bonney, and it is our responsibility as a community to clean that up. Apcel does not think that is the way we should go. It is working with Government agencies to ensure that we collectively clean up Lake Bonney. We may never get it to the pristine condition it would have been in before Apcel was established, but I hope we might be able to work together with the local community, the company and a number of Government departments, including my own, to ensure that we can improve the quality of water in Lake Bonney to such an extent that we may well be able to have some forms of recreation there. That is my intention. I have made it clear publicly in this House and elsewhere, and it seems to me that the honourable member and I do not have any point of disagreement, but that we have taken a rather tortuous path to find that out.

The Hon. B.C. EASTICK: It would be improper for me to refer to the *Hansard* of last evening and read it, other than to suggest that the Minister reads what she said last night, which sought to put me in the position of preaching 'polluter pays' on the one hand and walking away from responsibility in respect of Apcel on the other. That was not the case, and that is why I said the thing was taken out of context.

Mr D.S. BAKER: Clause 5 (3) provides:

> The Governor may, by regulation, exclude from the application of this Act, or specified provisions of this Act, activities of a specified kind.

Could the Minister give some examples of what may take place under clause 5 (3)?

The Hon. S.M. LENEHAN: Some of the things we have talked about are diffuse point source discharges. I have made it very clear on a number of occasions publicly, in answer to questions in this House, that we saw this very much as a first stage. We realise how difficult it is to be able to say to the community effectively and honestly that we can control all diffuse discharges into the marine environment occurring around this State. There are some 80 identified point source discharges. Whilst this Bill will cover in the general sense the whole question of diffuse source discharges, we will be moving to refine that within the next two years.

In terms of moving towards excluding some areas or some discharges from the purview of this legislation, I remind the Committee that any exclusions will be the subject of the scrutiny of this place. What we are talking about here is just ensuring that we are not saying to the community that we can achieve more than in fact we will achieve in perhaps the next couple of years. When we have thoroughly researched the matter and believe that we have the technical expertise and have identified the problems, and when we have put in place control mechanisms to ensure that we can effectively control diffuse discharges into the marine environment, then we move to that second stage of what will be a very important program.

Mr D.S. BAKER: Can the Minister assure us that any exclusions under this legislation will be brought before this Parliament, and can she guarantee that if they are Government instrumentalities, they will also be brought before this place for proper debate?

The Hon. S.M. LENEHAN: Yes, I can give that assurance but I must qualify it: except where we actually give a one-off licence for a particular discharge, and that would be very carefully controlled and monitored. In the general course of events, the legislation clearly provides that any exemptions must be brought before this House and, as is provided in clause 4, it binds the Crown. Quite obviously, this will apply equally to Government departments and the private sector industries that are involved in any kind of discharge into the marine environment.

Clause passed.

Clause 6—'Discharge, etc., of prescribed matter.'

The Hon. B.C. EASTICK: As I mentioned in my second reading contribution, I have some discomfort with the means associated with penalties. I am not at all unhappy about the size of the penalties, and that has been clearly demonstrated. I recognise that on another occasion the House, by accepting amendments to the Acts Interpretation Act, agreed that a whole host of legislative procedures would have the penalty clauses duly changed on a regular basis by referring to division level fines. However, in this case, whilst we have

division level fines in respect of natural persons, we have a dollar figure for the body corporate. I am fearful of a circumstance where the two sets of penalties do not move in harmony—one with the other—by oversight or an inability to introduce the legislation, because of a fear that once it has been introduced, any other aspect of the Bill can, by parliamentary procedure, be opened up.

I do not think it is right that, if we are to rate a $60 000 personal fine with a corporate body fine of $100 000, leave the situation open-ended, as it is here, with the $60 000 as a division 1 fine and a stated figure of $100 000. I have no amendment to offer at this stage, and I indicated that to the Minister. This matter is being considered in another place and it may well be that a different form of information comes back to us by way of a report in due course. This applies to a number of clauses but I wish to speak about only it on this clause. Regularity and predictability are extremely important if we are to get the best out of industry and the community in respect of a piece of legislation. If it is perceived that, through oversight or for whatever reason, the two circumstances are out of kilter, then we have a potential problem at a later stage: not at the beginning but at the next stage.

The Hon. S.M. LENEHAN: I take the point the honourable member is making. I think he understands why we have gone down this path—to try to get a maximum penalty for individuals. We believe that the maximum penalty for individuals is not appropriate for bodies corporate. I have made it very clear that following a resolution at the next ANZEC meeting—and I hope it will be successfully resolved at that meeting, which should be held in late February next year—if we can arrive at standard penalties, and given the direction that my colleague in New South Wales is taking in terms of suggesting $1 million, I would imagine that if we can reach agreement on standard penalties across the country and in unison with New Zealand, we will amend our penalties to reflect that. However, I was not prepared to hold up this vital legislation while I waited for some kind of resolution of this matter at the ANZEC meeting. While I put it on the agenda at the last meeting and suggested that we should have a report with recommendations for consideration and decision at the next meeting, I thought we should proceed with our own legislation.

I understand the complexities of amending the Acts Interpretation Act, or both Acts, but I will certainly take this matter up at Cabinet level if that is appropriate and if we need to look at the most appropriate maximum penalty under the divisional system and, in particular, as division 1 is the maximum penalty. It may be appropriate that we, as a Government, increase the penalty so that it clearly reflects and is in line with other States and other Acts. It is not just this Act that may require a much higher penalty than is currently provided for under the divisional system.

The Hon. B.C. EASTICK: With due respect, I think the Minister has missed the point. I am not arguing about the quantum: I have no argument as to whether it is adequate or inadequate. I am arguing about the relativity that exists between the two different bodies: one being a natural body and the other being a body corporate. It is the interaction between the two, with the two moving in harmony. If we equate $60 000 to $100 000 and we add 10 per cent to the $60 000, then we should, under all other circumstances, add 10 per cent to the $100 000. That is the point I am making and that is the point being considered in another place.

The Hon. S.M. LENEHAN: As I understand it, that is what happens. If it is adjusted for inflation, both amounts are adjusted proportionately. Is that not the question?

The Hon. B.C. EASTICK: No, that is not the question I asked. That would be an expectation. The point I am making is that under the Acts Interpretation Act we can alter the Act along with about 200 other Acts in relation to the division level fines. Under the Acts Interpretation Act, we cannot change the $100 000 that is a corporate fine in this piece of legislation. We must introduce a specific piece of legislation relative to marine pollution. It is that difficulty that might arise if an imbalance creeps in.

The Hon. S.M. LENEHAN: The short answer is that we will address that when we have some sort of guideline from the next conference. That would probably be the most appropriate time to look at the points raised by the honourable member.

The Hon. D.S. BAKER: Does the Minister consider the discharge of effluent from the Apcel boundary would be permitted under this Act as proper effluent to be discharged into Lake Bonney?

The Hon. S.M. LENEHAN: That question is irrelevant because we clearly stated that, subject to this section, this Act does not derogate from the provision of any other Act. The honourable member knows quite clearly, and his colleague has spoken at length on the fact, that there is an existing indenture which covers discharge. Whatever my personal views about the quality of the present discharge—and the aims and intentions of that company to improve the quality of the discharge—are, in fact, quite irrelevant. As I have stated, the company is working constructively and cooperatively with the local community and a number of Government departments. I have established a committee to look at the cleaning of Lake Bonney and, as I understand it, people are working in a very positive way to ensure that we have a successful solution to this problem. Everyone acknowledges that it is a problem. It has been a problem for 25 years and, with the best will in the world, it will not go away in the next five minutes. I believe that the improved technology and the huge financial commitment that Apcel is prepared to make without having to be forced to do so, through either tearing up the indenture or writing it into an Act such as this, which will give the same effect, in that this Act would override the indenture, is insignificant. We have not had to go to that level and it seems to me that this is a fairly mischievous question.

Mr D.S. BAKER: I believe that the Apcel company is a very responsible corporate body. It clearly has an indenture that sets out quite specifically its rights and obligations. It is not only a very good employer in the Millicent area but it has also always taken a very responsible attitude. However, the indenture very clearly states that Apcel has the right to discharge all effluent from the mill into the Snuggery Drain and it ceases to be the company's responsibility when it leaves the boundary of that plant. The indenture states that it then becomes the Government's responsibility. The effluent flows through an open Government drain down to Lake Bonney. Quite clearly, under this Act, if the Government is bound by the legislation, as the Minister has said, I believe that if the Minister does not exempt herself from the provisions of the Act she is permitting prescribed matter to be discharged into that lake. It is not Apcel's responsibility. Clearly, under the indenture Bill, it is the Government's responsibility. What is the Minister proposing to do about it?

The Hon. S.M. LENEHAN: That is an outrageous proposition. I do not believe that the people of South Australia will accept that as an intellectually sustainable proposition, for the simple reason that that indenture was drawn up in an environment far different from the one which exists today. To suggest that any company now would have the

right and the ability to discharge anything into a public watercourse, lake or drain—

Mr D.S. Baker: It is in the Act.

The Hon. S.M. LENEHAN: I am aware of what is in the Act. I do not need to be lectured by the honourable member. To suggest that the public of South Australia should pick up the tab for any kind of discharges, whatever the effect on the environment, is nothing short of outrageous. Nobody will accept that situation. The company—and I find this amazing—does not accept that the Government and the people of South Australia should pick up the economic costs of righting 25 years of this sort of discharge into a waterway and lake. It is an outrageous proposition. I should be happy to debate this point with the honourable member either in this House or in any public arena in this State, because I think he is treading on very unsafe ground.

I will say for the third time, because obviously the honourable member does not listen when I clearly explain, that the company has approached the Government and it is working constructively with my departments to ensure that what is being discharged into the Snuggery Drain is improved to such an extent that it does not cause a serious pollution problem to the waters of Lake Bonney. However, we will in any case work towards acceptable discharges from Lake Bonney via the process of cooperation. We will not march into that area flourishing this Act and close down this very important company for the South-East and the honourable member's electorate. It is mischievous on his part to raise this matter and to try to create a red herring situation when there is cooperation and communication between the Government, the company and the local community. That is the way in which we shall proceed. No amount of diversionary tactics on the honourable member's part will move us from the path that we are following, which I believe is the correct path and will result in the cleaning up of Lake Bonney and in an economically viable operation continuing at Apcel.

Mr D.S. BAKER: Clearly when we get to indentures and economic matters the Minister and I part company very quickly. I made it clear that the Apcel company is a very responsible corporate citizen. It has taken upon itself to improve considerably the discharge from that mill, which it does not have to do under the indenture, and it is working very hard at that. I consistently have meetings and discussions with the directors of that company on problems at Apcel generally. As the Minister correctly said, the company is situated in my electorate. No company in any area in South Australia would have done more for the community or would have been more community minded than that company is in the South-East of South Australia. I stand by those remarks in any forum.

However, the company has an indenture. It has performed much better than that indenture, but it is a fact of law and of life that when that effluent gets to its boundary it then becomes the State's effluent and responsibility. That is why I had extensive discussions with the company when we were putting forward our wood lot proposal. We had many people look at the proposal. It would have meant that until the year 2014 none of this effluent need go into Lake Bonney under the indenture; it would be put into wood lotting. That is a very good and proper way. In that way, with the natural flow of drains around the area from run-off which occurs every winter, Lake Bonney will soon be restored to its pristine condition, I think the Minister said. She did not know when she could get it back to that condition, but I am telling her that if she goes along the wood lotting path she can. However, that does not get way from the fact that that effluent is the responsibility of the Government of South Australia. Is the Minister going to allow the effluent to go into Lake Bonney until the year 2014, or is she going to do something about cleaning up Lake Bonney? I want no debate in other circles or fobbing around with a forked tongue; I want some answers.

The Hon. S.M. LENEHAN: As ususal, the honourable member has to adopt his stand-over and bully-boy tactics, but I can cope with that. I have been coping with that for some time. I am still here and he is still on the Opposition benches, so that demonstrates something about our relative methods of operation.

I openly acknowledge that we part company on a philosophical level when it comes to who will be responsible for the cleaning up of Lake Bonney. The honourable member clearly believes that the taxpayers of South Australia just automatically pick up the tab, and it does not matter how much it is. It might be many thousands of dollars; it could be millions of dollars. What does the honourable member care if the working people of this State have to pick up the tab for cleaning up Lake Bonney? Obviously he has again demonstrated that his constituency lies very much in the corporate sector, and I would not even say in the private sector. It is even more refined and defined than that: it is in the large multinational corporate sector.

There are two ways of solving this problem. There is the way suggested by the honourable member, flourishing, as he has, the indenture that goes back 25 years and suggesting stringently that the Government should march down to Lake Bonney and spend hard-earned taxpayers' money on cleaning up the whole area. The other solution is the one upon which this Government is embarking. We will work constructively and cooperatively with the company. We will not force the company to clean up its act. We will not idly spend taxpayers' money to do something which I am sure the taxpayers of this State would see could be spent more effectively in other ways. We will have a cooperative solution whereby we will spend some Government money and work with the company, which has already indicated that it is not just prepared to rush out and put all this effluent onto wood lots, because the quality of some of the effluent would probably be inappropriate for wood lotting if some of the substances in the drain continue to be put into that drain.

Surely prevention of the problem is the way to proceed. That is the way in which the company wishes to proceed. The company has given a clear indication to the Government that it will be spending millions of dollars of its own money on improving its technological practices and the processes at Apcel so that what is discharged into Snuggery Drain will not have the kind of polluting effects on Lake Bonney that it presently has.

Surely any reasonable person—and I believe that the vast majority of South Australians are reasonable—will agree that the path upon which the Government has embarked is the correct one. While I am the Minister of Water Resources and of Environment and Planning, I give an undertaking that we will work in this cooperative and constructive way with the company and the local community through the auspices of my departments.

Mr S.J. BAKER: I should like some clarification on the Minister's response. When effluent leaves the boundary of Apcel, who is responsible for the carriage and caring of that effluent?

The Hon. S.M. LENEHAN: It is clear under the indenture.

Mr S.J. BAKER: May we have that clarified? Will the Minister explain to the Committee exactly what she means by that statement?

The Hon. S.M. LENEHAN: No, I do not intend to explain to the honourable member if he is too stupid to understand.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Application for licence.'

The Hon. B.C. EASTICK: With your licence, Mr Chairman, I need to cross-reference this provision with clause 10 (2), which is picked up by line 3 of this clause. I draw attention to the fact that this is a Clayton's guarantee that action will be taken within three months. Clause 9 (3) provides:

> Where a notice is served under subsection (2) the application is to be taken, for the purposes of section 10 (2), not to have been duly made until the statement is furnished.

In other words, if a statement is requested within two months a Minister must react within the two months, and that is acknowledged. However, this does not clearly indicate that the Minister cannot then ask for further information and then still further information in connection with the statement. I recognise that people will sometimes fail to respond correctly, and it would be correct for a Minister to seek further detail, but it extends the period to such an extent that the 90 days could be a nonsense.

I have alluded to the problem which exists at present for a number of people in relation to the freeze areas of the State concerning development, with promises not having been honoured in terms of time. This is an unfortunate provision which, although having a purpose, could be abused.

The Hon. S.M. LENEHAN: If I understand the honourable member correctly, he is concerned that the Minister could, by a process of stalling, refuse to grant a new applicant a licence, so that a person could be in a sense denied the ability to move into a manufacturing process or some other form of employment generation (for the want of a better word). It seems to me that this is addressed clearly within the Bill. I refer the honourable member to clause 25, 'Review of decisions of Minister'.

The CHAIRMAN: I ask members of the Committee to lower the volume of their conversation. It is very hard to hear.

The Hon. S.M. LENEHAN: If a Minister were quite mischievous (it certainly would not be me) and wanted deliberately to stall an application, under clause 25 (1) a person could quite rightly, in my view, be aggrieved by a decision of the Minister to stall in relation to the licence or to the exemption of an application, and that person would have recourse to the District Court. In a sense, if the Minister were behaving in an unprincipled or unprofessional way in deliberately stalling an applicant, that applicant could go directly to the District Court and be able to prove quite clearly that he was being discriminated against or treated in either an unprofessional way or a way counter to the Act.

The whole reason for having this provision is that some of the information is highly technical and we felt that it was important to give applicants the opportunity to get back to the department with the relevant information, and not put them under undue pressure. The intention is quite the reverse of the honourable member's interpretation. The intention was to ensure that we did not disadvantage an applicant in any way, so that he had adequate time to prepare his application. If further information and further analysis needed to be undertaken or technology needed to be looked at, there was time for that to be embarked upon and people would not be disadvantaged. However, I take the honourable member's point. I believe that it is covered if we apply clause 25 (1) to the provision of clauses 9 and 10.

The Hon. B.C. EASTICK: The first opportunity that people would have to make use of clause 25 (1) would be a minimum of five months after they had lodged their application, if the Minister lodged a request for further information at the end of the two months and if the application was deemed to be lodged only at that point and the Minister did not have to make a decision until 90 days after that second lodgment. People would not be able to go into court and say that they were aggrieved by actions until such time as the requirements clearly laid down had been extended the first time around.

If the Minister at the eighty-ninth day said 'I want more information', I believe that a person could make use of clause 25 (1), but would be laughed out of court if he sought to obtain a benefit until such time as the full impact of the legislation under clauses 9 and 10 had run its course—which is a minimum of five months. There are numerous examples under all manner of legislation where, for bureaucratic, ministerial or other reasons, people encounter delays. I need only refer to a new undertaking which recently came within the Minister's responsibilities, and that is the Waste Management Commission. In the past there have been shocking hold-ups in relation to commitments in that area, with the Crown eventually having costs awarded against it because of the Government's skullduggery in relation to people's applications.

I do not want to elaborate on that, but merely point out to the Minister that clauses 9 and 10 constitute something of a Clayton's promise. In practice I hope that we never have to worry about it, but it is a flaw which could see someone in the middle order of management subjecting people to delays as has happened elsewhere. I hope that it will not happen in relation to this Bill, because the subject matter is too important. People who become frustrated by constantly having to contend with officialdom are likely to become dissatisfied with the legislation, and that is not what we want in something as sensitive as this matter.

The Hon. S.M. LENEHAN: I take on board the criticism the honourable member has made of the Waste Management Commission. I assure him that past practices will not continue while I have control of that commission. Certainly, I will do everything to ensure that those kinds of delays, which are frustrating to private industry, are minimised or eliminated. Whilst the worst possible scenario would be a five-month delay, given that we are talking about some kind of malicious delay, I need to explain to the honourable member that the reason why we have made it three months (and not two months, six weeks or one month) is that some of these issues will be very significant and will perhaps have an enormously significant impact on the environment. It might require a very detailed assessment of environmental factors. I am not saying that it would go as far as an environmental impact statement, but in some circumstances both the company and the Minister may need that period.

The only alternative would be to reduce the period of time if the Minister could not get enough objective information to be able to make a decision based on all that objective information. The only alternative would be, if the period was reduced, to give a 'No' decision and the applicant would have to go right back to square one and reapply, pay the application fees and start all over again. That is not the answer. We must watch this sensitively.

I thank the honourable member for raising this matter with me and I can assure him that I will be watching the operations of these two clauses to ensure that people are not delayed for four or five months where it is not absolutely necessary. Such delays cause embarrassment or hardship to the applicant. We have to maintain that three-month

period because of the factors I have outlined, but I do give a guarantee that I will be watching closely the implementation of these two clauses.

Clause passed.

Clause 10—'Grant of licence.'

Mr D.S. BAKER: If the Minister is legally responsible to accept the effluent from where it leaves the Apcel boundary, will she issue herself a licence to permit it to be discharged into Lake Bonney?

The Hon. S.M. LENEHAN: This question is quite amazing, because it cuts totally across everything that the member for Light has said. The member for Light said that the Opposition supports a polluter pays principle. Obviously, some members of the Opposition do not support a polluter pays principle, because the fundamental principles of this Bill revolve around companies and large manufacturing organisations being responsible for what they discharge into public waterways.

I have said that we have some kind of obligation to honouring past indentures, albeit that they were introduced under previous Liberal Governments. That is a factor that the honourable member would not want to acknowledge. The questions of the member for Victoria indicate to the people of this State that the Opposition is divided on this whole Bill. It does not support a polluter pays philosophy and it wants to ensure that the people of South Australia, who contribute through their rates and taxes to the running of this State, will have to pick up a whole range of areas that, morally, I believe they should not have to pick up.

Mr D.S. BAKER: The Minister rambles off into another area that is totally irrelevant. The indenture agreement, under whichever Government was in power at the time, was brought into Parliament, was debated by Parliament and was passed by both Houses of Parliament. The indenture came into force in 1964. We are not talking about breaking an indenture or anything to do with the indenture. I am merely asking whether the Minister will issue herself with a licence to permit the effluent to be discharged into Lake Bonney when this Bill is assented to. The question has nothing to do with the indenture.

The Hon. S.M. LENEHAN: As I have already indicated on a number of occasions, certain members of the Opposition are hell-bent on trying to undermine the fundamental philosophy of this Bill. If they think that that is going to be some kind of smart political move, I can assure them that they have backed the wrong horse. Under the Bill, Lake Bonney has not been declared as an inland waterway. Under the current situation there is no responsibility for the discharges to Lake Bonney.

Clause passed.

Clause 11 passed.

Clause 12—'Term of licences.'

The Hon. B.C. EASTICK: In regulations under many other pieces of legislation allowance is made for a graded value of licence where the operative time of the licence is less than 12 months. I refer to a first licence, rather than the renewal of a licence. If a first day is to apply in respect of an annual licence (I am not opposed to that) and if a person is unable to bring their business onstream until three or four months or even one day before the expiry date of licences, will they still be liable for a full licence fee? It would be possible under regulations to provide for a six-month fee or a lesser fee in such a situation.

The Hon. S.M. LENEHAN: The simple answer is, 'Yes'. The regulations could provide for a *pro rata* payment where someone applies for a licence towards the end of the period. This is exactly what happens under the Clean Air Act regulations. We would look at doing exactly the same in this case.

Clause passed.

Clauses 13 to 21 passed.

Clause 22—'Powers of inspectors.'

The Hon. B.C. EASTICK: I move:

Page 9—

Line 1—After 'documents' insert 'reasonably required in connection with the administration of this Act'.

Line 3—After 'documents' insert 'so produced'.

Line 4—After 'recordings' insert 'as reasonably necessary in connection with the administration of this Act'.

The amendment calls on people responsible for enforcement to take only the information that is relevant to their inquiries and not to obtain all information. My colleague the member for Eyre has frequently referred to the difficulties associated with this area. The Liberal Party believes that relevancy is paramount in these matters and my amendment overcomes this circumstance. I seek the Minister's concurrence.

The Hon. S.M. LENEHAN: I am happy to accept the amendments.

Amendments carried; clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—'Review of decisions of Minister.'

The Hon. B.C. EASTICK: My colleagues and I have grave doubts that the appeal at only the District Court level is adequate. This level is similar to the tribunals level. However, there are serious implications for the large businesses that are likely to be affected, and the appeal should go at least to the Supreme Court with further action being allowed subsequently. I only flag this matter at the moment. Like a couple of other legal aspects, it is still being considered and is being discussed with those people in the community who, until Monday of this week, had not seen a copy of the Bill. This matter will be discussed in another place. I draw attention to our concerns.

Clause passed.

Clause 26 passed.

Clause 27—'Delegation.'

The Hon. B.C. EASTICK: This clause provides that the Minister can delegate powers by instrument in writing. Does the Minister intend, under all circumstances, that only a particular power will be delegated and that delegation rights will not be delegated? The Opposition has serious concerns that, in some circumstances, delegations seem to have gone too far down the line. This is not class reaction; it is purely and simply that some people are *au fait* with the interaction that needs to occur at top levels between departments but that this does not necessarily apply lower down the line. Will this clause provide for the further delegation of a power?

The Hon. S.M. LENEHAN: This provision is included in a number of Acts. It means that a Minister can set certain conditions on the delegation, and that would be my intention. I do not intend that the delegation be so diluted that it loses its impetus. I take the honourable member's point. I do not intend in any way to water down the provisons under this clause.

Clause passed.

Clauses 28 to 32 passed.

Clause 33—'Offences by bodies corporate.'

The Hon. B.C. EASTICK: The Opposition notes the likelihood of quite massive fines against body corporates, and we have no difficulty with that. This clause spells out that we really do mean business, and it has real financial implications for any organisation that transgresses. This clause is in complete accord with our attitude about the importance of the Bill.

Clause passed.

Clause 34 passed.

Clause 35—'Proceedings for offences.'

The Hon. B.C. EASTICK: This is the only clause that specifically mentions municipal and district councils and, because local government has not had opportunity to adequately discussed this matter, I raised concerns about it last night. Also, the other organisation to which I referred last night was not the Australian Conservation Foundation, but the Conservation Council of Australia, South Australian division.

Clause passed.

Clauses 36 and 37 passed.

Clause 38—'Regulations.'

The Hon. B.C. EASTICK: The Opposition is concerned about subclause (3) *(b)*. I know that regulation making powers have to be provided for and that they are are included in other pieces of legislation. However, the Opposition has serious concerns about the manner in which subordinate legislation is being moved away from the scrutiny of Parliament. I have previously referred to the picking up of standards in regard to the Building Act regulations. Standards are determined away from Parliament and become the basis on which decisions are made. That also occurs under this clause. I also draw attention to the decision of the Health Commission in respect of septic tanks, where there was no opportunity for Parliament to address the issue in the normal way.

This is another one of the several legal aspects that are being considered and it may be a matter of debate or amendment when the Bill is before another place. I have no problem with the principle of regulations; but I am concerned about this aspect, which takes away from the people's representatives their right to address this matter.

The Hon. S.M. LENEHAN: I remind the honourable member that any code that is devised will have to be approved through the regulation process.

The Hon. B.C. Eastick interjecting:

The Hon. S.M. LENEHAN: Yes, I believe it will.

The Hon. B.C. EASTICK: I am not in a position to argue line and verse, but I am advised that that is not the case: I believe that the code is determined and cannot be debated, even before the Joint Committee on Subordinate Legislation. We can debate the regulation but we cannot debate the code that is picked up by the regulation. Therefore, it is not subject to scrutiny.

In most cases that code is accepted at a conference of Commonwealth and State Ministers, and this is an area where there is increasing concern because a number of decisions taken at that level appear to be aligned with some overseas treaty. We find ourselves tied to accepting a code of practice to which none of the Parliaments of Australia have had any input. That is a further bone of contention and a reason why this point is raised at this stage. I do not propose further debate: I draw attention to the existence of this fault as we see it.

Clause passed.

First schedule passed.

Second schedule.

The Hon. B.C. EASTICK: The Opposition was somewhat concerned to suddenly find a reference to the Fisheries Act in the heading of this legislation, and at first glance, without looking at the schedules, failed to find any reference to it. However, it is now fully understood why that reference is there. This relates to one of those quirks of the parliamentary system that exists now, where we must have these cross-references. One aspect of the procedure which sometimes causes members concern is that, when referring to Acts of Parliament that have been annotated by electorate office staff, quite often the schedules have not been added to the original Bill. This is not a problem for the Minister, but this method of amendment does not always lead to as good an understanding in the community as there should be.

Schedule passed.

Title passed.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. B.C. EASTICK (Light): I am pleased that the Bill has come through Committee virtually unblemished. We have indicated that there might be other matters involved, but they will not in any way go against the principles espoused here. I look forward to this legislation being proclaimed as early as possible. Because this legislation is breaking new ground, it may well be found, though, that when the theory is put into practice some difficulties will arise. I rather suspect that it will take a considerable time before the regulations that will flow from this are totally acceptable to the community. I hope that we can all move towards achieving a satisfactory result without undue delay.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 24 August. Page 636.)

Mr INGERSON (Bragg): I support the Bill which, in principle, amends the monetary penalties associated with random breath testing and alcohol levels above the limit. In Committee, the Opposition will ask the Minister to clearly spell out where the significant increase in revenue derived from this measure will go. Will it be used in the road safety area or will it just be frittered off into general revenue, as occurs with most of these very significant increases today? The Opposition has concerns in relation to two significant areas *apropos* road safety, namely, speed and alcohol use.

In the past few days we have seen some horrendous crashes in New South Wales involving the heavy road transport industry. Over the years we have seen these accidents involving motorists generally in this State and in other States. There is no doubt that speed is a very significant component in road safety matters and we must be continually vigilant in relation to this. The comments made by the Minister this week are, principally, supported by the Opposition. There is no question but that we need to recognise the significant changes that have occurred in the heavy road transport area as they relate to speed. We support the proposal that the Minister has put forward to the national conference of Transport Ministers.

Along with speed, there is no doubt that alcohol presents a major problem in the road safety area. When I first came into Parliament the Government was tardy in relation to increasing the random breath testing provisions. However, in the past three or four years that has dramatically changed and the Government has now put into effect a program which is considerably better than was the case three or four years ago. There are still many loopholes. We need to consider having the random breath testing facilities located closer to some of the sources of supply of alcohol, namely, clubs and hotels. We need to spread the RBT net further. We also need to look at ways and means of putting a net around the actual RBT units so that drivers cannot go off

into side streets and consequently escape the principal purpose of the exercise: to catch people who have blood alcohol levels in excess of .08—and, more importantly, those who have levels of 0.1 and higher. There is no doubt that it is very easy to get to the .08 level. That is an acceptable statutory limit, but it is the people over that limit that we must be most concerned about.

So, as I have said, a major concern about this legislation relates to where the money will go. There is no doubt that there will be a significant increase in revenue to the Government. The Opposition hopes that this revenue will be used in the road safety area. As the Minister pointed out in his second reading explanation, there has been very little change to the penalties since 1981. We support the increase in the penalties. It is a pity that these sorts of changes are not made in a more progressive manner, to avoid suddenly having increases of 80, 90 and 100 per cent, as has occurred with some of the penalties. All members would agree that the RBT program must be in place, but penalties must act as deterrents. The deterrents in existing laws introduced in 1981 are no longer seen as being sufficiently severe. Although we support the change, we are concerned that there will be some deterrent effect as a result of these penalties.

The Minister said in his second reading explanation that, compared to the other States, we are very much on the lower end of the scale, if not the lowest, and that is of concern to me because there is no doubt that we need to have in this area penalties that reflect the concern of this Parliament and, hopefully, of the community. I ask the Minister in his reply whether he could give us some idea of where this very significant increase in money will go. Hopefully it will go to road safety. The Opposition supports the Bill.

The Hon. FRANK BLEVINS (Minister of Transport): I thank the member for Bragg for his support of this legislation. It has been pleasing that, while I have been in this Parliament, matters of road safety by and large have been treated on a completely bipartisan basis. It has never been an area that has involved any significant Party political dispute at all, and long may it stay that way.

A couple of questions were asked by the member for Bragg in relation to the level of random breath testing and the location of random breath test units. The level of testing has been increased considerably, as the member stated. I point out that random breath testing in any case is only one of the many road safety measures that the Government takes in conjunction with the police, and a balance has to be struck as to where the resources go and where the Government and the police think they can be most effectively used. I believe that we will achieve our aim of testing one-third of all drivers every year. I do not think there is any doubt about that, and it seems to me that one gets very quickly into the law of diminishing returns. I am not quite sure where that point is but, as always, we would be guided by the police on that.

The location of random breath test units is a matter purely for the police. It is not for the Government to direct the police into any area and to establish a random breath test station in a particular area. If the police choose to target what they see potentially as the area where drivers may be on the road having consumed an amount of alcohol above the legal limit, it is up to them if they choose to target that area. The member for Bragg referred to throwing a net or a cordon around an area to stop people slipping off onto side roads, thinking that they are perhaps a little cunning and that they can beat the police. However, I can assure them that, everything they have thought of, the police thought of years ago. The police have seen it all and make provision for people whom they feel are attempting to avoid a random breath test station.

The best example I have seen was in Victoria, where the random breath test station was situated at the bottom of quite a long hill, and it was very clear to all drivers as they came over the top of the hill that the station was situated just ahead. However, just prior to the station was a turn-off road, and many vehicles turned prior to the breath test station. At first glance, one would think it was a stupid place to put the station, as it could be easily avoided by turning off. It was made clear to us that the police, mainly on motor bikes, also were controlling that turn-off road, and they pulled over a considerable number of drivers and had a very high 'hit' rate. So, in fact, the drivers were selecting themselves by thinking that they were particularly clever. Anyone who attempts to avoid a random breath test unit by thinking they can outsmart the police should realise that the police have that situation well under control and have thought of all the tricks long before the motorist has.

The question of how often the fines ought to be increased was also raised. This is a very large increase, but it is around CPI from the time that the fines were introduced. So, it is not an exorbitant increase when looked at in that light. I agree with the member for Bragg that they should have been increased long ago so that we do not have the very undesirable situation where the value of the fines and, therefore, the value of the deterrent, is diminishing, and that has been happening. I can assure the honourable member that that will not happen in the future: the fines will be upgraded much more regularly than they have in the past. Also, there is a considerable loss of revenue as well as the diminished deterrent effect of the fine.

The final point is the question where this money goes. Does it go to road safety? The answer is 'Yes', it quite clearly does, and it does so via general revenue. All funds for road safety come out of general revenue. It is only sensible and proper that moneys to be directed to road safety go through general revenue. If it is wished to hypothecate these funds towards road safety, the value of the funds would not, as the member for Bragg knows as well as I do, come anywhere near the amount spent on road safety. If a Government chose to hypothecate these funds and, at the same time, reduced the funds from general revenue to road safety, there would be no ultimate benefit.

All Governments throughout Australia are spending more and more money on road safety, and this Government is no different. My suspicion is that all Governments in the future will do exactly the same and at about the same level. So, the mechanics of the fines going into general revenue and then being paid out to the Department of Road Transport for road safety measures will go on as usual at a rate that the Government feels is appropriate. That is as it should be.

Again, I thank the member for Bragg, who dealt with the matter on behalf of the Opposition, for his support. It is a pleasure to deal with a measure that, generally speaking, is handled on a bipartisan basis, and road safety has been one such measure.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Compulsory blood tests.'

The Hon. FRANK BLEVINS: I move:

Page 2, after line 32—Insert new paragraph as follows:

(ba) by striking out from subparagraph (ii) of paragraph (a) of subsection (14a) 'second' and substituting 'subsequent';

It has been drawn to my attention by those who advise me that, in the drafing of the Bill, provision was made for a first offence and a second offence but not a subsequent offence; that is, where a driver is convicted of refusing to submit to a blood test when admitted to hospital following a motor vehicle accident. I take this opportunity to rectify that anomaly by changing the word 'second' to 'subsequent'. I apologise that the Bill contained this minor anomaly and I commend the amendment to the Committee. Members will acknowledge the importance of ensuring that it should be not just a second but a subsequent offence.

Mr INGERSON: Based on the Minister's comments, the Opposition supports this amendment, as it appears to be an improvement to the legislation.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 September. Page 684.)

Mr S.J. BAKER (Mitcham): It will come as no surprise to the Minister, or the Government, that the Opposition again expresses reservations about legislation in this area. It is not our intention to oppose the legislation, because that would be fruitless given that there seems to be a general agreement between the industry and employee representatives about this matter. Because people working in the building industry who are not covered by building awards are therefore not entitled to the same long service leave conditions as those to which building workers covered by State legislation or the State Industrial Commission are entitled, a change is required.

I will not canvass all the old arguments that inevitably are raised when legislation of this type is introduced. The Minister would have noted our comments previously in relation to items such as long service leave and holiday pay being somewhat anachronistic and found in no other part of the world. When I am talking about wages, salaries and conditions of employment, I look at the total package. A number of statements have been made by employers and employer groups over a period to the effect that long service leave and a 17 per cent loading on holiday pay are no longer relevant in the Australian work force. It is important to look at the issue in the context of the package the Australian worker receives compared to the way people outside Australia view the situation. As a total package, it is one of those items that the employers must pay. But, importantly, the rest of the world must wonder why Australia rewards its workers with more money for being away from work than for being at work.

In relation to long service leave, there are different provisions in other parts of the world where people are rewarded for service over a long period, so long service leave provisions here may not be as out of kilter with industrial practices in other countries as is the holiday pay loading. At particular times of the year when conferences are being held, certain employer bodies comment on the wages system in Australia, and inevitably mention long service leave and the holiday pay loading. I believe it is appropriate not to pursue individual items but to look at the total remuneration benefits received by the Australian work force, and we must consider the total cost and benefits of the various packages.

I will not canvass collective enterprise bargaining. As members may be aware, I favour an enterprise bargaining system, under which we may see changes in the number of structures now in place, including long service leave, prescribed hours of work and a whole range of different work practices. There has to be radical change. I note that there has been substantial improvement through the restructuring of awards, but that will go only part of the way. We have some fundamental deficiencies in this country that must be addressed.

I have one or two questions to ask in Committee, but I will be very brief because the battle is already over as far as this legislation is concerned. The Bill enables funds to be set aside for the establishment of a scheme that will allow electrical and metal trades workers in the building industry to receive two benefits. The first enables a long service leave entitlement to be taken from job to job, as applies in the case of building workers.

The second benefit is that, as most of them are under Federal awards, they then come under State jurisdiction as far as this reference is concerned. That means that instead of having to serve 13 years to receive a long service leave benefit, or 10 years if they leave the industry early, 10 year and seven year periods apply. I question what we are doing here, because there seems to be desire to seek the best benefits under different systems. Questions must be asked, because this will raise other anomalies in the system.

There are many companies in South Australia which do maintenance work on buildings or which employ electrical fitters, but there are people who are not fully dedicated to that type of work. I know that a formula will be set up to cater for that, but these anomalies are creeping in. Long service leave was designed originally as a reward for people who served companies and firms over a long period of time. That is being eroded by the Long Service Leave (Building Industry) Act. We have already debated that, and I will not go through why I believe it was inappropriate in the first place.

However, this is now being extended. I can only presume that, if a Labor Government is returned in the future, we will see further extensions so that the follow-the-job principle will apply in all industries. The principle of long service leave will then have been so far eroded that it should no longer exist. The Opposition does have reservations about the Bill but, given that there has been a general agreement on this matter, I do not propose to oppose the proposition.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Substitution of third schedule.'

Mr S.J. BAKER: Can the Minister give the Committee an indication of how many people are affected or are likely to be affected by this proposition?

The Hon. R.J. GREGORY: No.

Mr S.J. BAKER: I expected a better response than that. The Minister does not know what the impact will be, who it will affect or how many it will affect, but he has brought the proposition before the House. That is not particularly good. Given that the Minister has kept in touch with the working party on this matter, has he any indication whatsoever of how many people may be affected and, secondly, how many of these people work in more than a singular role in relation to the building industry?

During the second reading debate I mentioned that a number of people in the electrical and metal trades perform work on building sites that is not necessarily their main form of work. I mentioned the conflicts that could arise in

those situations as to how they are actually covered, whether they come under this jurisdiction or whether they come under Federal awards. I believe it to be a very important question. When the proposition is actually at the working stage, we will debate a Bill on the principles and amendments to the Long Service Leave (Building Industry) Act itself, so I should like the Committee to be informed at this stage approximately how many are affected and whether there are some conflicts in this area of dual working relationships.

The Hon. R.J. GREGORY: If the member for Mitcham had asked me the last part of his question a while ago, I could have answered him. I do not know how many people are likely to be involved in this matter, nor can anyone predict the number at any given time because of the fluctuation in work in the building industry. If the press were to believe the member for Custance and the other members opposite, they would think there is no-one working in the construction industry in South Australia, yet to my knowledge people cannot hire certain equipment because it is all being used. There is a fair boom in the construction industry.

There had to be an agreement on this issue because the Electrical Contractors' Association and the Metal Industries Association, the two principal employer groups involved in negotiations with the three principal employee groups (the Amalgamated Metal Workers Union, the Electrical Trades Union and the Australasian Society of Engineers) have reached an agreement with respect to the involvement of metal workers, whether electrical workers, sheetmetal workers, fitters or boilermakers working on building sites to be included under the terms of this Act.

The member for Mitcham probably knows that at present electrical tradesmen such as electrical fitters and electrical mechanics come under the Act. However, if their employers are members of the Metal Industries Association or the Electrical Contractors' Association, the benefit of this Act does not apply to them. They will seek the appropriate amendments to their Federal awards so that, when the Act is amended during the autumn session of 1990, the provisions will apply to the employees in the industry.

Matters of conflict have been sorted out between the employees and the unions. And they have an agreed position. There is the advantage, as the member for Mitcham knows, in that long service leave will accrue after 10 years as opposed to 15 years, as in the case of every other worker in South Australia and indeed, the member for Mitcham before he became a member of this august Chamber.

Clause passed.

Title passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 24 October. Page 1368.)

Mr OSWALD (Morphett): While the Opposition supports this legislation, we are aware that when the Bill was before the other place certain amendments were passed and certain amendments were lost. I believe it is important that this evening I place on the public record our concerns about the Bill, knowing that, whilst many of those concerns will not be taken to a vote, they will be at least, recorded as my concerns.

Overall, there is much to be said for the Bill. I will now note the clauses with which I have difficulty and in Committee we can address those concerns in more detail. Amongst other things, the Bill seeks to amend the Equal Opportunity Act 1984 by extending the ambit of its protection rights to those who have an intellectual impairment. In 1984 the Government established a working party whose primary terms of reference were to formulate and prepare guidelines for legislation. The working party prepared its full report in August 1985 and consultation has continued with regard to both that and an early draft of the Bill.

As I see it, the Bill has four main parts. First, the amendments have the effect of extending the protection afforded by Part V of the Act to the intellectually impaired. Secondly, intellectual impairment is defined by reference to an imperfect development or permanent or temporary loss of mental faculties resulting in a reduced intellectual capacity, otherwise than by reason of mental illness.

Thirdly, it was also considered important to distinguish such persons from those who suffer from mental illness in the strict sense. Fourthly, the advisory, assistance and research functions of the Commissioner for Equal Opportunity are commensurately extended and the Bill also enhances the capacity or facility for the making of complaints under the Act, with regard to the intellectually impaired. In this context, the working party's report is actually itemised in the second reading explanation, so I will not take up the time of the House by referring to it (obviously members have the opportunity of reading it in *Hansard*).

As I said, the Bill deals principally with intellectual impairment, putting it in the same category as physical impairment. However, I believe that, to some degree, this is simplistic. The preference for those who work or who support intellectually disabled persons is for a separate division for intellectual disability. That is difficult to achieve in the context of this Bill. Certainly, the Opposition would be happy to give a commitment to review the Act when in Government so that that division can be achieved. Briefings I have had with people involved in this area suggest that the general feeling is that a division should take place.

I refer to the Bill clause by clause so that my observations are on the public record. Clause 4 mentions voluntary workers; indeed, a subclause refers to 'voluntary worker'. In the February Bill voluntary workers became 'unpaid workers' and were included as that; they were other employees. This will extend to all organisations which use volunteers in addition to having paid employees, for example, St John, the CFS, Meals-on-Wheels, Resthaven and so on.

The Commissioner says that it is designed to apply to those organisations which treat their volunteers poorly although the rationale for it really is to deal with work experience students. The Executive Officer of the South Australian Council of Social Services (SACOSS) contacted us to say that his organisation has difficulty with the clause, whether it relates to 'voluntary workers' or 'unpaid workers'. He advises us that this could create significant problems for his member organisations in not accepting some volunteers. I hope that members will bear this in mind when dealing with the Bill later. It can extend from the large organisation to the small, whether or not it employs others for salary or reward. He said that these charitable and religious organisations get many offers for help from people who are not acceptable—some are unsuited by temperament, ability, attitude or personal characteristics.

To apply the Equal Opportunity Act to them will give them an opportunity, if rejected, to add costs to the already limited budgets and absorb already limited time in sorting

out or, in some cases, fighting a complaint. The provision also means that, in respect of volunteers, church and other charitable organisations, for example, will not be able to decline to take as a voluntary worker someone who is homosexual or lesbian or who is living in a *de facto* relationship where such status is contrary to their teachings or principles.

No valid reason has been given for this broad inclusion and, in those circumstances, I have some difficulty in supporting that part of the Bill. I now refer to the letter we received from SACOSS, as follows:

> Our legal advice had no difficulty with the legislation but did express a concern that the Commissioner was already fairly busy dealing with complaints in regard to failures of employees to abide by the legislation and was concerned that extending the legislation would also result in extending the number of complaints before the Commissioner. Some thought would be needed in relation to the extra resources that may be needed by the commission to effectively deal with the expected increase in complaints as people test the legislation in its early days.

Still dealing with clause 4, 'physical impairment' and 'intellectual impairment' are dealt with in the same way under the description of 'impairment'. However, they are quite different disabilities and I recommend to the House that we separate them. If the House is not happy to do that tonight, I give notice that at a future time we would attempt to amend the legislation so that that comes to pass.

Clause 4 also looks at the definition of 'intellectual impairment', which is defined as meaning 'permanent or temporary loss of imperfect development of mental faculties resulting in reduced intellectual capacity'. There is concern about including 'temporary' in the clause, because it is difficult to assess. How does one assess the definition of 'temporary' in a Bill? In those circumstances the word 'temporary' should be deleted from the Bill.

Also in clause 4 is the definition of 'physical impairment', which now includes the 'total or partial loss of any part of the body'. We do not have too many problems with that. However, it now includes 'temporary' impairment, which could bring it into conflict with the Workers Rehabilitation and Compensation Act and the Occupational Health, Safety and Welfare Act. On that basis we believe that the word 'temporary' should be removed. Still dealing with clause 4, I draw attention to the fact that the provision of coaching in sport, as a service covered by the legislation, is to be extended to umpiring. We will raise that question in Committee, because a problem exists there.

Turning to clause 5, employers say that this clause introduces what at first view looks to be a more subjective test of discrimination in the sense that the criterion for discrimination is 'unfavourable' treatment, rather than being treated 'less favourably'. There is quite a distinction in that. Closer examination does not indicate that this is anything more than redrafting, with no major change in emphasis.

Clause 13 changes the emphasis for pregnant women in employment and, in Committee, we will probably spend some time on it. A decision to dismiss from employment on the basis of pregnancy is presently based on no other position being vacant where it is reasonable for the woman to undertake work within her level of skills without endangering herself, the unborn child or any other person. This provision is to be amended to allow dismissal where 'there is no other work that the employer could reasonably be expected to offer the woman'.

The Employers Federation has raised concern about this change on the basis that there will be doubt where the employer requires an employee to transfer to other duties but the employee does not wish to do so or disputes that the duties are genuinely required. I do not know how anyone can include this in legislation. It is all very well for the parliamentary draftsman to put some form of words to it, but how can it be included in an Act so that it can be interpreted and acted on? Numerous problems will occur in the future because of the way this provision is written.

I suggest that the solution to this is to provide that this clause does not override provisions of an award or a decision of the Industrial Court or commission, and I propose to explore that during Committee. We should spend some time on this matter in Committee and thrash it out. I hope that the suggested solution will be accepted by the Government. On the surface, it would appear that the present arrangement is quite unworkable.

Clause 14 relates to discrimination in various organisations with both male and female members. Presently emphasis is placed on discrimination on the ground of sex, and the Bill seeks to extend that to marital status or pregnancy. As a result, an organisation will not be able to give preference to legally married persons in relation to subscriptions or choose whether or not single persons or *de facto* couples will be allowed to join. This limits the choices, and no reason is given for it. The Liberal Party has a membership fee structure where a concession is granted for a husband and wife membership. This clause may be a direct result of the Commissioner's arguments with the Liberal Party, and I note that this was canvassed in another place.

There is nothing wrong in society for associations that acknowledge the institution of marriage to allow married couples a reduced membership fee. To enact legislation to override that principle is, to me, not and never will be acceptable. I cannot understand why the Labor Party persists, in its equal opportunity legislation, in trying to insert something that undermines the foundation of marriage in the community.

Mr S.J. Baker: Even on an economic basis you'll find that it is cheaper to deal with membership for a married couple than as single people, anyway.

Mr OSWALD: That is very true; that is a fact of economic life. Why should this legislation change that? There is no logical reason why that should occur. I will strongly recommend to the Committee that it support the removal of clause 14 from the Bill. Clause 15 seeks to prevent trade unions and employer bodies discriminating on the ground of sexuality. Personally, I do not support such extensions, and a number of members in the past have opposed the inclusion of sexuality in this legislation. An association can give advice to its members in relation to discrimination on the grounds of sexuality and employment, but is not bound itself. We see no reason to extend the area further. We believe that this clause should not be in the Bill and, during Committee, we will urge members to oppose it.

This clause also seeks to apply to associations registered under the Commonwealth Industrial Relations Act. The Opposition has thought this through and we doubt whether State Parliament can regulate Commonwealth associations. I would like the Minister in his reply to comment on jurisdiction as far as the State and Commonwealth are concerned.

Clause 19 deletes the reference to 'physical' in the heading of Part V. 'Impairment' refers to both physical and intellectual impairment. Many groups prefer to see these impairments dealt with separately. As I indicated earlier, the Opposition feels that these matters should be separated. I have laboured this point previously. It is the principle running through this whole legislation—that types of disability should be separate and not dealt with together in one piece of legislation.

Clause 20 provides criteria for establishing discrimination on the ground of impairment. This occurs if a person 'treats

another unfavourably because of the other's impairment, or a past or presumed impairment'. Apart from the reference to 'unfavourably' the clause now includes a past impairment. It obviously relates to past injuries, whether or not work related, although the second reading explanation does not address that.

By including a past impairment, this clause brings into vivid focus the problems confronting employers in the employment of persons with pre-existing work injuries. We here start to get into the grey area of the difficulty of writing into legislation directives to employers to determine the nature and gravity of a person's pre-existing work injury.

On the one hand, if the injury recurs the employer is liable for costs and the first week's wage under WorkCover—and that is of very real concern to employers—and, on the other hand, if that person is not employed the employer faces prosecution under the Equal Opportunity Act. All members are in favour of helping employers create jobs, but it is difficult when an employer is confronted with such legislation.

The Opposition recommends the deletion of the reference to past impairment. We want the Government to explain how it proposes to resolve this conflict without placing the employers in an invidious position. I want the Minister in his reply to address that problem in great detail, so that members here, the employers and members of the Chamber of Commerce and Industry will know exactly what the ground rules in this whole matter will be.

Clause 20 includes a provision similar to that in existing section 83 of the Equal Opportunity Act, but the emphasis is somewhat different. Presently, discrimination on the ground of physical impairment is not unlawful if, as a consequence of impairment, a person requires special assistance or equipment which cannot reasonably be provided. Once again, we are getting into the very grey area of how this is administered. Clause 20 provides that discrimination will exist if, in circumstances where it is unreasonable to do so, the discriminator fails to provide special assistance or equipment that is required by a person as a consequence of impairment.

Until now, the prevailing view has been that employers, for example, have not been obliged, by law, to spend large sums on assistance or equipment for these purposes. This amendment introduces a level of uncertainty as to the burden which could be placed on small employers, in particular. I will be grateful if the Minister refers to the guidelines and the ground rules applying to clause 20 so that employers will know exactly where they stand when this Bill is passed by this place—as the reality is that the Opposition does not have the numbers to carry any of the changes to the legislation that I am making. It is important for the Minister to provide suitable explanations on these matters in his second reading reply.

Clause 39 seeks to allow the Commissioner to apply to the tribunal for approval to investigate a matter where it appears that there may have been a contravention of the Act. The main issue relates to whether the intention is to act as a delegate of the tribunal. We would not be happy with that. We oppose this provision, as the tribunal should not be both the investigator and adjudicator. No reasonable person could accept otherwise. We want this matter clarified. If it is intended by the Government to act as delegate I believe that we must oppose this provision.

I have provided a summary of the Opposition's concerns about the measure. There are many good points in the Bill. It is important for the Government to address the matters I have raised during his second reading response so that all members of this place and, more importantly, the employers out in the real world, who have to make the decisions that will affect future employment prospects, will know the ground rules, the guidelines, that are to apply. The Opposition is happy to support the second reading at this stage, subject to satisfactory explanations being provided. At the appropriate time in Committee I will be moving certain amendments.

Mr HAMILTON (Albert Park): I have a number of questions in relation to the Bill. First, I refer to the question of discrimination in relation to superannuation. A constituent of mine has asked me how equal opportunity legislation deals with discrimination in relation to superannuation. At present, as to superannuation, discrimination on the ground of physical impairment is dealt with in section 78 of the Equal Opportunity Act and discrimination on the ground of race is dealt with in section 63. Section 78(1) provides:

> Subject to subsection (2), it is unlawful for a person who provides a superannuation scheme or provident fund to discriminate against a person on the ground of his physical impairment.

In my opinion it should include 'or her' after the word 'his'. It further provides:

> *(a)* by providing a scheme or fund that discriminates, or authorises discrimination, against that other person or that would, if he were to become a member of the scheme or fund, discriminate, or require or authorise discrimination against him; or
>
> *(b)* in the manner in which he administers the scheme or fund, except to the extent that—
>
> *(c)* the discrimination—(i) is based upon actuarial or statistical data from a source upon which it is reasonable to rely; and (ii) is reasonable having regard to the data and any other relevant factors; or
>
> *(d)* where no such actuarial or statistical data is available the discrimination is reasonable having regard to any other relevant factors.

The provisions in section 63 in relation to discrimination on the ground of race are self-evident. That section provides:

> It is unlawful for a person who provides a superannuation scheme or provident fund to discriminate against a person on the ground of his race.

I understand that both those provisions were proclaimed in June 1986, although it seems that they are currently being held in abeyance. Provisions also make discrimination lawful on the ground of marital status (section 44) and on the ground of sex. However, sections 41 to 44 of the Sexual Discrimination Act have not been proclaimed.

In any event, it appears that no provision on discrimination in superannuation under the Act will be enforced at present. I understand that this is apparently because a recent High Court decision ruled that an anti-discrimination provision in the New South Wales legislation was contrary to section 78 of the Commonwealth Life Insurance Act. Accordingly, pursuant to section 109 of the Constitution which provides that a valid Commonwealth law prevails over State laws, the New South Wales provision was held to be invalid. It may well be that the South Australian legislation may be held invalid on similar grounds if the matter goes to the High Court. Therefore, the provisions are inoperative.

The Human Rights and Equal Opportunity Commission is inquiring into discrimination in superannuation. It has published one report, as I understand it, and another is forthcoming. When it is published, it is likely that discrimination in the provision of superannuation will be dealt with by the Commonwealth, South Australia and other interested States. As members can see, it appears to me, not being of a legal background, that we have a problem here, and I would enjoin the Minister to investigate this and/or

to respond later on this evening to the questions I have posed, because it is obvious that the insurance industry is very much concerned about this aspect of the Bill.

One of my constituents who raised this matter with me is equally concerned and is looking for an answer from me by Friday of this week, so I hope that the Minister may be in a position to accommodate that request so that I can impart that information to him. Failing that, I would welcome an undertaking by the Minister that he will provide that information to me as quickly as possible. If my information is incorrect, why have sections 41 to 44 of the Equal Opportunity Act to which I have referred not been proclaimed?

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

WHEAT MARKETING BILL

Returned from the Legislative Council without amendment.

EQUAL OPPORTUNITY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading (resumed on motion).

(Continued from this page.)

Mr DUIGAN (Adelaide): I support the Bill. There has been much discussion in the community for a long period of time concerning this Bill, which is well overdue. It makes some significant alterations to the Equal Opportunity Act by recognising a ground that has not been previously recognised as a ground for discrimination. It extends the protection to people who have an intellectual impairment, and other members who have contributed to this debate have discussed the interpretation clauses as they stand presently and have adequately explained how impairment will now be dealt with.

The important thing which we need to recognise, and which the Parliament is recognising through the medium of this Bill, is that people with intellectual disabilities can, with proper opportunities for development, lead a much more active life in the community and certainly have the opportunity for a more fruitful and happier life. Many of these people, for a great many years, have lived in isolation or have either been in institutions or, more particularly perhaps, have been kept out of sight at home. The trend over the past decade or so has been to provide more and more opportunities for people with an intellectual impairment to become part of the community, to be recognised as part of the community, and to play an active part in that community in a variety of ways.

Some of those ways have led, as a result of past practices, to some discrimination being exercised against them. Persons with an intellectual impairment have over the past decade been moving into the community in areas of work, by active involvement in community services and organisations, and by moving out of institutional accommodation arrangements into more private accommodation. In each of those areas, unfortunately there have been cases of discrimination against people for no other reason than the nature of their intellectual impairment.

This Bill tries to do two things: first, it tries to recognise, encourage and give formal and appropriate parliamentary and statutory recognition to the movement out into the community while, at the same time, providing some adequate and appropriate protections against vicarious discrimination by others against people with an intellectual impairment simply on that basis. The history of providing protection for people against the inappropriate and vicarious use of their position of power has provided a great range of people in our community with protections.

The Bill extends those protections, and I think it is an appropriate and worthwhile exercise. It is not one in which South Australia is taking a lead: Equal Opportunity Acts have been extended in other States where intellectual impairment has been recognised, given some status and established as a ground for discrimination proceedings against a provider of a service. It is not to say that, because South Australia is now picking this up, we have been tardy in the exercise; rather, there has been a great deal of discussion about what it actually means.

A number of other States have perhaps further extended the protections that are being afforded to people in this general area. A number of those provisions are not included in this Bill, although I understand that examination of the New South Wales provisions affecting people with psychiatric illnesses are under consideration and will continue to be examined. It obviously presents a number of problems, but nonetheless those people also find that they are discriminated against; they have services, work opportunities, and participation in community organisations denied them for no other reason than that they are judged by others to be inappropriate persons because of the nature of the illness they may well be suffering at that time. That situation will continue to be examined, and I hope that at some time in the future we will be able to extend the protections in this Bill to cover other people.

A number of other features of the Bill are that it extends the role of the Commissioner in terms of providing advice, assistance and research functions to the intellectually impaired. I would like to elaborate on that a little by referring to the Office of the Public Advocate in Victoria, which is a very important public office designed to ensure that someone within the public arena will be able to stand up for the rights and dignity of people with disabilities. It is designed also to ensure that someone will be able to act, as the description of the office implies, as the advocate for a person who may well not be able to argue their own case, either to an employer, a landlord, the police, or any other part of the criminal justice or social justice system.

The Public Advocate in Victoria is also able to investigate complaints about abuse, neglect and exploitation of people suffering from intellectual impairment or psychiatric illnesses and to take appropriate action to remedy those situations. The advocacy arrangements are quite extensive in Victoria and, after I read the annual report of the Office of the Public Advocate, it struck me that the people with whom I come into contact would very much like to have access to this role.

I suppose that I should have declared very early in my contribution my interest in this area. I am a board member of the Tenancy Support Service which operates in North Adelaide and which attempts to provide independent living units for people with intellectual disabilities who are moving out of institutional care and attempting to live on their own. The organisation attempts to provide them with living skills, which is a fairly broad-based term, but it means that we provide them with skills to look after their unit, to budget for their food, to organise their rent, to keep their flat or unit tidy, to be able to get to work and home again, and to be able to move about the community as other people do.

I should also declare my interest as a member of the Bedford Foundation which, again, is an organisation that is designed to provide opportunities for people with intellectual impairment and to encourage them—very much like the other organisation in which I am involved—to move out into the broader community, to be active and participate fully as a member of that community and to develop whatever skills and abilities they have in the same way that many of us take for granted.

It is with that background that I consider the notion of advocacy. It is an important role and many of the people with whom I have had contact need an advocate for two reasons: first, actually to argue the case for them and to work alongside them very closely, because it is important to encourage self-esteem and confidence so that, in time, they are able to argue their own case. Secondly, it is important to redress their concerns. I know of a recent case where a 23 or 24-year-old lad had been working in a factory for minimal wages. It came to our attention that in all other respects, apart from his intellectual ability, he was doing the same work that would have been undertaken by a person without his disability, yet he was receiving a significantly different salary. Representations were made on his behalf and he will now get a full adult wage, which he should have been getting for the past five or six years that he has been employed in that factory. That is but one example of the role of public advocacy. I hope that this Bill will provide the opportunity for the Commissioner to act in the same way as does the advocate in Victoria.

The report from Victoria also points to a number of other very important areas that need to be addressed. The issues that struck me more strongly than any others related to the way in which the Public Advocate's office is trying to provide rights and redress for intellectually impaired people who have become the victims of crime. These people have been found to be highly vulnerable to crime and exploitation, regardless of where they live. Recent research undertaken in that State identified a range of deficiencies in the way that service agencies and the criminal justice system have responded to crimes committed against people with intellectual disabilities. A report was written under the very appropriate title of 'Silent Victims', which is a tale of some very tragic events which have happened to people who already have a difficult life and which, without the intervention of the Public Advocate's office, would have been even worse. I hope this issue will be taken up by the Commissioner's office, as it is an area of considerable concern.

I am also concerned about the people who have often been described as the 'forgotten people'—the forgotten populations—who live in a range of institutional settings or in boarding house accommodation, which is less than adequate and in which their basic needs are barely catered for, let alone providing the opportunity for them to become fully active, participating members of the community.

A review of the Guardianship Board and the Mental Health Review Tribunal, released in May 1989, recommended that serious consideration be given to the establishment of the office of Public Advocate. I hope that further examination will proceed and that we might look forward in the not too distant future to having a real advocacy role for and on behalf of the disabled rather than a research role or just protecting rights when they are found to have been violated and people have been discriminated against on the basis of their intellectual disability.

A large number of organisations are involved in providing services for the intellectually impaired. They provide services in the social, community, recreational, accommodation and work-related arenas, and so on. What has often struck me about these organisations is that there has never been a great deal of direct representation of the interests of intellectually impaired people on the boards of many of those organisations. That does not mean that those who have served on the boards have at any time acted uncharitably or been anything less than diligent in pursuing the interests of intellectually impaired people.

At the same time, there has been no direct involvement of those people in the organisations which are deciding on programs, policies and the availability of job and accommodation opportunities. We need to look at that aspect. It spreads right across the disability area. Disabled people tend not to be actively involved in organisations, whether Government, church or non-government bodies, set up for their alleged welfare and wellbeing. The organisations look after their welfare and wellbeing, but the involvement of people could be much greater than it is. I hope that we shall also look at ways of guaranteeing the rights of those who are helped by organisations looking after the disabled at the policy-making level. In particular, in the area of intellectual disability, that should also occur directly and through the medium of having an advocate.

One organisation in which I am involved, Tenancy Support, has a provision for two tenant representatives—people with intellectual disabilities who have houses. They make a positive contribution to the decisions that the organisation takes. They give us reports on meetings that have been held by the tenants. They tell us about the things that they believe we should be doing on their behalf, and they provide us with a realistic view of the direction in which the organisation should be heading. We have found it useful. I believe that many other organisations would also find it useful. I welcome the Bill, which has been a long time coming. I believe that it makes some significant advances, but there are still many things that we shall have to do in the years to come.

Mr S.J. BAKER (Mitcham): The Opposition generally supports the Bill. Parliament is trying to signify to the population at large, at least of South Australia, that we want all people to be treated as human beings. I am aware of the enormous difficulties faced by impaired people. I have a close relationship with Bedford Industries, and Julia Farr Centre, the largest nursing home in Australia, which caters in a big way for intellectually disabled people in my electorate.

I belong to a number of organisations that service disabled people. I have some difficulties because, whilst I support the proposition that we have to wave the flag and signify that everyone has a right to be treated as a human being, at times the way we write our legislation defeats the purpose. We start to deal in anomalies. An anomaly that comes readily to mind occurred when the Sex Discrimination Act (which eventually succeeded) was first before this Parliament. The question was asked as to how we preserve rights. We have seen a number of programs, particularly at the Federal level, which are aimed at improving opportunities for women but which, in the process, actively discriminate against men, yet the law states that we cannot discriminate on the basis of sex.

I find that laws are contradictory and are interpreted in whichever way the Government of the day wishes to interpret them. So, this Parliament gives out conflicting signals. I am not saying that any of the programs that have been initiated have been wrong. I am saying that as legislators we have a responsibility to the people in the community to ensure that whatever we do is as correct as possible so that

there is no room for misinterpretation. My second and, probably, more important point is that, if we are to signal to the population at large that we intend that the way in which people view each other and act towards each other should change, Governments have a responsibility to ensure that there is change.

All the schools in my area have five or six people in need of remedial education. These are people with intellectual disabilities. Some of them are slow learners, but at least a smattering of them in the schools in my electorate have intellectual disabilities and need special assistance within the schools. Each school is telling me now that the curriculum guarantee package which has just been negotiated effectively wipes out this special education. That is the interpretation put on the curriculum guarantee by the schools.

The Minister will be receiving one or two letters on that very subject shortly. If he can show that the needs of those people will be met within the school system under the so-called normalisation process, I will be forever grateful. These people deserve the opportunity. If Governments determine that the best place for these children is out with other children, they need that support. They cannot be left high and dry. I have seen a number of examples where people have been left high and dry, and the Minister has already received representation on two of those matters.

I refer now to the families of children with intellectual disabilities. There are a number in my electorate in that situation. The old Christian tradition was that people liked it or lumped it, and had a responsibility to those children. There are enormous numbers in country areas, but in Mitcham there are a number of people with intellectual impairment either due to damage at birth, some disease caused at the time of pregnancy, something within the family history or just an accident.

The women who bear the brunt of that daily care without respite deserve a better deal. If we are to pass legislation to say that people with intellectual disabilities deserve a better deal, we should think about all the caring hours put in by the women who have to care for these people. Let us see the Government do something about that. Everyone has a right to life. Members know what the burden can be. Let us not say that, because we put something in legislation, that is where it ends. However, I have a suspicion that with this Government that is exactly where it ends, that the flags flown are misleading. Certainly, I do not believe enough is being done to make these people, who do not have a good start in life or who lose their start in life in their formative years or later, get a fair deal.

The Bill has been well canvassed by my colleague the member for Morphett as well as in another place whence the Bill emanated. It is not my desire to prolong the debate and go through all the provisions where the Opposition and I believe that there is potential for conflict. However, I will focus on a few aspects, because it is important that they be put on the record at this stage. First is the question mark about voluntary work. The point has been raised by SACOSS that many of the people who volunteer are totally unsuitable for the job that SACOSS or one of the charitable or welfare organisations would want them to do.

No volunteers normally are refused, and to refuse a particular volunteer causes difficulty, but to not refuse could cause greater difficulty for the organisation. There must be a means by which that area can be adequately addressed. There is the question of temporary intellectual disability. What does it mean? Does it mean an attack of mental illness? Does it mean a mental breakdown? How do employers grapple with that area? How do employers, in the total impairment area, deal with the conflict between this Bill and the Workers Compensation Act?

At the end of the day, I want to know whether this legislation will assist. We are flying the flag, but does that mean that we are actually doing something? I know of many organisations which provide employment and an outlet for these people. Recently I visited Orana in Unley, and I refer to Bedford Industries, the largest organisation assisting people in these circumstances. It does an absolutely magnificent job, yet there are people on the sidelines saying that, if one is not allowed to discriminate against people, does that mean that they have to be paid full wages?

Currently, that situation is under reasonable control but it could spell the death of many organisations which are presently doing a magnificent job in providing an outlet for people who would not normally get a position in the workplace. We have to think about what we are trying to achieve and what discrimination really means. I gave the original example in respect of male and female conflict. That is at the simplest level. Further down the line there are many other areas of conflict. I know that a number of employers are asking themselves, 'How do we approach this?'

Recently I saw an article about Britax Rainsfords and its success in the export market. It produces rear vision mirrors which are in demand around the world and the company is doing particularly well. That same organisation employs disabled people, as the Minister would be well aware. A number of other organisations are making commitments to disabled people. They want to be able to fulfil an obligation but they do not want to be in a conflicting situation. All welfare, charitable and non-profit organisations do not want to be in a conflict situation. We have to tread this fine line very carefully. If at the end of the day (which may well be 10 years down the track) somebody says, 'We will pay everyone a full adult wage irrespective of their working capacity,' and that may well happen, the Government must pay the price. Let us not put it onto the employer. We need employment and activity in this State. We do not want to cut across some of the magnificent efforts being made out in the workplace.

I am fascinated by the reference in the Bill to married people. They are to be treated effectively as single people as far as membership is concerned. That is not even commonsense as far as I am concerned. I had an interjection when the member for Morphett was on his feet to the effect that membership of an organisation normally involves a lot of hard work and money out of the pocket. Obviously, in servicing the membership the organisation will structure its fees accordingly. Why should not an organisation have the right to say, 'You will get one piece of mail. The two of you will not each receive a piece of mail.' Why cannot organisations charge a lower fee? Why should they be saying, 'You will have to pay more. We will discriminate against you.' Let us look at the conflicts.

I have referred to employers, who are concerned by the legislation as they do not know where it will lead. The last thing I want to see is people losing the opportunities to succeed in areas in which they never would have succeeded 10 years ago because employers feel that they are in conflict or at risk.

The matters have been well canvassed in another place. At the outset I said that it is not a matter of flag waving but rather of practical action. Everyone in this place knows that the people who are respected are not those who talk about things, as we do in Parliament, but rather those who go out and do things. Many people give so much to others. It is the responsibility of government to do far more than it is doing in these areas if it believes in its propositions. I

see so much need. We cannot stop at saying, 'I have a piece of legislation here and I have done my job.' That is not good enough. I second the comments made in another place and by my colleague the member for Morphett, who led the debate in this place.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this important measure and all members who have contributed to the debate. It is an important new initiative and confers rights upon a section of the community, for whom we all share a sense of special responsibility. When the equal opportunities legislation was before the House in 1984 the provisions of the substantive Bill were debated for many hours.

A number of the rights that were to be conferred on members of the community were hotly contested in this place, and we eventually resolved those areas of conflict. We now have before us a very substantial improvement to the law and, as a result, the rights of the citizens of this State. Towards the latter stages of the debate of that Bill I am sure it became clear to all members that other sections of the community were seeking to have their rights established with respect to a number of areas of their life in the community.

Thereupon the Government undertook to consider the needs of one specific group, that is, those persons who suffered discrimination as a result of intellectual impairment. The Government established a working party and, in due course, that working party reported. There were extensive and exhaustive consultations, representation and negotiations with all interested sectors of the community prior to this matter coming before the Parliament, and indeed even during the course of this matter being introduced into the Parliament, being laid on the table and, now, finally debated.

It is interesting that, in the intervening years, both New South Wales and Victoria passed legislation to provide similar rights for persons who suffer disability as a result of intellectual impairment. Now another group of people seek to assert some rights as well, and their representations have been coming to the Government in recent times. I understand that considerable work will be done with respect to, as the member for Adelaide indicated, the rights of those who suffer discrimination as a result of mental illness. I hope that, in due course, their rights can be similarly embodied within the context of our equal opportunity legislation.

We are very fortunate to have a very competent and enthusiastic administration of this Act in this State, and indeed of other Acts, both State and Federal, that are the responsibility of our Office of Equal Opportunity. That office enjoys a very high reputation in our community in a most difficult area of public administration.

The member for Morphett raised a number of specific issues. I note that almost all of them were covered in some detail in the debate and in another place. If that is not the case, I will do my best to explain those areas during Committee, but my research shows that those matters were substantially covered in the other place. I do not want to repeat the statements made by the Attorney-General on behalf of the Government in the detailed debates that occurred in that place and in the very substantial amendments that were carried, except to advise the House that during Committee I intend to move and explain the two amendments that were circulated prior to the dinner recess. Once again, I thank the Opposition for its support of this Bill. I note its reservations and comments, and I seek the support of all members for this important measure.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: I ask the obvious question: when will the Bill be proclaimed?

The Hon. G.J. CRAFTER: Representations have been made to the Government in respect of proclamation of this measure, and it appears that there has been a request from employer organisations that there be a phasing-in process with respect to a number of the provisions in the Bill. The need to allow an adequate lead time to enable organisations to formulate practices and procedures to remove discriminatory practices against sections of the work force will be taken into account when determining a date of operation for the legislation. So, I can give that undertaking to the honourable member, if that is the specific concern that he has.

Clause passed.

Clause 3 passed.

Clause 4—'Interpretation.'

Mr S.J. BAKER: I am a bit perplexed with the terminology that is used. I have had a brief look at the answers given during debate in the other place. How does one separate out 'permanent or temporary loss or imperfect development of mental faculties (except where attributable to mental illness)' what will the medical determination be in relation to that matter? This is a very important question. How will someone determine whether or not a person is covered by this legislation?

The Hon. G.J. CRAFTER: Obviously, that may well be finally determined by medical evidence, as well as by some legal or academic interpretation of the definitions. Perhaps I can make some general comments about this area that might assist the honourable member. This matter was raised in the other place and suggestions were made that there might be problems with the definitions of physical and intellectual impairment and the exclusion of mental illness. The Government certainly admits that it has been difficult to prepare a satisfactory definition of 'intellectual impairment'. The one that has now emerged has been arrived at through consensus, and by discussions with the Department of Community Welfare, the Health Commission and the Disability Adviser to the Premier, who has had access to consultations with the Intellectually Disabled Services Council and other relevant organisations.

It should be noted that in Victoria, where intellectual impairment is also covered, there has been an amalgamation of both intellectual and physical impairment for the purposes of the operation of the law. However, as in this Bill the definitions of 'intellectual impairment' and 'physical impairment' are quite separate. So far as the Government is concerned, whether one describes a person as having Alzheimer's disease or as having a reduced intellectual capacity is immaterial as, in any event, unlike the present law, the person will be able to fall under either definition.

The definitions of 'intellectual impairment' or 'physical impairment' are not intended conceptually or practically to be mutually exclusive. The Government is currently giving consideration to the issue of mental illness, as I mentioned in my second reading speech, and whether that should be a ground of discrimination under this Act.

Mr S.J. BAKER: That was a quite unsatisfactory answer, as the Minister would appreciate. I was talking about clarity of legislation earlier. Would the onset of a disease, whether of a temporary or permanent nature, bring a person under the auspices of this legislation, while the onset of a nervous breakdown would not?

The Hon. G.J. CRAFTER: Very clearly, one would be guided by the medical evidence in these situations.

Mr S.J. BAKER: The current situation with regard to the St John's volunteers is a good example of what could be covered under this legislation. If this legislation were proclaimed tomorrow, would the Government and, indeed, the tribunal and Commissioner be honour bound to take up the grievance of the volunteers because it would be coming under the auspices of this Act? If not, why not?

The Hon. G.J. CRAFTER: Clearly it extends to unpaid work but, as to the application of a particular circumstance, it depends on the actual circumstances under consideration. To give some sort of blanket comment of that type would be quite unrealistic and, indeed, inappropriate.

Clause passed.

Clauses 5 to 12 passed.

Clause 13—'Exemptions.'

Mr S.J. BAKER: Subclause (3) *(b)* deals with pregnant women and provides:

> in the case of discrimination arising out of dismissal from employment, there is no other work that the employer could reasonably be expected to offer the woman.

Does that mean that the employer has to make an exceptional effort in these circumstances to find alternative work, and to what stage does that alternative work have to be sought, given there are some differences in the physical nature of the women concerned when very close to giving birth?

The Hon. G.J. CRAFTER: At present the Equal Opportunity Act places no onus on an employer to seek to accommodate the needs of a pregnant staff member, not even to consider whether there are other tasks she might perform or whether the work of several staff could be reallocated so as to make use of them all. The effect of clause 13 is therefore to ameliorate the severity of section 34 (3) whilst still protecting the reasonable needs of employers. By referring to 'work' as opposed to 'position', the amendment will have the effect of requiring an employer to satisfy himself or herself that no formal vacant position exists, and also that no other suitable duties are avilable, regardless of whether they are attached to any single identifiable position. The amendment will enhance the protective ambit of the Act for pregnant women.

I do not see that the revised provision should result in conflict with industrial legislation. This matter was considered by the Department of Labour which advised that there was no conflict with the Industrial Conciliation and Arbitration Act. The Act will continue to provide an exemption where there is undue risk or an incapacity to respond to situations of emergency. With respect to dismissal, the employer is only required to provide work which he or she could reasonably offer the woman. The election a complainant undertakes pursuant to section 100 of the Equal Opportunity Act 1984 will, of course, continue to apply.

Clause passed.

Clause 14 passed.

Clause 15—'Discrimination on the ground of sexuality by trade unions or employer bodies.'

Mr S.J. BAKER: This clause prohibits any trade union or employer body from refusing or causing detriment in relation to membership. The Opposition has fundamental difficulties with this proposition. We know that everyone has a right to exist and a right to work, but there are circumstances, of which we are all aware, in which on balance we must make decisions and sometimes those decisions must be quite harsh.

We have received correspondence from the churches on this matter. How do we resolve the conflict where a church says that it is against its fundamental religious belief to have a person of a particular sexual persuasion as a member of that church? Do we insist that they accept that person? On the other hand, if we look at discrimination in its widest sense, we would discriminate against the church because of its religious beliefs.

We now talk about the conflicts of the legislation. As everybody would appreciate, the issue goes far wider than that. We know, for example, that strenuous efforts are being made to educate people about issues relating to AIDS. We also know that most of the AIDS epidemic is associated with and transmitted by homosexual activity, and that is no secret to anyone. If the pundits are right and it does become a disease involving everyone, including heterosexuals and those people who come into contact with the virus in some shape or form, we would have neglected our duties to the community if we did not take some action against those people. Again, that is a conflict area, but this legislation attempts to set standards. We should ensure that those standards will not reduce our capacity to take action which may be necessary but which may hurt some people at the end of the day. How does the Government intend to handle this conflict situation?

The Hon. G.J. CRAFTER: I am not sure whether the honourable member realises that this clause relates only to trade unions and employer bodies and, therefore, does not involve churches. The 1984 Bill specifically omitted reference to trade unions and employer bodies because it was considered that they were covered by the clubs and associations provisions of the Act. However, the Bill reintroduces a separate provision relating to the organisations, covering discrimination on the ground of sexuality. These bodies have a responsibility to inform their members that they cannot discriminate or be discriminated against in employment on the ground of their sexuality.

It is incongruous that these bodies are allowed to discriminate on the ground of sexuality. The Commissioner for Equal Opportunity considers that the exclusion from such bodies on that ground is not uncommon and compounds the difficulties a person may have in social adjustment, especially via the enhancement of his or her chances of gaining employment. In the past the Commissioner has been unable to accept complaints from persons alleging discrimination by union type associations on the grounds of sexuality. Those comments cover the purpose of this clause and explain why it has been drafted in this way.

With respect to religious bodies and religious beliefs to which the honourable member referred, they are covered in section 50 of the substantive Act. That covers the likely conflict and provides appropriate exemptions for those bodies.

Mr S.J. BAKER: Has the Government any intention of going past the existing legislation, even though the standard set here probably goes further because it does not necessarily apply the exemptions that exist in other areas?

The Hon. G.J. CRAFTER: I am not quite sure to what the honourable member is alluding, but I think I have explained the purpose of the clause and how religious belief has been dealt with and how the exemptions provide for that in the substantive Act.

Clause passed.

Clauses 16 to 38 passed.

Clause 39—'Insertion of new s.93a.'

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

Page 9, after line 7—Insert new subsection as follows:

> (2) The person the subject of an application under this section is a party to the application and the Commissioner must, on lodging the application with the Tribunal, furnish the person with a copy of the application.

This amendment makes it clear that, where the commission makes an application to the tribunal to investigate a matter, the person who may have contravened the Act must be advised of the application. That person is also made a party to the application to the tribunal. The amendment will protect that person's right by ensuring that a person is not the subject of an investigation without his or her knowledge.

Mr GUNN: I am interested in the Minister's explanation because, much to my horror, some time ago, when I was doing one of my regular trips around the State, I heard a radio news report quoting comments made by the Commissioner that action would be taken against certain people at Port Augusta. I have no problem with action being taken against people if they have blatantly contravened the law, but I thought that it was quite inappropriate to suggest that a prosecution should take place and that it was hoped that it would be successful. I believe that, if people are to be charged, they should be entitled to be judged by the appropriate tribunal or court and not through the media.

I clearly recognise that, if one is acting on behalf of the Government or a Government agency, one has tremendous power, and the present legal system is such that it is almost beyond the resources of individuals who have been charged by the Government or anyone else to defend themselves through the court. To put it mildly, I was quite annoyed. I have been annoyed by statements from the commission on a number of occasions—that it is purely a matter of opinion, and everyone is entitled to their opinion—but I believe that people should be judged according to the facts before the court and not by the media.

I therefore ask the Minister to give a clear assurance that we will not have a repeat of these sorts of exercises, because many of the provisions we are now inserting in legislation may be all right in theory but in practice many people are greatly inconvenienced. The greatest provision that we can have in legislation is commonsense. It is all very well to have equal opportunity, but if we are not very careful there will be no opportunites for people. Will the Minister give an assurance that people will not be prejudged?

The Hon. G.J. CRAFTER: I am not sure whether the honourable member is referring to me or to someone else. I do not prejudge people nor do I suspect that other statutory office holders do so. I am not sure whether the honourable member had a clear reception as he was listening to the radio in the remote areas of the State. This is probably not the appropriate place to deal with clause 39, which attempts to confer substantive rights on persons who are likely to appear before the tribunal, which, after all, is a quasi-judicial tribunal.

It is not for Ministers of the Crown to tell quasi-judicial tribunals what to do with respect to the administration of the law. There would be a hue and cry if that were to occur. I think that we can rely on the propriety of people who are appointed to those positions to carry out their duties in the appropriate way. This clause provides for some of those checks and balances that the honourable member seeks to assert on behalf of his constituents or on his own behalf. If he has a particular complaint, he ought to take it up in the appropriate way.

Mr GUNN: I have been listening intently to this debate, because it is an area which concerns me. I do not want to be unduly provocative or unreasonable, but, for the benefit of the Minister, I have good hearing. I passed my medical to fly aeroplanes, and I have perfect hearing. My health was good enough for me to obtain a commercial rating. I will tell the Minister what the case was.

Members interjecting:

Mr GUNN: The honourable member will be looking for a job.

The CHAIRMAN: Perhaps I may interrupt. I do not want to stop the flow in this fascinating debate, but I cannot connect the honourable member's remarks to the amendment, which suggests that the person must be furnished with a copy of the application.

Mr GUNN: Clause 39 refers to the institution of inquiries.

The CHAIRMAN: We are dealing with the amendment at the moment.

Mr GUNN: I am on the clause.

The CHAIRMAN: We will come to the clause afterwards.

Mr GUNN: My understanding was that in the Committee stage we could speak to the amendment or the clause. I am happy to continue my remarks when we have dealt with the amendment, but I have very little more to say. I do not want to hold up the Committee unduly, but I will be guided by your ruling, Sir.

The CHAIRMAN: With that understanding, the Chair will be fairly tolerant.

Mr GUNN: Thank you, Mr Chairman. This Part talks about inquiries, the tribunal and the Commissioner acting with the approval of the Minister. The case concerned the Commonwealth Hotel at Port Augusta; action for alleged discrimination was taken by a lawyer from Ceduna and two Aborigines, and there was one person acting for them. I can say lots about that. A press statement was made by the Commissioner referring to that matter, and I thought that it was in bad taste. That is the sort of thing that should be avoided.

I am not here to engage in any further comment. I could say a lot more about the case, because I know the full story and the players behind it. The whole exercise leaves a lot to be desired. I have lots of dealings with the lawyer who acted for them, but that does not stop me from seeking from the Minister an assurance that this sort of thing will not happen again. People are entitled to their views, but such comments should not be made while the due processes of law are taking place.

The Hon. G.J. CRAFTER: As I understand the facts of the case raised by the honourable member, the body involved was advised that a complaint was to be lodged against it in those circumstances. That complaint was lodged under this State's Equal Opportunity Act, although I gather that there may also have been grounds to lodge such a complaint under the Commonwealth Racial Discrimination Act. It is interesting to note that that legislation is earmarked by the Federal Opposition for abolition. It is one of the pieces of legislation that the Federal Opposition has said it will abolish if it wins office. With respect to this clause of the legislation, the body that was complained against was, in fact, notified. However, this section as amended will now ensure that the individuals complained against will be required to be notified as a matter of law.

Mr S.J. BAKER: The Opposition thinks that the amendment improves the clause, even though we oppose the clause.

Amendment carried.

Mr S.J. BAKER: The Minister will be well aware that the Opposition opposes this clause. I will keep to a minimum my reference to this matter, but the Attorney-General in another place said that there are checks and balances: the Commissioner will not be embarking on her own witchhunts or investigations without certain things being done, such as seeking the approval of the Minister. For a number of reasons the Opposition is still not happy with the clause as it stands.

The first reason is the fundamental principle whether a person should or should not make a complaint and who is the best person to judge whether someone should make a complaint. Our legal system operates on a very different basis from that, as the Minister would appreciate. We could be in the position of setting up a trial jury system here, if we are not careful. The other thing is that, by this measure, I believe we are in some way subverting the system. The clause provides:

> Where it appears to the tribunal, on application made by the Commissioner with the approval of the Minister, that a person may have acted in contravention of this Act, the tribunal may refer the matter to the Commissioner for investigation.

That means that if the Commissioner feels that there is a case to be answered the Commissioner, I presume, goes to the Minister and says, 'Minister, can I go ahead?', because the Commissioner wants to conduct an investigation without complaint. The Commissioner then goes to the tribunal and says, 'I have the approval of the Minister. Will you give me permission to conduct this investigation?'

I am not aware of any other legislation under which we get an independent assessment which has already been effected. So, I have some difficulties with this proposition. The right of intervention is very questionable. There are many occasions on which my constituents bring questions to me or want some action and then, a week later, say, 'Mr Baker, will you not pursue this matter?' I say, 'Are you under pressure? Have you had second thoughts? Is there any way in which I can assist?' They invariably say, 'No, I have reconsidered my opinion or reconsidered this problem and do not believe it is appropriate to pursue it.' I take their wishes into account.

When someone has come to me and said, 'We want some action' and I start the ball rolling and take that action, at times I have taken that action and then had to go back to the authority, the lawyer or whichever person is involved and say, 'I am sorry, we are no longer pursuing this case.' That is life. For a whole range of reasons people will not want a matter pursued. Some issues are very sensitive, and some affect marital relationships. Some of them affect working relationships. There is a suggestion that because of some outside pressure, intimidation or whatever, people will not make a complaint. That is in the system, but we have a legal system which is built on principles.

Neither the Opposition nor I support this proposition in any shape or form. If there is some other way of canvassing those issues and assisting someone to make a decision, offering them protection because there might be some threat, that is fine, but let us not assume that the Commissioner is in charge of all the facts. Let us not assume that the result of a pursuit of an action will not do more damage than it may resolve. We are entering dangerous territory.

The Hon. R.G. Payne: It is not automatic—it says 'may'.

Mr S.J. BAKER: Sure, and I thank the honourable member for his comment. Every time we put something in place in law we are setting a standard and 'may' says that a person has that right, irrespective of the feelings of the party concerned. We know that rapes, attempted murder and other serious offences are committed in the community: yet some people do not pursue them for a whole range of reasons. In a court of law, the police prosecutor is asked, 'Where is your witness?' If there is no witness, there is no case. No-one can assume who is right or who is wrong. I wish to make the point that fundamentally the proposition is wrong.

The Hon. G.J. CRAFTER: The Opposition has now clearly revealed its almost total opposition to the thrust of equal opportunity legislation as we know it. It is a far cry from the days when the former Liberal Premier, Mr Tonkin, as Leader of the Opposition, introduced equal opportunity legislation as a private member. We now see the Opposition not only not wanting to have an investigation but not wanting to have one to seek the facts. It is not a matter of whether the Commissioner is in possession of the facts but whether the Commissioner has the right to go out and seek the facts. That is the issue here.

The checks and balances provided in this Bill are greater than those in the comparative legislation of the Commonwealth, New South Wales, Victoria and Queensland. South Australia has the most conservative and restrictive legislation of its type in Australia, yet the Opposition wants to make the restrictions even greater, to the extent of denying the Commissioner the right to commence an investigation, even after those checks and balances are applied.

We can get no further restriction: that amounts almost to total nullification of the effect of this legislation—of taking it out of the realms of complete oppression for one reason or another. I suggest that the Opposition should reflect on the position it has advanced in opposing the clause. I repeat: the checks and balances under this clause are not provided in the comparative legislation of the other States in the Commonwealth.

First, the power of the Commissioner to commence an inquiry, to seek the facts, can be exercised only pursuant to a reference by the Equal Opportunity Tribunal, an independent quasi judicial tribunal. Secondly, such a reference can arise only after the Minister has approved the Commissioner's making such an application to the tribunal in the first place. In some respects it is similar to section 52 (1) of the Commonwealth Sex Discrimination Act.

Under the present law the Commissioner can act only when a complaint is lodged. However, in the Commissioner's experience there are many cases where people are not prepared, for a variety of reasons, to lodge complaints that could usefully be the subject of a wider inquiry or in fact of an inquiry at all. We have just agreed to an amendment to this section which provides for proper notification of a party and indeed to join that person complained against as a party to the matter. I would have thought this was a fundamental desire to seek out the facts in these complex matters.

The honourable member has rightly pointed out the sensitivities being dealt with here. They are often sensitive, complex matters and an objective and thorough assessment of the facts is required to determine whether they ought to be pursued at all, let alone brought before a tribunal for very thorough scrutiny and final resolution. The Opposition has simply gone too far in its opposition to the structure in this State, which I believe is very fair indeed.

Mr S.J. BAKER: The Minister has grossly misrepresented our position on this subject. One may go to a tribunal to ask whether on certain facts certain things will occur. A person might have been to the tribunal, formed the opinion that there is a case to answer and then gone back to the tribunal to present the case. The second point is whether a complaint should be lodged and be a necessary part of the inquiry. The Opposition believes that that situation should not apply.

There has been considerable criticism of the Commissioner on a number of occasions for what people might have perceived as pursuit of particular individuals or causes. A question mark hangs over the powers that can be granted under those circumstances. It is as much to protect the Commissioner and the position as to ensure that justice is done. If the Government was determined, I understand that certain cases could be followed up. Other mechanisms exist other than this proposal. The Opposition is not satisfied with the proposition.

The Hon. G.J. CRAFTER: I reiterate the circumstances in which the Commissioner often finds herself. These measures deal with people of intellectual impairment and people who suffer a disability. An initiative often needs to be taken with respect to a complaint so that the matter can be properly pursued.

Mr S.J. Baker: It covers the whole Act.

The Hon. G.J. CRAFTER: It does, but I am referring to some of the justifications why the Commissioner believes inquiries may be appropriate. Other groups in the community may suffer one form of disability or another. A person may be illiterate.

Mr S.J. Baker interjecting:

The CHAIRMAN: Order!

The Hon. G.J. CRAFTER: A person may not have a capacity in the English language and so on. These checks and balances should overcome the fears that the honourable member has expressed to the committee. We need a provision of this type in the legislation. The honourable member in his cynicism or the member for Eyre given his experiences want to make hard cases into bad law and deny everyone certain fundamental rights and the proper administration that should apply in these circumstances. I suggest that they set aside their cynicism or their hard cases and not try to apply them generally to the law. The reality is that, in the main in dealing with matters under this legislation, conciliation is the most applicable process. Most of these matters can be settled by getting the parties around the table and sorting it out. In this State very few matters are referred to a tribunal for a more formal judicial resolution.

Clause as amended passed.

Clauses 40 to 43 passed.

Clause 44—'This Act does not derogate from other Acts.'

The Hon. G.J. CRAFTER: I oppose this clause. The Government does not consider that this provision is necessary. The Government accepts that the equal opportunity legislation is complementary to other legislation and may be overridden on the basis of the normal rules of statutory interpretation, and in particular the principle of *generalia specialibus non derogant*, that is, where there is a conflict between general and specific provisions, the specific provisions prevail. Therefore, where Parliament has dealt specifically with an issue relating to discrimination in a contrary way to the general provisions of the Equal Opportunity Act, the specific provision would prevail.

The Government considers that the rules of statutory interpretation are sufficient to enable any conflict between the Equal Opportunity Act and other legislation to be resolved. The relationship of the Equal Opportunity Act with other Acts should depend upon a comparison of the actual language of each Act to see whether they can stand together rather than be governed by a non-derogation clause in the Equal Opportunity Act.

Mr S.J. BAKER: This amendment was moved in another place by the Opposition and supported by the Australian Democrats. Obviously, we are violently opposed to the fact that our amendment will not pass. The Minister said that this will all be sorted out. As the Minister knows, in the exercise of law there are different jurisdictions. The people who come under the Equal Opportunity Act cannot say, 'This is in conflict. Who will sort it out?' The tribunal which hears equal opportunity complaints is different from the tribunal which hears workers compensation complaints, unfair dismissal complaints, and the many other areas of law with which employers must come to grips.

So, do not let us say that this is fair. I do not really want to go into this area, but this is half the problem in relation to unfair dismissals. Commission members say that they cannot take account of the fact that a person has robbed their employer and have been dismissed as a result; it is irrelevant because it is legal argument. This is where the inequity occurs. Who will sort out the legal arguments? The Opposition supports the clause.

Clause negatived.

Schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That the House do now adjourn.

The Hon. D.C. WOTTON (Heysen): The first matter I want to refer to this evening concerns the very shabby treatment that the City of Woodville has received in relation to the Government's decision to proceed with the Mareeba pregnancy advisory clinic. A considerable number of representations have been made to me on this matter, particularly as regards the planning aspects of the decision. I have received a file from the council containing much of the correspondence that has passed between the council and the Government. On 28 June the City Manager of the City of Woodville wrote to the Minister of Health (Hon. D.J. Hopgood) in the following terms:

> I refer to the proposal by the South Australian Health Commission to consider the establishment of a pregnancy advisory clinic in the Mareeba complex located within the City of Woodville.
>
> This council, and particularly His Worship the Mayor, has been inundated with letters objecting to the proposal, even though (we are advised) no decision has been made by Cabinet on the matter. Despite a promise to be fully consulted, council has not been formally advised of any such proposal and is having to rely on press reports for its information.
>
> Considering the volatility of the issue and the need for council to be fully informed on matters affecting its ratepayers and to properly represent its constituency . . .

The letter then goes on to seek an urgent meeting between the Mayor, and representatives of the council and the Minister. So, back in June the council made it very clear that it was dissatisfied with the direction that the Government, and particularly the Cabinet, was taking.

In July, a public meeting was held in relation to the establishment of the Mareeba clinic, and a number of people were there. The member for Spence represented the Minister of Health on that occasion. Representatives of the council were present and there were some endorsed candidates from a couple of political Parties, including the endorsed Liberal candidate for the State seat of Spence. It was made perfectly clear at that meeting that there was considerable concern in the community. The meeting resolved, with a significant majority, as follows:

> That this meeting:
>
> *(a)* believes that the selection of Mareeba as a site for a pregnancy advisory centre is not in accord with the objectives and principles of the development plan under the Planning Act 1982, as amended;
>
> *(b)* is contrary to the recommendations of the working party set up by the Government to advise on this matter; and
>
> *(c)* is insensitive to the composition and nature of the surrounding community.
>
> This meeting calls upon the Minister to review this decision.

We know that that has not occurred, and the Minister of Health has made it quite clear that Cabinet has determined that the centre should be established.

In the Upper House some time ago, questions were asked of the Minister of Local Government. Similar questions should be asked of the Minister for Environment and Planning and of the Minister of Health, questions such as: why did Cabinet decide to publicly announce the provision of a pregnancy advisory clinic at Mareeba without prior consultation with local government, particularly given the implications of council's involvement under the Planning Act? There should be questions to the Minister of Health, such as: why did Cabinet make a decision which contradicts clear advice given by the Government's own working party, the Furler committee, to the effect that pregnancy advisory clinics should be located next to major public hospitals for reasons of emergency back-up service? In terms of the Furler report recommendations, why was consideration not given to the Queen Elizabeth Hospital, the commonsense and obvious site for a pregnancy advisory clinic in the western metropolitan area?

Those questions have been asked previously. They have not been answered and, again, I call on the Minister for Environment and Planning and the Minister of Health to provide answers to them. It is only fair that people who live in that area and the council in question should receive answers. They are sensible questions and deserve a detailed reply from the Minister. Once again, I call on the Ministers responsible in those areas to answer those questions. I would be pleased if that could happen and the information be passed on to the Woodville council.

Next I will refer to a question I asked yesterday regarding the recent action taken by the State Bank Group that has caused hardship to several South Australian companies, and I refer particularly to the Adelaide-based laser company Laserex Pty Ltd which has recently gone into receivership. The Premier made a ministerial statement on that subject today but it does not clarify the situation at all. It is a great pity that a company such as this has been forced into receivership. The action of the State Bank is surprising in many ways, given the fact that the South Australian Government is supposedly trying to encourage new enterprise developments in the State. It is only fairly recently that it invested an extra $28 million, we are told, into the venture capital company Enterprise Investments Ltd.

The Government continues to tell us that this is one of the few States still committed to high technology industry support. It continues to say it is heavily subsidising the developments of the second technology/science park in the State and that it is backing Woomera as a technology development site, and so it goes on. The action that has been taken is devastating in regard to a company which was building up a healthy flow of export orders. The export matters looked encouraging indeed, and I thought the Government would be doing everything it could to provide encouragement rather than, through the State Bank Group, force a company such as this into liquidation.

The third matter I will refer to is one of particular interest to me and it concerns a section of land on the Upper Sturt Road which the Upper Sturt CFS is desperately trying to acquire. I have been making representations on behalf of that CFS for some time. It is essential that the CFS have that land for expansion purposes. It is a very important part of the Hills. As a result of the Ash Wednesday bushfire experience, that area is very volatile and it needs a good CFS. The personnel and equipment are there but the land is needed for expansion.

Approaches have been made to attempt to persuade the Government to reduce the valuation on the land. Neither the Government nor the Highways Department want that excess land and they have said it is available, but the valuation they have put on it has placed it out of bounds for the Stirling council. As we all know in this place, the Stirling council has significant financial problems. In addition, the Stirling council has paid a considerable amount (probably more than any other council in the State) towards supporting the administration of the CFS.

It is essential that the Government consider the reduction of the valuation of that land. We have heard today that it has been able to reduce the price of the land for a Noarlunga facility and I urge the Government, and the Minister of Transport in particular, to take the necessary action to ensure that the value of this land is reduced to enable the Stirling council to purchase it for the ongoing use of the Upper Sturt CFS.

Mr TYLER (Fisher): I am sure that members will recall that a week or so ago I reported to the House that I attended a meeting organised by the member for Hanson to discuss specifically the Southern O-Bahn proposal as indicated by the Minister of Transport during the Estimates Committee. On that occasion I reported that the people who attended the meeting had to endure some rather offensive and insulting comments. One of the greatest contributors was a West Torrens councillor and former mayor, Dr Reece Jennings, who told the meeting that he did not want residents of the southern suburbs moving through his council area 'to spend their social security cheques in the casino'.

Quite naturally, residents in my electorate and other residents who live in the southern suburbs are greatly offended and upset by Dr Jennings' comments. When I asked the member for Hanson whether he supported Dr Jennings' comments, he told the House that he did not walk away from them. It is quite outrageous that we have elected members of local government and this House making those slurs about residents in the southern suburbs.

This issue was raised in the Messenger *West Side* of today and I wish to read part of the article, because it illustrates the feeling that those comments have generated in the southern community. The article is headed 'Jennings in hot seat over insult' and states:

> Noarlunga council has called for a public apology from West Torrens councillor Dr Reece Jennings for derogatory comments he allegedly made about southern residents at a recent public meeting. Council has asked Dr Jennings to apologise for his comment—'the residents from the sprawling south will look into our backyards from the O-Bahn on their way to spend their social security cheques at the casino'.

The member for Mitcham laughs.

Mr S.J. Baker: It's very funny.

Mr TYLER: That really says a lot about the member for Mitcham. I do not find it funny at all and neither do my constituents or the Noarlunga council.

Mr S.J. Baker interjecting:

The ACTING SPEAKER (Mr Duigan): Order! I call the member for Mitcham to order.

Mr TYLER: The article continues:

> He was speaking at a public meeting attended by 400 people at Plympton High School last month, called by Hanson MP Heini Becker to discuss the State Government's southern O-Bahn proposal. Fisher MP, Phil Tyler, who was at the meeting, said 400 people had to 'put up with emotive and insulting comments' from Dr Jennings who also said he had sent a letter to Premier John Bannon 'telling him what he thought' about a southern O-Bahn.
>
> 'In my view Dr Jennings ought to publicly apologise to residents of the south,' Mr Tyler said. 'People of the southern suburbs do not deserve to be treated in this way.'
>
> Noarlunga councillor Anne Villani, who brought the matter to Noarlunga Council, said Mr Jennings' comments were 'uncalled for and inexcusable. For fellow members of local government to act in such an irresponsible way is very disappointing,' Ms Villani said. 'He doesn't know anything about the area yet the things he said were downright malicious.'

The article continues:

Dr Jennings said he would deal with the issue when he received a letter from Noarlunga Council. 'When I see what they send me I'll give the matter all serious consideration,' Dr Jennings said.

He then makes an absolutely extraordinary statement:

I do not even know whether I said it.

That is quite extraordinary. Four hundred people, myself included, clearly heard Dr Jennings make that statement. He has been literally caught out because in a contribution made in this House on Thursday 19 October, the member for Hanson, who was talking on this subject, quoted from a letter dated 19 September that Dr Jennings had written to the Premier. Dr Jennings said:

I am sorry that I must harangue you, for I realise that the lot of a politician is indeed a wretched one, but if I may warm to my subject, may I suggest that your transport advisers are a few bricks short of a load. I imagine the purpose of the proposed O-Bahn route is to alleviate the delays which the poor citizens of the southern sprawl must endure when travelling to the city to spend their social security benefits in Rundle Mall or the Casino.

There we have it: Dr Jennings quite clearly wrote a letter to the Premier reiterating what he had said at a meeting the previous night. He is quoted in the Messenger Press *West Side* and I am told—although I have not seen it yet—that the statement is repeated in the *Southern Times*. Dr Jennings said, 'I do not even know whether I said it.' That is a quite extraordinary statement from this elected member of the West Torrens council. I join with the Noarlunga council in saying that I am appalled that a member of council would say those sorts of things. I also call on him to make a public apology. It is quite outrageous. The member for Mitcham can laugh all he likes. I am sure that the members of the Happy Valley council and the Noarlunga council would be delighted to hear the interjections from the member for Mitcham. It seems that all he can do in this place is giggle and carry on; he is quite outrageous and immature.

I draw to the attention of the House another matter to which I have referred over a few months, that is, the reintroduction of the milk bottle. Members will recall that in July I called on milk companies to get behind the environmental swing by supporting the reintroduction of glass milk bottles. I note that the South Australian Conservation Council, along with its national body, is urging people to get behind its 'Bring Back Glass' campaign. I support the council's calls and I join it in urging people to get behind this push to bring back the milk bottle.

Milk bottles disappeared only 18 months or so ago; milk is no longer available in glass. We can buy beer, fruit juice and a whole range of other foodstuffs in glass containers, but we cannot buy milk in glass bottles. Milk is one of the essential products kept in almost every household refrigerator. It is interesting to note that in New South Wales glass milk bottles are still used and the latest figures indicate that they make up 9 per cent of the market in that State. The trend has turned around in recent months.

The Milk Vending Association of New South Wales has reported that there has been a growing demand for milk bottles. This week in Canberra the Milk Authority introduced milk bottles on a trial basis. In conjunction with ACI and Dairy Farmers, there will be a three week trial of one litre glass milk bottles with screw tops. Although these milk bottles cost a little more, I believe the community supports this move because people are demanding recycable products as a result of a growing awareness of the greenhouse effect. It is interesting to note that milk bottles have the advantage of being reusable up to 30 times and at the end of their life they are easily recycled in the manufacture of new glass.

There is no doubt that the phasing out of milk bottles 18 months ago was a mistake. These containers find their way into rubbish dumps and contribute to dioxin being released and polluting the atmosphere. I understand that the 1 litre milk carton has an unrecoverable cost of about 9 cents. It is also to be noted that such cartons must mean an increase in costs in raw materials and waste disposal. Either way the consumer ends up paying.

Many of the arguments put forward against the use of milk bottles are fairly superficial. Milk companies restricted the market. Many supermarkets restricted the consumers' ability to buy milk in glass containers because they believed that cartons stored better on supermarket shelves. Therefore, people like me who went to the supermarket to buy milk could not buy it in glass containers.

The ACTING SPEAKER (Mr Duigan): Order! The honourable member's time has expired.

Mr S.J. BAKER (Mitcham): I am delighted that the member for Fisher has embraced the subject of milk bottles, because it is the subject of my address tonight. This comes under the wider question of what politicians do at election time. It is of great concern to me that all sanity is blown out the window when the Government of the day believes there is an issue out there that must be grasped, manipulated and somehow used to gain votes. It is a great pity that the awareness of the greenhouse effect did not come after the last election. We might then have seen a far saner approach to environmental matters than we are seeing today.

I will quote some examples, like the glass bottle. The fact of life that the member for Fisher seems to ignore is that milk cartons have certain advantages. If he wants to be true to himself, he can go back to the billy can days. When I was a lad we had billy cans. The milkman came round and put the milk in the billy can. The billy can can be used 1 000 times or 10 000 times. That is the ultimate. Let us not go to glass. Why not go the whole hog?

Let us get back to the issue at hand. We know why consumers demand cardboard cartons. It is because the propensity for the milk to stay fresh longer is greater. Milk very quickly goes sour in milk bottles. Milk bottles are a danger. When this debate was raging in my area many years ago and we were looking at milk in cardboard cartons and the milkman advised that he would prefer to put out cardboard cartons, the people to whom I spoke sighed with relief because—

Members interjecting:

Mr S.J. BAKER: You had better do your sums. The milk bottle was not there to be pinched, smashed or dropped. So you are creating another set of hazards and you are saying that the milk bottle is superior. Compared to the cardboard carton, it is absolutely hopeless. If you want to educate people to go back to the milk bottle, I will let you try.

This is one of the idiocies that we are seeing today. We have got the bid on who can plant the most flaming trees. I think that trees are important, but when the Prime Minister of this country says, 'I am going to plant a billion trees—

Mr Robertson: I gave away some seeds, too, you know.

Mr S.J. BAKER: Well, you had better go and collect those seeds. When the ALP, thinking that it is a good idea to get on the tree band wagon, puts out seeds which are of doubtful vintage—they really are a hazard in the backyard—we know that the debate has become insane.

Members interjecting:

Mr S.J. BAKER: In South Africa it is a noxious weed and has to be eradicated. That is how much they think of our little Acacia pycnantha. That is what they think of it

over there. Let us get this debate under control. If we had our time over again, it would have been nice if the scientific evidence on the greenhouse effect and the ozone had come a lot earlier in the election cycle. Then we would have seen some honest, hard-working attempts to come to grips with the fundamentals. I would like to refer to the experience I have had in my electorate.

Members interjecting:

Mr S.J. BAKER: I do not have to do a survey: they ring and come in to my office and talk to me. They say, 'Mr Baker—

Members interjecting:

The ACTING SPEAKER (Mr Duigan): Order! Members on my right will come to order. The member for Mitcham has the floor.

Mr S.J. BAKER: I might have to ask for an extension of time if this goes on much longer. People come and say, 'What will we do about our plastic bags?' and I say, 'You will have to decide whether you want to carry things round in plastic or in brown paper bags. If you want to use plastic, there are no recycling facilities.' They say, 'But, Mr Baker, the Government promised it.' I say, 'But we do not have recycling facilities.'

I cite the example of Boy Scout groups and some of the charitable organisations that for years have been collecting paper in the area. Anyone who knows the area well will realise that each of those outlets or inlets, whichever you like, is absolutely clogged. When people were getting a reasonable return of $40 or $50—

Members interjecting:

The ACTING SPEAKER: Order! This is a grievance debate, not a fun parlour.

Mr S.J. BAKER: It really is quite serious. Whereas they used to get $40 or $50 a tonne for the paper and it was being recycled, they cannot get anything: they can get $12 a tonne. All the outlets are absolutely choked and the organisations are going broke because the system has become clogged since the politicians raised expectations. It is the Government's responsibility, if people want to plant trees, to tell them what sort of trees are best for the right conditions and where they should be planted. If you are going to get people to recycle paper you say, 'Hang on—don't rush us yet because we do not have all the facilities' and give them some options, and plan for it.

You do not get to the stage where people say, 'Look, I am trying to do the right thing; the Government has said it will be possible, but it is not possible.' Some councils are collecting tin cans. They are not recycling them: they are putting them straight into the normal rubbish cycle. They are saying, 'We are environmentally sensitive, put all your little tin cans in a separate box', and then they throw them out with the rubbish.

So, let us have a bit of sanity. It reminds me of an article I read in the *Australian Financial Times* of 17 October entitled 'Harnessing Power from Burning Rubbish'. This deals with all the things you cannot recycle. The article states:

> Take some used disposable nappies, a few potato peelings, some old newspapers and the stew little Tommy refused to eat. Use it to make a fire under a steam-producing boiler.

The article is canvassing the use of waste for energy. Governments have put a lot of effort into this area, but we must give people some direction. We cannot go off half cocked and tell people to do things which will not assist them at all. We will not raise their expectations. The article states:

> But there are two big problems in building waste-to-energy plants . . . If the plants are to provide district heating and a disposal point for urban refuse, they have to be built close to houses. Residents are justifiably concerned about smells, noises and noxious emissions from the incinerator.

Europe is already going through its environmental movement, spending much money on recycling and using rubbish for energy, yet many people have not considered the ramifications of the situation here. I return to the point that the Government has the responsibility to guide and direct the people. It is no good and it is wrong for Governments to raise expectations and not deliver, because the results will be far worse. Many people across South Australia are thinking about environmental matters, and that is a healthy aspect.

Members interjecting:

Mr S.J. BAKER: Yes, a marvellous scheme, but let us not destroy their faith by not being able to produce and not doing the things that they expect.

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

Motion carried.

At 9.27 p.m. the House adjourned until Thursday 26 October at 11 a.m.