HOUSE OF ASSEMBLY

Thursday 22 March 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 11 a.m. and read prayers.

CHILD, ADOLESCENT AND FAMILY HEALTH SERVICE

The Hon. JENNIFER CASHMORE (Coles): I move:

That this House recognises the work of the Child, Adolescent and Family Health Service and its statewide volunteer organisation; notes the longstanding reputation of CAFHS and its predecessors, the Mothers and Babies Health Association and School Health Services for delivery of relevant high quality services; and expresses support for the continuation of CAFHS as an incorporated statewide service.

When I gave notice of this motion some weeks ago, I could hardly have envisaged the timeliness of an announcement in this morning's paper that the State Government is considering merging some areas of the Department for Community Welfare with the South Australian Health Commission. I certainly could, however, have envisaged that a broad coalition of health related groups are fiercly opposed to the restructuring move. Some of the health services affected by the merger would be the Child, Adolescent and Family Health Service, the Intellectually Disabled Services Council, Domiciliary Care, the Royal District Nursing Society and the Drug and Alcohol Services Council.

It so happens that at least two of those organisations, namely, the Child, Adolescent and Family Health Service and the Intellectually Disabled Services Council, were established under my ministry during the last Liberal Government and so I have a fairly intimate knowledge of the reasons that led to their establishment and the background to them. I also have a very strong concern for their continuing welfare and their continuing identity as long as their structure is relevant to the needs of the people whom they were established to serve. That is certainly the case with the Child, Adolescent and Family Health Service.

I have not consulted with my women colleagues in this House, but I suppose I could say with reasonable certainty that there are four of us in here who would have at some time been very much assisted, comforted and guided by the organisation which was the predecessor to CAFHS and which existed when I was having my babies, namely, the Mothers and Babies Health Association.

The Hon. E.R. Goldsworthy: Service!

The Hon. JENNIFER CASHMORE: Service, which the member for Kavel obviously recognises and which the member for Adelaide, who was on the central committee, recognises—

The Hon. E.R. Goldsworthy: My offspring were weighed weekly.

The Hon. JENNIFER CASHMORE: The offspring of most members in this Parliament, and very possibly many members in this Parliament, were weighed by the weekly clinic sister. I would say that the health and welfare of many of these strong limbed and sound minded people sitting around me owe a great deal to the Mothers and Babies Health Association. I think we should acknowledge our debt to that association and its successor, the Child, Adolescent and Family Health Service, by looking very carefully indeed at the way manipulations appear to be going on behind the scenes, in order to restructure that service in a way that many of its staff members and clients believe will be damaging. Without going into a great deal of the history of the service, it is worth noting, as recorded in the history of women in South Australia, *In Her Own Name,* by Doctor Helen Jones, that all the services designed for women and children in this State last century were developed to suit South Australian circumstances.

In the case of the School for Mothers, which was the forerunner of the Mothers and Babies Health Association, it was initiated by Lucy Morice, Secretary of the Kindergarten Union, but the actual work and implementation of policy lay mainly with Dr Helen Mayo, an Adelaide medical graduate, who pursued her interest in child health. She was very much aware of the unacceptably high rate of South Australian infant mortality—70 per 1 000 babies in the first year of life—and she worked to reduce that mortality. She broke down the strong prejudice against the weekly weighing of infants, which so many members in this House remember their own children undergoing, and may have heard their own mothers mention in respect of themselves. She was concerned to ensure the development of both the mother and the child, particularly among women who came from Britain or Europe and who had no personal or family tradition of knowledge about child care in a hot climate.

That is the very distant past. We look at the role of the Mothers and Babies Health Association not only in the development of a healthy child but in prevention measures such as immunisation, and later, in health screening methods, which have proved both life-saving and life-giving in terms of the quality of life of many children. It was the late Dr John Covernton who, as President of the Mothers and Babies Health Association, advocated the introduction of the Guthrie test, a universal screening test for new-born babies, to determine whether they had the genetic defect which causes Phenylketonuria, a disease which, until the introduction of the Guthrie test and the treatment of affected children through diet, resulted in intellectual disability and poisoning of the brain. I happen to be one parent who gives thanks on a daily basis for the introduction of this screening test.

The fact of the matter is that South Australian mothers know and relate to the Child Adolescent and Family Health Service and its services. They are based on a strong and healthy relationship at the local clinics, between the mothers taking their children to the clinics and the nursing sisters. That relationship is being very sadly disturbed under the present arrangements, which means that, in the case of Oaklands Park, for example, instead of going directly to where they are needed, nurses have to visit the clinic to pick up their case loads every morning. This arrangement contributes to time wastage and decreases their ability to plan for the day ahead. This single example is being reflected all over the State. Clinics which traditionally have been strongly patronised by mothers using their services as and when the need arises are being placed in the difficult position of having to refuse those without bookings. If one has been up all night, as I have been, with a child extremely distressed by colic, one has not made an appointment a week previously for the following day. All one knows is that one needs help, advice, comfort and assurance, and one needs them quickly. The place we always found it was the Mothers and Babies Health Clinic.

That is no longer the case: bureaucracy has intervened between the mother and the baby and the system. As a result, the system is triumphing and mothers and babies are losing. The liaison between the central office and the local clinic leaves a great deal to be desired, and the cutting down of home visits, which was introduced under this Government, is a move very much in the wrong direction.

Some hospitals are apparently endeavouring to pick up the work, but it is not up to hospitals to give mothers basic health guidance on baby development. It is this incorporated body, which is supported by volunteers in many ways—not only financial but also in terms of community closeness and policy direction—which should be giving that advice. Under this Government the system has seriously deteriorated and we need to seek assurances from the Minister that that deterioration will be reversed and that the system will again flourish. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NEIGHBOURHOOD WATCH

Mr BRINDAL (Hayward): I move:

That this House, in view of its previously stated bipartisan support for Neighbourhood Watch, calls upon the Government to meet the increasing administrative costs associated with the scheme.

I do not intend to take too much time of the House this morning. I believe that this motion is worth pursuing and hope that it will meet with the approbation of members on both sides of the House. There are few schemes, I believe, that have been as successful as Neighbourhood Watch has been in South Australia, and all those who are associated with it are to be congratulated on what it has done and what it will do.

The Government deserves much credit. I am told that last year when Neighbourhood Watch was somewhat short of funds it was immediately given, I suppose, an *ex gratia* payment, through either the Attorney-General's Department or the Police Department.

The Hon. Jennifer Cashmore: It was an election year.

Mr BRINDAL: As the member for Coles says, it was an election year. Nevertheless, the Government did provide funding. Neighbourhood Watch also needed a video projector which previously it hired. This was mentioned and the Government again provided the money. Subsequent to the election the Government has, I believe, given it an additional $132 000 so that the launch program for Neighbourhood Watch can be doubled. In addition, there is a three year contract, I believe, with Commercial Union valued at about $80 000 a year for the ongoing administration of the scheme.

Neighbourhood Watch has two vehicles—one was donated by Commercial Union and the other by an amalgam of groups as part of the Crime Prevention Unit. Again, I believe that all associated deserve credit. It is an example of private enterprise combining with Government to produce an effective community scheme. The administration of Neighbourhood Watch—

Mr Ferguson interjecting:

Mr BRINDAL: I thoroughly concur with the member for Henley Beach. One of the things that strikes me as being very unfair is that only one insurance company is bearing the burden for all of this whereas, in fact, all insurance companies benefit from the success of the scheme. Neighbourhood Watch is managed by an administrator and a launch team which consists currently of three sergeants and a constable. Again, these costs are met by the Government, and the Government deserves credit for this. Each scheme is presided over by a neighbourhood police coordinator who comes from the local police station. In addition, many police divisions have senior sergeants on five day rosters to act as focus persons for Neighbourhood Watch within the area.

All these things are laudatory and, as I have previously stated, Neighbourhood Watch has met with the approbation of the community in general. I suppose that the sincerest form of flattery is imitation and in that regard Neighbourhood Watch will virtually spawn what I believe is coast watch, city watch, river watch, rural watch, school watch and goodness knows how many watches. It is an indication that this scheme really is successful. The only reason then for my motion is to ensure that there is bipartisan support so that when the pressure does come on, as I believe it will, the Government continues this excellent initiative and sees that adequate resources are provided for the scheme.

If it can do it through the encouragement of the private sector and other insurance agencies such as SGIC, I am sure that members on both sides of the House will be delighted. However, if it is necessary for the Government to reallocate police resourcing in such a way as to provide for the expansion and further development of Neighbourhood Watch, I would hope that both sides of the House would applaud that.

The only word of caution that I would introduce into this debate is the concern that at present police within the Neighbourhood Watch program are officers currently on duty, and when they attend Neighbourhood Watch meetings they are not free to do their normal patrol work. I believe that in some areas that is putting pressure on the patrol duties of the police involved. I have not really heard that that is causing a severe problem at present but, as Neighbourhood Watch expands, and as more and more Neighbourhood Watch areas are created with more and more five-weekly meetings, I believe that this could cause a problem. I am not necessarily suggesting the allocation of extra police, but I believe that a reallocation of resources within the Police Department will be required to cope with the extra demands of Neighbourhood Watch as it grows. That is all I want to say. I commend the Government for what it has done so far. I introduce this motion in the hope that the Government will continue to do something which I believe is valuable.

Mr HAMILTON secured the adjournment of the debate.

FEDERAL GOVERNMENT POLICIES

Mr S.J. BAKER (Deputy Leader of the Opposition): I move:

That this House condemns the destructive policies and dismal record of the Federal Government which have led, among other things, to—

(a) inflation stuck at 8 per cent and declining real wages;
(b) crippling mortgage interest rates preventing young couples from buying a first home and compelling others to sell their homes;
(c) interest rates for small business borrowers of around 22 per cent forcing many businesses into receivership and bankruptcy;
(d) a quadrupling in Australia's gross foreign debt to over $140 billion;
(e) the appalling state of our roads; and
(f) the continuance of child poverty.

This is a critical motion because it really addresses the fundamental ills of this nation. Of course, the fundamental ills of this nation have not been adequately, properly or even minutely addressed by the Federal Government. That lack of attention has been supported by the Premier of this State. Indeed, that should really be the central theme of the current election campaign; 'can we afford to have Labor in Government for one more minute?' We are going backwards very rapidly. It is important to understand how poorly the

Government has addressed itself to the needs of this nation by referring to a number of promises and statements that have been made by the Hawke Government over a period and which, of course, have been fully supported by the Premier of this State. In 1987, we all remember the policy speech given by the Prime Minister. He said, 'Interest rates are falling, and under Labor will continue to fall.' Of course, they have gone higher and higher and higher.

It is an accepted fact that home ownership is now getting beyond the reach of most young people. We know from the latest figures for January and February of this year that the number of business bankruptcies is on the rise. Our information is that that increase will accelerate, since many people are currently before the court wishing to voluntarily liquidate their businesses or be forced into receivership because they simply cannot afford to continue. They cannot afford to continue in business whilst having land tax heaped upon them, with escalating water and sewerage rates and, just as importantly if not more importantly, the imposts associated with high interest rates.

Every honourable member in this House would be well aware that most businesses are paying between 21 per cent and 25 per cent for moneys borrowed, and that is a real interest rate of a minimum of 13 per cent. Of course, if they are paying 25 per cent that is a real interest rate of 17 per cent. Turnover, particularly in the retail industry, is declining in real terms, so if a retail business borrows money for capital and equipment, or even just on overdraft to keep the business running, that business is not only going backwards but declining rapidly. The debt profile has increased so dramatically that these businesses simply cannot continue.

This occurs not only in the retail industry: there are elements in the manufacturing industry, the service sector, the tourism and hospitality industry, and in the health sector. It is happening in almost every private sector industry in this country.

Mr Ferguson: Doom and gloom!

Mr S.J. BAKER: It happens to be fact. The member for Henley Beach should note what the economic pundits and analysts are now saying: that is, that we are in serious difficulty due to the Federal Government's policy.

Members interjecting:

Mr S.J. BAKER: At least we are telling the truth, which is a little different from the way in which Mr Hawke and Mr Bannon have conducted themselves over the past few years. We know that home loan interest rates are now at 17 per cent to 18 per cent, and the only real relief in sight is if the economy crashes so far and unemployment increases so much that the banks will no longer have a level of demand for the money in the system and will then reduce the cost of borrowing. It is almost like Keynesian theory: we have a depression and only that will release the impost of home interest rates. That is an absolute tragedy.

From December to February last, we saw in this State an increase of 10 000 in the number of unemployed people; 10 000 more people were on the dole queue because of the Hawke Government's policies—with the consistent assistance of the Premier of this State.

Mr Ferguson: Doom and gloom!

Mr S.J. BAKER: The member for Henley Beach says 'Doom and gloom!' He should ask young people, 'Do you like the idea of being on the dole queue?'

Mr Ferguson: I talk to young people in Henley Beach.

Mr S.J. BAKER: The honourable member cannot talk to too many. If we extrapolate from the figures on unemployment for two months, we see that this State is facing 10 per cent unemployment within a matter of months.

Members interjecting:

Mr S.J. BAKER: The economic analysts are saying that it will get worse; that view is held consistently by all economic analysts around the country. We are questioning whether, in a matter of months, there will be 10 per cent unemployment in this State with youth unemployment rising to 25 per cent to 30 per cent.

Members interjecting:

Mr S.J. BAKER: It is astounding that these central issues are not being addressed by the media in this campaign. I think the most important question—although, probably the most complicated—relates to the gross foreign debt of this nation, which currently stands at $148 billion. When the Hawke Government came to power it was some $39 billion; it is now $148 billion. Someone has to pay for that. That is why we have these high interest rates: the policies of the Hawke Government have simply not worked. Indeed, if the $148 billion represented investment in our future—in machinery and capital—then we could say that there is some hope that we will be able to produce ourselves out of this current dilemma. But that has not occurred; it has been consumed—wasted. It has come with the deregulation of the financial market in a way that would appall most members of this House. The Hawke Government stands condemned.

Even if we held the level at $148 billion, the problems associated with that debt would stay with us for the next 10 years. We know that there is a continual decline in the level of exports currently and that there is no relief on the import side either. So, none of the policies that have been put down by the Hawke Government, and so avidly supported by the Premier of this State, have changed the direction of the balance of payments.

An honourable member interjecting:

Mr S.J. BAKER: In fact, the member is not right about commodity prices going up. If he went through all the commodities he would find that on balance, many of them have gone—

Mr Ferguson interjecting:

Mr S.J. BAKER: If the member for Henley Beach looks at a chart for last year, he will find that most metals prices have actually declined because of a build up in stocks, and commodity prices for consumables have gone down. That is why wheat and wool growers are experiencing difficulties. We have had some excellent seasons but they are not being repaid by the price of goods overseas. The important matters, such as the state of our roads and child poverty, simply have not been addressed. The Prime Minister said that there shall be no child poverty by 1990. We know from the studies undertaken by SACOSS, the Institute of Family Studies and a number of other sources that child poverty has worsened. The Prime Minister should resign today and say, 'I really have misled the nation. I have done badly by the people of Australia. I have led this country into a depression that it simply will not be able to grapple with in the next 10 years.'

An honourable member interjecting:

Mr. S.J. BAKER: Well, indeed, Andrew Peacock will do a fine job as Prime Minister of the nation, because he will chart a new course.

Members interjecting:

Mr S.J. BAKER: We will not see the escalation in debt that we have seen over the past seven years of Labor government. We will not see our standard of living fall so rapidly. The industrial relations problems of this nation will be addressed in a constructive and cohesive fashion. I will not take up any more time of the House, because there are other matters on the Notice Paper. The record of the Hawke Government is abysmal. It has put this country into debt,

which every man woman and child in this country will have to repay over a period of time. It is the nation's debt, irrespective of who caused it and where it came from. Child poverty is increasing and all the other things associated with poverty and unemployment are getting out of control. They are absolutely out of control. There is no hope, unless we have a change of Government, and I trust that on Saturday wisdom will prevail and we will have a Liberal Government in Canberra.

The Hon. M.D. RANN secured the adjournment of the debate.

MURRAY RIVER FISHERY

The Hon. P.B. ARNOLD (Chaffey): I move:

That the regulations under the Fisheries Act 1982 relating to River Murray fishery, made on 14 September and laid on the table of this House on 26 September 1989, be disallowed.

I moved the same motion on 19 October last year as a result of a very strong weight of public opinion opposed to the Government's action. The regulations brought in by the Government have virtually eliminated any real fishing opportunities in the Murray River. The regulations ban the taking of Murray cod and allow the catching of only six callop by handline. Any person who has lived on the Murray River for any period of time would be well aware that there are only rare occasions when one can catch callop on a handline. If one is lucky, there may be one or two opportunities each year. So, for the Minister to suggest that people can take six callop per day under the new regulations is quite absurd because, nine times out of 10, they could spend all day on the banks of the Murray River and not catch a single callop on a handline. The Government has effectively eliminated recreational fishing in the Murray River.

I will refer briefly to an emotional press release put out by the Minister on 8 November, as follows:

The Minister of Fisheries, Mr Lynn Arnold, says the Liberal Opposition is prepared to jeopardise the long-term future of the Murray River fishing for short-term political gain. This follows a pledge by the Opposition to overturn recent new regulations imposed in the river fishery. 'The Opposition is more interested in votes than in ensuring long-term opportunities for fishers,' said Mr Arnold.

That sort of statement, coming from a responsible Minister, does that Minister little credit. To suggest that any member of this Chamber who currently enjoys about 70 per cent of the two-Party preferred vote needs to go to the extent that the Minister is suggesting to retain his or her seat is quite absurd and I absolutely refute that statement. I am a third generation member of a family that has lived on the Murray ever since it arrived in Australia. Consequently, I have a real vested interest in the long-term future of the Murray River not only as a fishery but as a major resource as far as this State and nation are concerned.

As a result of action taken by the Government, a petition was circulated in South Australia to determine the extent of public opinion on this matter. Within a short period of time some 3 000 persons signed this petition, which states:

. . . being the residents of South Australia . . . we object in the strongest terms to the excessive restriction being placed on the recreational fishing sector by the Murray River fishery regulations as consented to by Executive Council on 14 September 1989.

The regulations will not achieve the Government's stated objective, and we call on the Government for the immediate repeal of these regulations and the implementation of an effective river fishery management plan for the Murray River in South Australia to improve the ecology and natural habitat of native fish species.

The real problem in relation to the Murray River fishery is the fact that the habitat has been dramatically changed as a result of white occupation of this country over the past 150 years. All the restrictions in the world placed on the fishery by the Government will not solve this problem. The ecology and habitat of the River Murray fishery must be restored as near as possible to what it was before white occupation of this country. This means that a great deal of work must be undertaken. Merely banning the taking of Murray cod and significantly restricting the catch of other species will in no way solve the problem that the Government has on its hands.

On numerous occasions, the Government endeavours to solve the problems of fisheries in this State by just placing a restriction on the take without coming to grips with the real problem—the destruction of the habitat. This has occurred not only in the Murray River fishery but also in many other fisheries in South Australia as a result of past fishing practices and severe pollution, especially of the St Vincent Gulf, which has been affected by pollution from the metropolitan Adelaide sewage treatment works. It does the Minister little credit to suggest that the action that I have taken on this occasion, and in October last year, was taken for political purposes. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

OZONE LAYER

The Hon. D.C. WOTTON (Heysen): I move:

That this House commends the Federal Coalition for the lead they have taken to provide legislative initiatives to reduce threats to the ozone layer and strongly supports as part of an overall strategy a series of goals including the reduction of greenhouse gas emissions by 20 per cent by the year 2000 and the phasing out of CFCs and halons, banning their export by 1995.

There is much evidence that I would like to bring before the House today and on a future occasion relating to this most important subject and the way that the Coalition intends dealing with this issue in the coming years. Before I do that, I want to refer to some initiatives that have been introduced by former Federal Liberal Governments. I suggest, that that is an unequalled environmental record in respect of Federal Governments. I will run through some of those achievements. The Liberal and National Parties achieved the following:

- Established the first Federal environment ministry.
- Developed the national conservation strategy.
- Nominated or proposed the first five Australian listings for the World Heritage List.
- Enacted laws to protect the Antarctic environment.
- Ended whaling in Australia.
- Enacted laws to protect endangered species.
- Protected Fraser Island from sandmining.
- Introduced unleaded petrol.
- Enacted major anti-pollution laws.
- Introduced the national soil conservation program.
- Introduced the national tree program.
- Enacted major water conservation and management schemes.
- Made the first National Estate Register listings.
- Proclaimed the Great Barrier Reef, Kakadu and Uluru national parks.
- Established the Office of Supervising Scientist in the Northern Territory.
- Improved operation of the River Murray Commission.
- Enacted laws to prohibit dumping of waste at sea.
- Made the first grants to voluntary conservation groups and to the States for environment protection.

And so I could go on. That is an unequalled environmental record as far as any Federal Government of this country is concerned. The Coalition Parties have so far released a number of environmental policy statements dealing with general issues, heritage and, in particular—and this is the

one I want to refer to today—climatic change. The latter is a very informative discussion paper.

One of the objectives of a Coalition Government will be to supervise a reduction of greenhouse gas emissions by 20 per cent by the year 2000 and to phase out CFCs and halons, banning their export by 1995. I do not believe that any member of this House could do anything other than commend the Coalition for that policy.

I would like to have the time to be able to refer to a number of the other issues that have very high priorty for a Coalition Government. I referred to one in debate last night, and that policy is to significantly toughen pollution control laws and bring about uniform national pollution standards and penalties. We were discussing pollution legislation until the early hours of the morning and we heard that the Minister was looking towards the introduction of national penalties and pollution standards, and at the time I indicated that I supported that bipartisan policy.

Let us now look at the protection of the ozone layer. Members would have rocks in their head if they did not realise its importance. The Coalition Parties at the Federal level took a significant lead in seeking to provide legislative initiatives to reduce threats to the ozone layer. They have endorsed the terms of the Vienna Convention and the Montreal Protocol but, on top of that, believe that Australia needs to go very much further. When the Ozone Protection Bill was before the Senate, the Coalition successfully amended it to require the Government:

> to use its best endeavours to encourage Australian industry to—
>
> (i) replace ozone depleting substances; and
>
> (ii) achieve a faster and greater reduction in the levels of production and use of ozone depleting substances than are provided for in the convention and the protocol,
>
> to the extent that such replacement and achievements are reasonably possible within the limits imposed by the availability of suitable alternative substances, and appropriate technology and devices.

This amendment was supported strongly, but it was the initiative of the Coalition that brought about those significant changes to that legislation. The Coalition has made it known that it will support further revisions of the protocol and will work very closely with industry to achieve these upgraded standards. It also indicated that it will provide appropriate assistance to less developed countries to encourage them to take steps to reduce their production and use of ozone depleting substances.

Major initiatives have also been taken by the Coalition Parties in the various States. Indeed, the Liberal State Government of Tasmania has introduced pioneering legislation to restrict the use and impact of CFCs, and that was well recognised at the time. Throughout the world there is increasing interest in finding substitutes for CFCs in a variety of uses. Not only are industrial giants, such as Du Pont and ICI, working in this area, but I am pleased to learn that a major breakthrough has been achieved by the Tasmanian company Cygnet in substituting compressed nitrogen for CFCs as a propellant.

I was interested to read in an article in a magazine that I picked up this morning—*Engineers Australia* of March this year, which was released only two days ago—some of the strategies for CFC control. It refers to a forum on CFCs at the National Press Club in Canberra earlier this month, where there was unanimous agreement about the seriousness and urgency of the problem of controlling emissions of CFCs and halons to the atmosphere. The forum was sponsored by Du Pont (Australia) Limited and was part of the Australian response to the Montreal protocol, which we in this House recognise is an international agreement reached in a series of meetings in Montreal, Canada, between 1986 and 1989. The agreement requires signatory nations to reduce their emissions of CFCs and halons by 50 per cent by the year 2000. As I have indicated, the Coalition has shown a determination to go further than that—in fact, much further than that. The protocol is now undergoing an urgent review. The revised protocol, which is due later this year, will almost certainly require a total phase-out of CFCs and halons by the year 2000, with substantial restrictions on other halogen-containing substances.

The debate on the greenhouse effect has been proceeding for some time. In this respect, I should like to refer to a principal research scientist, Dr Paul Fraser, who is with the CSIRO division of atmosphere research and who participated in the forum earlier this month to which I referred. He has realised that long-term changes in the stratospheric ozone could affect climate and the UV-B regime at the earth's surface with deleterious effects on the terrestrial and marine biospheres.

It is my intention, when I have the opportunity at a later time, to expand on these concerns which are being recognised worldwide. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EDUCATION POLICIES

Mr HAMILTON (Albert Park): I move:

That this House—

(a) notes with grave concern the inability of the Federal Opposition to state clearly the costs of its education promises;

(b) deplores the confusion that it has caused by backing away from key elements of its education policy, particularly those regarding funding for non-government schools;

(c) notes with dismay the serious risk of disadvantaging some students if ever its policy regarding tertiary fees were to be implemented; and

(d) calls on the State Opposition to urge its Federal counterpart to state unequivocally the true costs of their eduction policies, when they would implement their promises and what programs they would cut to pay for them.

After the Federal Opposition's disastrous health policy was left lying in tatters, and Mr Shack was sacrificed as a scapegoat for the Liberal Party's incompetence in costing its promises, Mr Peacock blundered straight into another disaster—his education policy. No sooner had Mr Peacock finished back-pedalling frantically over the cost of his health promises, when he was again faced with the embarrassment of having to back away from his education promises. The Federal Opposition spokesman on education, Mr Reith, had to admit that the Opposition could not afford to keep its education promises.

I refer members to a report in the *Advertiser* of 1 February 1990, which reports the Opposition spokesman as saying that Opposition plans to improve funding arrangements for non-government schools might have to be put back until 1995, despite earlier statements suggesting they would be introduced early in a first term. Members will realise that, in the unlikely event of the Liberal Party winning government nationally, 1995 means that the funding promises would not actually be met until the Liberal Party had managed to win a second term in office.

Members will be aware that, under present arrangements, the Hawke Government's commitment up to 1992 is fixed in legislation: it is known and understood by everyone involved. Schools, quite properly, can plan and budget with confidence, but Mr Reith and Mr Peacock are now going into this election without letting parents know how non-government schools will be funded after 1992, which is disgraceful.

The Labor Government has announced its arrangements for this area of funding up to the year 2000. This is in stark contrast to the vague promises and even vaguer timetable of the Liberals. However, this vagueness is nothing when compared with the obscurity of the Liberals' costing of their promises, which is completely mystifying. The Independent Teachers Federation, based in Sydney, has looked at the Liberals' promises to maintain funds for Government schools, to give non-government schools an improved share of public funds—and I will come back to that later—and fewer restrictions on the establishment of new private schools. The federation believes that those promises would cost about $600 million.

I understand that senior officers in the National Catholic Schools Commission have endorsed that estimate. Mr Reith has disputed the figure but, in true Liberal fashion, he refuses to put his own costings on the policy, which again is disgraceful. Where would it find $600 million to fund its promises, especially as the Opposition will have to find further spending cuts, rumoured to be about $500 million, to pay for its election promises just for road improvements?

The article I referred to earlier suggests that proposed Coalition initiatives might have to be shelved because the Opposition fears that the amount of money promised for future reforms will become economically unfeasible. It says that further policy reversals are inevitable if the Coalition hopes to meet its budgetary targets without big spending cuts, tax increases or big reductions in the budget surplus. Just as in its health policy, the Coalition's education promises are a shabby contrick.

The Opposition has no idea where the money would come from, let alone how much it would cost. When anyone tries to pin down Opposition members, they try to wriggle and squirm their way out of their ill considered promises. Only the day after the report that I just quoted, Mr Peacock was again in trouble. In the *Advertiser* of 2 February 1990, one of the headlines read, 'Peacock in hot water over school funding'. He was backing away rapidly from a commitment he and Mr Reith had previously given to the National Catholic Education Commission and denied, of all things, that he made such a commitment.

He did not go quite as far as calling Bishop Murphy and other members of the NCEC liars, but he strenuously denied assertions by the NCEC that he and Mr Reith had made a firm commitment to provide $325 million in extra funding for private schools in their first term in office. I must say that people within my patch, particularly those involved with Catholic schools, have not missed the statements made by these two so-called gentlemen. The minutes of the meeting in November between the Opposition and NCEC representatives show that funding was discussed and that Mr Peacock told them that the extra funds would be 'no trouble'.

The article states that the Opposition put out its own four paragraph version of proceedings at the meeting. Its version revealed a commitment to go ahead with the new funding arrangements, but gave no endorsement of a figure. Every parent ought to be concerned at the confusion and conflict in the Federal Opposition's statements on school funding. It made promises to the National Catholic Education Commission about levels of funding, then backed away from the amounts promised. The Opposition even denied that it had made those promises. It gave assurances about its timetable for implementing funding changes and then backed away from those assurances. It put the time back from 1992 to 1995.

The Federal Opposition has had seven years to try to get it right, but it still cannot manage it. It does not know how much its promises would cost or when they would be implemented. It does not know where the money would come from to pay for them. I have the ominous feeling that the Liberal education policy will turn out to be like its health policy—built on a foundation of sand—and that it will collapse around its ears in the same embarrassing way. The Federal Opposition has not offered any security of funding at all to non-government schools.

In stark contrast, the Hawke Government has provided stability and certainty in funding for both Government and non-government schools. I notice that the Federal Minister of Employment, Education and Training (Mr Dawkins) said that the Government would continue to ensure stability in school funding through its programs where funding levels are set well in advance. He will continue needs based funding to schools, where non-government schools are assigned to a category in a 12 tier structure.

In the *Advertiser* of 26 February, an article described the funding boosts planned as part of Labor's fourth term policy commitments. It stated that, by the end of the decade, poorer private schools will receive an extra $116 million a year in Federal funding. There will not be an increase for richer schools in funding categories one to seven, but poorer schools in categories eight to 12 will receive increases. Mr Dawkins said that funding categories will be reassessed every four years. He also said:

> This policy will ensure non-government schools most in need of extra funds receive the biggest increases.

Mr Peacock would remove those categories and, as I remarked earlier, he said that he would maintain funds for Government schools and give non-government schools an improved share of public funds. It is obvious that the effect of Mr Peacock's policies would be that the rich schools would get richer and the less well-off schools would get poorer. He said that he would re-open the whole State aid debate. Members will recall with alarm that bitter and divisive debate, which the Labor Government buried successfully. We now have a successful, working arrangement which is understood and accepted as being fair and equitable by everyone concerned. It enables schools, quite properly, to plan with confidence.

Mr Peacock's policies on funding are confusing and contradictory. He has backed away from certain undertakings and he has put back the time for implementation of his promises. He has denied promises he made on funding, rejected the costings put on them by outside bodies, and consistently refused to put a cost on them himself or tell us and the electorate at large where the money is coming from or what programs he would cut to pay for them. Yet, the Opposition has the audacity to go into the Federal election and say what it would do to help the people of this country in terms of education. What is the State Liberal Party doing about the bungling by its Federal counterparts? I have not heard one word of interjection. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

Mr OSWALD (Morphett): I move:

That the Premier, the Minister of Industry, Trade and Technology and the Minister for Environment and Planning have leave to attend and give evidence before the Select Committee

on the Redevelopment of the Marineland Complex and Related Matters, if they think fit.

The reason for moving this motion is to ensure that there is no impediment in the way of those Ministers giving evidence, if they so wish. The fact is that we will sit for perhaps another two or three weeks and it may be that the select committee will not have met more than once or twice on a formal basis to establish appropriate procedures, and then neither House will be sitting until perhaps the end of July or early August. It seems that, as these Ministers have played a very important role in the proposals to redevelop Marineland, if they did wish to give evidence but some technicality was raised whereby they could not do so without leave of the House of Assembly, the effective working of the select committee could be prejudiced.

There is no obligation on any member to give evidence. The House of Assembly requests the leave of the Legislative Council for Ministers of the Council to appear before the Estimates Committees, and we see no difference between that situation and the one which I am now proposing. I have not consulted with the three Ministers; I do not believe it is necessary, because no obligation is being placed on them to attend. All I am saying is that, if a motion sought to compel attendance (which a motion could not do, but if it did), I would regard it as courteous and proper that the subject have some consultation first. All I am doing is endeavouring to clear the way to ensure that there is no impediment on them doing it if they so wish, or so see fit. That is all the motion sets out to achieve and I ask all honourable members to support it.

The Hon. M.D. RANN secured the adjournment of the debate.

FREEDOM OF INFORMATION BILL

Second reading.

Mr OSWALD (Morphett): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

I give some indication that, when I read the paper just prior to the sitting, I had the feeling when I read the headline that at last we would achieve freedom of information through a Government-sponsored Bill. I felt some joy that I would not have to reintroduce a Bill for the fifth or sixth time—I am not sure which. On reading this article, which reported to be the beginning of the Government's commitment to FOI, it became clear to me that it would be necessary to introduce a Bill that would give genuine freedom of information. Perhaps I should just go through the few points that led me to feel that it was necessary to repeat this exercise. The article stated:

> It is likely the Government's FOI plans will require State public servants to provide limited access to documents involved in Government decision—making and also permit individuals to amend personal records held by various Government departments, including the police, if factual errors can be demonstrated.

I do not know what the word 'limited' means to members, but it means to me that there will be restrictions on the information that can be acquired. The article went on to say:

> It is expected that limitations will be placed on the amount of information individuals, including members of Parliament, can seek.

How on earth can you have freedom of information if you have a limitation on the amount of information to which you can have access? I then read on, and felt sad that this Party opposite, which has been in government for some time in this State—and one would have to admit that, in the 1970s, it had a reforming zeal and was prepared to go ahead with issues and take them up on behalf of the people—said:

> It is understood that the Government has deliberately delayed the introduction of FOI until similar schemes have been introduced interstate.

No longer is South Australia the leader, but it is the very distance follower of reform. The article continues:

> Problems with FOI legislation have been experienced elsewhere, including unexpected costs and an increased workload for public servants.

What on earth does the Government think FOI is all about? Of course there will be an increased work load; that is part of the scheme, but the end result will be that at last we will be able to have access to Government.

I do not intend to go through all the issues of the Bill that I have introduced five times. Every member here has heard this speech at least three times, and some people have heard it four or five times. However, perhaps I could give some indication of the need for freedom of information in relation to the present Government and indicate how delighted I am that, even though it appears it believes in limitations, they will not be part of the Bill I am introducing, and will not, I hope, be part of a Bill accepted by both Houses of this Parliament. Nevertheless, this is a letter of 11 September 1989, addressed to a member of the Parliamentary Library staff as a result of a request by the Hon. Mr Stefani.

Mr Stefani developed an interest in sewerage in that period, and that is understandable. He developed a deep and meaningful interest in sewerage. Mr Stefani wanted, for reasons best known to himself, to make some deep and meaningful inquiries into the disposal of sewage in this State. This is what he did. He wrote and asked for access to some E&WS Department files. He later decided that he did not want to look at the information, again for reasons best known to himself. The librarian said, 'Even though you asked that the request be withdrawn, I received a telephone call from an officer of the E&WS, stating that the department still wished to reply.' In other words, they were not going to withdraw their reply even though the Hon. Mr Stefani no longer required the information.

The Hon. Susan Lenehan, the Minister of Water Resources, wrote the following letter (I will not indicate the name of the member of the Parliamentary Library staff to whom it is addressed):

> I refer to your request on behalf of Mr J. Stefani, MLC, to view certain Engineering and Water Supply Department files. The files you have nominated are prepared and intended for internal use of the officers of the department. They are not public documents. Consequently, I am not prepared to make the files available to you. If Mr Stefani has any particular concerns associated with the operations of the State's water supply or sewerage system and cares to write to me with them, I will only be too pleased to have his concerns investigated.

Here we have an example of a member of the Parliament making an innocent request to see some files of the E&WS Department, in order to see just what was happening within the sewerage system, but the request was refused. Mr Stefani was worried about the problem of sludge in Port Adelaide, and the sludge going out to sea. He wanted to see whether any information was available to show why that material

was still being put into the Gulf. But, no, not Madam Minister: she was not going to allow that.

It turned out that one of the files which we managed to obtain related to the salt infiltration investigation in the catchment area of the Port Adelaide Sewage Treatment Works. We have always been told that rehabilitation would be terribly expensive and that nothing could be done about it. It turned out that the conclusion reached was that rehabilitation of the sewers investigated in this infiltration study had been shown to be a cost-effective strategy. That is what the Minister was trying to hide: that this program, which was being undertaken on a very limited scale only, would be cost-effective because there would be less material having to be handled by the Port Adelaide Sewage Treatment Works.

That is one of the many reasons, I have no doubt, why that document has not been released. That is a very minor, but nevertheless very important, issue as far as the Government of this State is concerned, and it is the reason for freedom of information. It is the reason why people, whether it be members of Parliament or the public, should be able to look at what files and information Government has, because I do not believe that we are always told the truth in Parliament in answer either to questions or queries.

Members want to know what the truth is. It does not mean that a person tells untruths: it means that we are not given all the information. Therefore, we accept the conclusion that is reached, because we have no other information to show that it is untrue in the total summary. We are not given the full information.

It could well be that the Ministers themselves are misled and do not know about it because they do not have the resources to check back on the information. It may well be of great assistance to Ministers of the Government to have people, like Opposition members or even their own members, going into these departments and having a good look at the information that is contained there. Quite often Governments get into trouble because they themselves have not been able to get access to all the information. The only people in any system who have a problem with freedom of information are those who have done something wrong. If you have not done anything wrong, you do not have to worry. The people who object most are those who have been imcompetent or who try to hide things. I look suspiciously upon those who oppose freedom of information because I believe that many of them have matters that they are hiding in the back blocks of Government files. There is nothing more precious to democracy than to ensure that people are able to find out what Government is and should be doing.

I suggest that the Minister look back through *Hansard* and she will find those words. I actually repeated them for her in debate. One of the things I have is a reasonable memory of what people have said and there is absolutely no doubt she said it.

In relation to Victoria's Freedom of Information Act, an article entitled 'Freedom of Information in Principle and Practice: The Victorian Experience', which is published in the *Australian Journal of Public Administration* in December 1988, states:

> [It] is now five years old. Looking back over this period, it can fairly be said that the practice of freedom of information in Victoria has neither borne out the dire predictions of its critics nor fulfilled the optimistic expectations of its proponents. Public administration has not been handicapped or overloaded in the way many suggested it would be... Genuine problems have emerged with its administration, yet the advantages it has presented both to the general public and to public administration have been clear and unequivocal... it has lit the pathway to more responsible and more participatory government [in Victoria].

I think that that sums up very well the potential benefits to South Australia of similar legislation. The article continues:

> The benefits which have accrued from freedom of information legislation for processes of public administration have been considerable. For example, agencies report consistently that a more liberal attitude towards the disclosure of government documentation prevails than that which existed before the legislation was enacted... increasingly, documents are being released without resort to time consuming freedom of information procedures.

When one has freedom of information, the bureaucracy finally realises that eventually the information will become public, whether that is done voluntarily or whether it is requested. It is far easier for departments and for everybody concerned if the information is available.

The article goes on to indicate that the costs are not as great as expected. Information is becoming more freely available, because the systems are being developed to ensure that is the case. One of the problems we have in Government is a system of collation of information and that is one of the reasons why it costs so much and why the Sir Humphreys of the system have been able to say, 'It will be too expensive' and then give their estimates of the costs based on existing systems. However, it is not until the systems and availability of systems change that the cost factor becomes less. The article continues:

> Contrary to popular mythology, politicians and journalists constitute only a small minority of the total number of applicants.

The assumption is that we, the politicians, will use the system almost totally and that the average citizen will not use it. That is simply not the case. The article continues:

> It follows from what has already been said that the Freedom of Information Act has acted as a powerful spur towards drawing Government to account for its actions and decisions... Perhaps more importantly, however, the Government has been concerned about the potential disclosure of documents it regards as being Cabinet documents.

That is one of the great arguments that has been waged in Victoria since FOI was introduced. I think that matter has to some extent at last been settled by the courts. I hope that such a course of action will not be necessary in South Australia. New South Wales now has freedom of information, as has Tasmania and the Commonwealth, but in South Australia, which has always claimed to be the reforming State, our Government has failed to give us that same base of change.

When the FOI Bill was introduced at Federal level (as I think I indicated in a previous speech in this place), Senator Evans, although not a member of the Liberal Party, was one of the chief proponents for ensuring that FOI was as strong as possible. On 8 April 1981, he said:

> Good freedom of information legislation... must satisfy a number of characteristics. For a start, it must ensure that a maximum amount of publicity is made available as to what kind of information will actually be available... good freedom of information legislation is that which would set a minimum of procedural obstacles by way of delay or complexity or cost, and afford the maximum of practical assistance to those who are pressing requests for access to information. Again, such legislation would contain an absolute minimum of exceptions and exemptions.

That is exactly what this legislation that I have introduced does. It also must provide review and appeal against initially adverse decisions. He went on to say:

> The essence of democratic government lies in the ability of people to make choices: about who shall govern; or about which policies they support or reject. Such choices cannot be properly made unless adequate information is available. It cannot be accepted that it is the Government itself which should determine what level of information is to be regarded as adequate.

Those are good words indeed and totally contrary to the spirit of the letter which I read from the Minister of Water Resources in answer to a very simple inquiry from my

colleague, the Hon. Mr Stefani, and which indicates a need for change.

On the previous occasion I indicated that the Fitzgerald report in Queensland took some trouble to go through the need for information to be available to Oppositions, to the Parliament and to the people. A paragraph on freedom of information I think perhaps again sums up the need for such a measure. He is a man who I am sure most members would hold in high repute. He said:

> The importance of the legislation lies in the principle it espouses, and in its ability to provide information to the public and to Parliament. It has already been used effectively for this purpose in other Parliaments. Its potential to make administrators accountable and keep the voters and Parliament informed are well understood by its supporters and enemies.

I do not intend to go on at great length about FOI. It has been the subject of debate on several occasions over several years. It was first raised in this place in 1978 and it was the subject of a report in 1979. I know that members opposite would say that in Government we did not act as promptly as we should. As a member of the Government at that time I accept criticism on that score, but since 1982 another report has been done and I thought that the Government of that time was genuinely in favour of FOI legislation. We were given a promise of a Bill.

I have just read out a little bit of that and what that will do. I would like not to have been put in the position of having to introduce the legislation, because I believed that the Government was prepared to go ahead with it, but it has not until now. Suddenly Government members have had a rush of blood to the head, and they are saying, 'We will do it, with limitations.' The word 'limitations' goes right through the article.

I will look with interest at the legislation when it is introduced, but I suspect that it will not contain genuine FOI principles. If it does not, I hope that the Council will support this Bill, which is based entirely on the report of the Attorney-General in 1984. I am the author of no part of it. It is based on the principles laid down in the report, so there is no reason why the Government cannot accept the Bill and go ahead with it. It should have been done before, and it is a nonsense for the Government to say now that it is the proponent of this legislation. I accept that at last Government members are a little bit committed, but by the time the Bill goes through both Houses (as I believe it will) they will be at last committed to freedom of information, something which should have been provided for a long time ago and something to which the people of this State and the people of any democracy should be entitled as a matter of right, not as a matter of legislation.

The Hon. M.D. RANN secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 349.)

The Hon. J.C. BANNON (Premier): I would like to indicate right from the outset that the Government opposes this Bill. The Bill as proposed by the member for Mitcham is quite defective and in fact will not achieve the purpose that he suggests he is trying to achieve. I guess there is also a threshold point, which is whether or not a situation—

The Hon. B.C. EASTICK: On a point of order, Mr Speaker, I suspect that a microphone which should not be on is on, as your conversation is coming through.

The SPEAKER: There is no point of order.

The Hon. J.C. BANNON: I thought my remarks were infinitely more interesting than the conversation between of the Speaker and his Deputy, but obviously that was not the case. As I was saying, apart from the fact that I think this Bill is wrong in principle, there is also the threshhold point that there is no particular issue or problem as far as appointments to this position have been concerned, and that is acknowledged by the member for Mitcham in his remarks. He is, if you like, anticipating a situation that may or may not arise in the future, and I would refute utterly that this Government would ever put itself in the position of advising the Governor to make an improper or inappropriate appointment to the office of Auditor-General.

I certainly believe that the one occasion on which we have had to do so, the appointment was not only appropriate but was universally welcomed. In Mr Sheridan we have an Auditor-General who has discharged his duties as far as South Australia is concerned not only to the very highest of standard and reputation but to such an extent that he has in fact received national recognition. Most recently he was asked to do a special exercise or study on behalf of the Commonwealth which involved some very difficult and technical matters with which the Federal Government and the Federal Parliament were grappling. It was a great compliment to Mr Sheridan that he was seen as the appropriate person to step in and sort those out and proffer advice. That demonstrates the point I am making that the Government, in appointing Mr Sheridan, certainly made an appointment that was very appropriate.

The issue which is sought to be addressed in this Bill is quite hypothetical, and that is aside from the errors contained in it with which I will now deal. The principle espoused, and the one that is supported by this Government and, I believe, by the Opposition, is that the office of Auditor-General must be independent, not only of the Executive (which is the thrust of the remarks made by the Opposition) but also of Party and parliamentary politics. Whilst seeking to avoid the possibilitiy of a 'political appointment', I suggest that the Bill would in fact enshrine into legislation an extremely political selection process which in practice would be unworkable and would result in the position being politicised.

In introducing his Bill, the Deputy Leader said that his main motivation is to ensure that politics is not injected into the vital institution of the office of Auditor-General. I contend that, by this Bill, he is doing just that. It is argued that, by giving to Parliament the role of recommending an appointment, politics is removed: suddenly we are in an environment where those questions are eradicated. That totally ignores the fact that this Parliament is a political forum. We have different interests and Party groups within it. The proposal does not remove the appointment from politics simply by placing it within the Parliament. In fact, it creates a situation where, inevitably, some form of politicisation must take place in the appointment process.

The Bill proposes an eight-person committee of the two Houses with equal representation of Government and Opposition. It is not clear if the Bill proposes to guarantee representation of minor Parties or Independents. It would seem that it does not. There is always a complication in that, if at some time down the track the composition of the House changed drastically, and a third party for instance was involved in a coalition or in some other sense in the Parliament, how and in what way would one involve that?

If we have, as we have had in different times in our history, most notably in Parliament in 1939, a large number of independents, how does one recognise their status in this

process? That in itself becomes a political decision, if you like. Another point is that the structure does not seem to have any means to overcome deadlocks. It would guarantee that the appointment would be subject to compromise, to put it crudely, in order to reach resolution: in cases of some controversy some sort of deal would have to be made. This would inevitably be a prescription for politicisation.

The other thing that could happen is that a group in that committee (and let us say that it is evenly balanced between the two Parties) could continually block or veto candidates. They may not be able to effect an appointment. In other words, in a deadlock situation, no appointment of a particular individual can be made and, for example, a new Auditor-General would simply not be appointed. Again, there are difficulties in resolving a situation like that. Furthermore, the prospect of deadlock and a politically motivated obstruction would almost certainly lower the quality of applicants for positions.

Let me look at that point very quickly. The way in which an Auditor-General is appointed is obviously an important part in the credibility of the Auditor-General in the process that follows, and certainly I accept that. To date, the proper process whereby the decision is made by the Governor in Executive Council has ensured that that is the case, but successful and qualified individuals, both within and outside the Public Service, are unlikely to submit themselves to a selection process which is inherently political and framed in this way. They would simply be deterred from submitting themselves to the type of inquiry which reflects, for instance, the procedures that take place in the United States. That is something well worth bearing in mind.

It is not usual, for instance, for the position of Auditor-General to be called by some kind of general advertisement. The post is not of that nature, and that has generally been accepted. One does not advertise in the daily paper, 'Auditor-General required for South Australia. Qualifications: independence, etc., etc.' There is nothing, of course, to preclude the appointment going through that process. However, in terms of those people who are often deemed to be very appropriate and who are approached, they would be very unlikely to submit themselves to the process that the Opposition proposes. The Deputy Leader pointed out this problem himself in his address, where he stated that his own study of the American Senate process (an analogy he draws in this case, where executive appointments need to be confirmed by the Congress) shows that 10 times as many people are withdrawn from the process before they are subject to defeat.

I would suggest that there are many others who are deterred from taking even that first step of submitting themselves to the will of the Congress by allowing the President to nominate them. However, even within that process, there are people who disqualify or withdraw themselves because they simply do not like the process that takes place. Does that produce quality candidates? I would suggest that, in many instances, it does not. It does produce compromise candidates and it does produce a political decision. That is the point I would like to underline. I think that our system is far better than the United States system, in that it avoids that open and public political process, which is so apparent there.

It must be remembered that the tradition in the United States is that, on the change of administration, all the public officials who have been appointed by the one Party (and even if the same Party takes office) are effectively cleaned out and a new lot appointed. We have a principle of continuity in our public sector that recognises the responsibility of governments to respect the independence and integrity of the Public Service itself. There are certain reservations about that doctrine: one relates specifically to the appointment of chief executive officers or heads of departments where, obviously, it is clear that the Government of the day has the right to make appointments as it sees fit but, in terms of the generation of our Public Service, there is no question that everybody tender their resignation and await their reappointment on a change of government.

So, I do not think we should be importing into our system an American practice which, I would suggest, is pretty undesirable. In any case it is wrongly founded in principle. Under the United States Constitution separation of powers a clear distinction is drawn between the Executive, the Legislature and the judiciary. Under our version—the Westminster system—the Executive, in fact, is drawn from the Legislature. We are both members of Parliament and members of the Executive. So, while it is certainly appropriate and acceptable in the American division of powers for the process they use to take place—in other words, the Executive making its nomination and the Legislature indicating its approval or otherwise—in the case of Australia the Executive is drawn from the Legislature. We have the confidence of the Legislature, otherwise we would not comprise the Executive. So, that distinction between the two systems is very valid if one addresses what the Deputy Leader of the Opposition proposes. In his proposition he attempts to import the practices of a jurisdiction such as the United States into a system which is totally unrelated and different in structure from that of the United States. That is a threshold error in principle for a start, aside from the arguments I have already adduced.

Let us look at the safeguards to the independence of the Auditor-General because, surely, that is at the core of what is suggested here. Following appointment the Auditor-General is certainly in a totally independent and protected situation. The existing legislation ensures that he is not subject to the direction of any person, either in relation to the manner in which he carries out his functions or the priority he gives to a particular matter. It is spelt out very clearly in the Public Finance and Audit Act under section 24 (6). It is quite clear. That protection is, of course, vital and fundamental for the proper exercise of the Auditor-General's functions. There is no intention to interfere with him here: I simply point to the fact that any Auditor-General can feel secure in his position.

I refer to section 26 of the Public Finance and Audit Act which relates to the way in which an Auditor-General can, in fact, be deprived of office, and section 27 which indicates how a vacancy can be created. Obviously in the case of death, resignation or retirement due to age there is no argument or problem. Those situations are clearly spelt out. But what about in terms of interfering with the Auditor-General in the carrying out of his duties? There are two eventualities: an absence from official duties for more than 30 days in any financial year without leave of the Governor and, most importantly, the Auditor-General may be removed from office by resolution of both Houses of Parliament. It does, in other words, require a specific action from both Houses of Parliament.

The Governor in Executive Council appoints the Auditor-General, and the houses of Parliament have the right to terminate the appointment. That is a good balance and it is one that works well in terms of protecting our system. However, more than that, under the new provision we inserted in 1987 there is a further protection of the Auditor-General from arbitrary behaviour by the Executive. The Governor may suspend the Auditor-General from office for a range of matters but—and this is very important—when

suspending the Auditor-General not only do reasons have to be given—and that is required under the Act—but notice of that fact has to be given within three sitting days of the suspension. Unless the House endorses that suspension—in other words, unless both Houses have a resolution laid before them for 14 days—the Auditor-General must be restored to office without loss of salary or other benefit. So, the independence is guaranteed, it is appropriate and it is enshrined within the Act. I have already mentioned the fact that the Deputy Leader of the Opposition has acknowledge that we have acted scrupulously in our appointment of the Auditor-General, and we certainly intend to do so in the future.

Two other arguments were put forward in support of this Bill and I would like to deal with them, the first being the reference to the Joint Committee of the Public Accounts of the Commonwealth Parliament concerning the role of the Commonwealth auditor. The Deputy Leader suggests that he is importing the findings of that committee into the Bill before the House. The recommendations were published in March 1989 but, incidentally, they have not been acted upon by the Federal Government. The Deputy Leader suggests that the precedent for change to take place in this Parliament is already there, and says that that can be seen from the report. However, the report provides no such precedent.

The Deputy Leader has quoted selectively from the recommendations to suit his own argument. In fact, the report recommended that the Auditor-General be appointed by the Governor-General in Council on the basis of the nomination by the Prime Minister. The report recommended that before that nomination is made the Prime Minister consult with a panel comprising the Chairperson of the Audit Committee of Parliament, the Finance Minister and a person nominated by the Leader of the Opposition, but did not recommend the sorts of changes that the honourable member provides for in his Bill. On the contrary, the recommendation that the Prime Minister consult with the committee is a long way from the effective power of appointment that is contained here. In that sense, there is a serious error. An advisory committee with a majority of Government members and the membership of the Minister in a parliamentary committee is very different from what is proposed here.

Secondly, the other argument with which I will deal finally relates to the desire to declare the Auditor-General to be an officer of Parliament. I must say that this is the argument that I found most disturbing of all in what I believe is basically a defective Bill presented by the Deputy Leader. I have indicated why I feel it is defective in constitutional principle as well as in practice, but this is a particularly large error, one that I would imagine would cause concern to any Auditor-General in office if it is felt that the Auditor-General is an officer of Parliament. It is quite clear that he is not. The implication is that he be subject to the direction of Parliament in priorities or areas of investigation, that he has some kind of relationship with the Parliament that involves the Parliament as an employer, or instructor, or whatever of the Auditor-General. Quite clearly, that is not the case. The Auditor-General is independent of the Executive. He is equally independent of the Legislature and must remain so if he is to carry out his duties in full confidence.

The present legislation provides a means of maintaining the independence of the Auditor-General. The Bill would mean that the office of Auditor-General would inevitably become enmeshed in the political process, would open the possibility of political deadlocks leading to compromise and would deter appropriate candidates from being available to serve in the position. There is no basis on which to appoint this most important officer within our system of administration by this means. It is wrong in principle and is unnecessary in practice.

Mr M.J. EVANS (Elizabeth): As members would be well aware from debates in the House, over the past five years I have been a member, I have often supported the principle of increased parliamentary scrutiny of Executive Government activities and of increased parliamentary participation in the oversight of Executive Government in this State. I believe those principles to be reasonable ones. I know they are not held probably by a majority of members on either side of the House to the extent to which I hold them. However, I congratulate the Opposition on bringing forward this Bill particularly at this time. It does contain a reasonable principle. I have some difficulty with the precise mechanism that is brought forward.

I moved an amendment to the original Bill when it was first before this House some years ago. It sought to do similar things, not by the same mechanism but with a similar principle in mind. The Premier has explained today a number of the problems that could arise from that approach, and I am satisfied that many of the difficulties he raises are real ones. While it was initially an attractive proposition to me and one in which I certainly saw merit in 1987—and indeed when this Bill was first introduced I believe that that was the case—I believe that the exact mechanism contained in this Bill is one that does have great potential to cause difficulty for the Auditor-General. I draw attention to the fact, as the Premier has done, that there are many alternative means of addressing this question, and many of them carry with them the same difficulties.

I draw to the attention of the House the system adopted in the United Kingdom where the Auditor-General has been declared to be an officer of the House of Commons but continues to be appointed by the Queen. However, there was an address from the House of Commons moved by the Prime Minister acting with the consent of the Chairman of the Public Accounts Committee who is, of course, in the English context, usually a member of the Opposition.

So, there are a variety of mechanisms which could be considered in this context and which would have the effect the Opposition and I (on a previous occasion) have sought. I will not take up the time of the House today in further elaboration of this matter. It is a subject on which I believe a great deal could and should be said, and I am certain that it will be considered by this House again in the future, possibly following more detailed examination, perhaps in Committee.

I do not believe that the Bill as presented to us can be implemented without causing many difficulties and with unintended consequences for those who would support it, and I do not intend to put the Auditor-General in a worse position than at present. I have some difficulty with the precise terms of the Bill, even though I have been and remain attracted to the general proposition of increased parliamentary scrutiny of senior officers such as the Ombudsman, the Auditor-General and the Electoral Commissioner. On that basis, therefore, I conclude my remarks. I regret that the opportunity is not open this morning to discuss this matter more fully, but it is a major and serious matter which this House will ultimately have to look at in more detail.

Mr S.J. BAKER (Deputy Leader of the Opposition): There is no problem whatsoever with the Bill. I appreciate the comments of the member for Elizabeth. The fact is that the

information provided by the Premier is itself defective, as the member for Elizabeth pointed out. To raise merely one point: the Auditor-General in Britain is an officer of the House of Commons, which lays to rest the argument about the relationship between Parliament and the Auditor-General. It is not wrong in principle. Members of Parliament are perfectly capable of selecting an Auditor-General.

The honourable member suggests that the problem of minor Parties could arise, but on a number of occasions we have had, for example, Democrat representation on select committees, since it is the will of the people concerned to involve them. I do not believe that a dramatic change in the composition of either House could not be accommodated. There is no problem with deadlocks. Obviously, a parliamentary committee would be under a good deal of pressure to come up with a recommendation for appointment by the Governor of this State. I have found, with select committees and with committees where we actually get together, that we reach very good conclusions, conclusions which I have found very rarely take away from an even-handed approach.

Most select committees which have reported to the Upper House and, occasionally, to the Lower House have come up with recommendations which are infinitely sensible and quite apart from normal political processes. I believe that this would be one such process. Let me assure members that the public would not suffer the Parliament's continuing to stymie the appointment of an Auditor-General.

The honourable member talks about the political process. By putting the matter in these terms, we are taking it out of the political arena. The Premier still has not answered the fundamental question: how can we have independence when the person is selected by the Government of the day? In this Bill, we are talking about a principle that persons of certain office should be above politics. That means that their appointment must be beyond any suggestion of political patronage.

I have outlined the conflicts in the Public Finance and Audit Act which clearly states that the Auditor-General must be separate from the political process. Quite clearly, the appointment of that person by the Government puts that position at risk. The Premier has talked about general advertisements, but that is completely irrelevant. He said that he may not be able to effect an appointment—that is completely irrelevant. We are talking about a process which I believe is important and which the member for Elizabeth has already said is important, and we will be looking at the ways and means.

However, the mechanism I have provided in the Bill is foolproof. It involves the Parliament in the process of selection of a very important person in this State, and the appointment of other important persons would flow from the principle if it were adhered to. The member for Elizabeth talked about the veto right, and I have discussed the difficulties caused in America with that right.

The Bill before us is not flawed in any way. It takes the appointment of the Auditor-General out of the political arena. It submits the person involved to the scrutiny and satisfaction of all parties concerned. I recommend the Bill to the House.

Bill read a second time and taken through Committee without amendment .

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

That this Bill be now read a third time.

The House divided on the third reading:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon (teller), Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Quirke, Rann and Trainer.

The SPEAKER: These are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote for the Noes.

Third reading thus negatived.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March. Page 515.)

The Hon. D.J. HOPGOOD (Deputy Premier): The Government supports this Bill into Committee. This straightforward Bill has three clauses, and I think I should speak briefly to each of them. Clause 1 is unexceptional, because it is the title of the Bill, and I do not imagine that that will draw any particular comment in Committee.

Clause 2 is the means by which the honourable member seeks to reduce the threshold of possession for serious offences to 100 cannabis plants, or an equivalent mass. The Government supports the principle behind that. However, members would know that I have circulated an amendment which gives a little more flexibility, but a flexibility in the direction of which I think the honourable member and the House will probably approve. That is to say, there may be a case at some stage down the track where this should be varied, and we see no reason why it should be necessary to bring it back to the House for that to happen. Rather, it could involve a regulatory process.

That is the effect of the amendment. However, an important principle is involved here: the Government also accepts that, if the suggestion was that the threshold be raised, that is something that should attract the full parliamentary scrutiny rather than the partial scrutiny that occurs through the Subordinate Legislation Committee. So, my amendment simply incorporates what is already there, but adds that a lesser number could be prescribed by regulation.

Clause 3 is the clause which I urge the Committee to oppose. It seeks to do away with expiation notices. However, before I speak to that I would like to raise two other matters. The House would be aware that I have on the Notice Paper a further amendment to the Controlled Substances Act. A couple of matters have come into the public arena recently which initially I thought we could perhaps have taken up by way of an amendment to the honourable member's Bill, but the effect of that might well have been that it would hardly look like the honourable member's Bill any more, and the fairer way around it would be to act by Government amendment.

Both matters have some bearing on this debate. The first relates to the definition of what we are dealing with here. It was recently held in a court judgment, which has drawn interesting comment from various quarters, that cannabis seed does not come within the ambit of the parent Act. So I give notice to members that the Government will move an amendment to correct this anomaly.

The second point bears closely on the honourable member's proposed clause 3. One thing that he has not picked up in the debate about this matter is that, although there is

very little concern, as far as I can see, about the expiation notice system, there is some concern about the upper threshold, if I can use that term, for personal possession. I will not canvass this matter any further because it will be covered in my second reading explanation at the introduction of this legislation, but the honourable member can take heart from the fact that the Government will amend the parent Act to ensure that personal possession is simply that. We are concerned about the trend in the courts in this area.

Briefly, to complete my remarks in relation to expiation notices I will urge the Committee to reject the honourable member's amendments at this point. The Government rejects the assertion that the use of marijuana has been trivialised by these amendments. Last year, the Office of Crime Statistics released a report entitled 'Cannabis—the Expiation Notice Approach', which was produced as part of the monitoring process of the new scheme which came into force on 30 April 1987. It states:

> Critics of the new procedures have been concerned that allowing some offences to be dealt with outside courts of criminal jurisdiction would reduce symbolic barriers to cannabis use among vulnerable groups—for example, young people. According to this view, advent of a notice system would lead to more widespread experimentation with cannabis and to higher rates of reoffending among established users.
>
> This study assesses whether properly collated and interpreted statistics provide any basis for believing that these fears have been realised. Its main conclusion is that available evidence does not provide reason for such pessimism—although it should be emphasised that, in the absence of comprehensive data on consumption patterns, a definitive statement about trends in cannabis possession and use in South Australia is not possible. It is clear, however, that statistics on offences detected by police after the introduction of expiation notices closely match those recorded before the law was changed, and that the circumstances of cannabis offences and the social profiles of detected users also are similar. All of this is consistent with a view that amendments to the South Australian legislation did not precipitate major changes in the extent or nature of cannabis possession, cultivation or use.

In view of the limited time, I rest my case on this point and urge members to support the Bill through to the Committee stage.

Mr INGERSON (Bragg): What an about-face! At last the Government recognises that the community of South Australia is unhappy with the provisions of this legislation. It has at last recognised that for the past three years there has been community pressure to make these changes. It is interesting to note that, because of the pressure by the Opposition and the current state of the House, suddenly the Government should do this backflip.

In 1988 the Government was strongly opposed to this change put forward by the member for Elizabeth and supported strongly by the Opposition. Now, some three years later, because of the changes that have taken place in the House, we have this absolute backflip by the Government. But let us not be too concerned because we as the Opposition are very happy that the Government has seen the light and is prepared to move this amendment today, which we will support.

However, I am disappointed that the Minister will attempt to alter the legislation in relation to expiation fees. There is no doubt in my mind that the appearance of acceptability of the smoking of marijuana by the payment of a fee akin to a licence or a parking fee is of great concern. A court appearance clearly indicates society's displeasure and disapproval of this sort of behaviour and, as far as I am concerned, there is some awesome involvement in being called and having to attend court. I believe, very strongly, that the expiation system should remain, and I am disappointed at what the Minister proposes to do in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Prohibition of manufacture, production, sale or supply of drug of dependence or prohibited substance.'

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

Page 1, lines 15 to 25—Leave out all words in these lines after 'is amended' in line 15 and insert 'by inserting after subsection (5) the following subsection:

(5a) The amounts of cannabis or cannabis resin prescribed for the purposes of subsection (5) are—

(a) for cultivation of cannabis plants—100 plants or, if a lesser number is prescribed by regulation, that number;

(b) for any other offence involving cannabis—10 kilograms or, if a lesser amount is prescribed by regulation, that amount;

(c) for an offence involving cannabis resin—2.5 kilograms or, if a lesser amount is prescribed by regulation, that amount.'

I refer members to the comments I made a few minutes ago during the second reading stage of the debate.

Mr INGERSON: We strongly support this amendment. The Liberal Party recognises that there is an increased opportunity for the Government of the day to reduce the maximum limit by regulation and, while I personally do not support the argument of using regulation at any time—I believe that this sort of issue should be brought before Parliament—by using regulation at least the Parliament has an opportunity, at some stage, to consider it. While this amendment is a backflip of the Bannon Government, we strongly support it.

Amendment carried; clause as amended passed.

Clause 3—'Repeal of section 45a.'

Mr BRINDAL: I support the Bill, but I place on record that I have severe difficulties with it. I believe that the drug problem in our society is very serious and extends not only to marijuana but also to drugs of all forms. Personally, I have difficulty with a society that chooses to condemn some forms of drugs and condone other forms of drugs. I believe that there is merit in the Deputy Premier's statement that to take this matter back to the courts will make it more serious.

I do not believe that either an expiation fee or going back to the courts is necessarily the right solution. In our society alcohol probably causes more problems than marijuana, and cigarettes are also a great problem. While I support the Bill I place on the public record my difficulty with a certain level of hypocrisy—and I do not mean that in a nasty way. While this problem is difficult for the whole of society, I think that this Parliament and other Legislatures will have to grapple increasingly with it. In fairness, we cannot have different standards for different drugs.

The Committee divided on the clause:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood (teller), Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote for the Noes. The clause is therefore not agreed to.

Clause thus negatived.

Title passed.

Mr INGERSON (Bragg): I move:

That this Bill be now read a third time.

I am very happy that the Government has in principle supported half the Bill, but, as I said earlier, I am very disappointed about the matter of expiation fees, because I believe that expiation fees are trivialising the whole offence. After all, marijuana is an illegal drug and it is illegal to use it; yet we have a fine system similar to a traffic offence, and I think that is unacceptable for this type of offence.

Bill read a third time and passed.

ELECTORAL SYSTEM

Adjourned debate on motion of Mr D.S. Baker:

That—

(1) a Joint Select Committee be appointed to consider and report on—

(i) the fairness and appropriateness of the existing electoral system providing for representation in the House of Assembly through single member electorates:

(ii) other electoral systems for popularly elected legislatures with universal franchise including multi-member electorates;

(iii) whether or not criteria for defining electoral boundaries are necessary and, if they are regarded as necessary, to determine whether or not the criteria the Electoral District Boundaries Commission presently is to have regard to when making a redistribution of electoral boundaries for the House of Assembly result in a fair electoral system and what changes, if any, should be proposed to those criteria to ensure electoral fairness is achieved: and

(iv) to make recommendations on the most appropriate form of electoral system for the House of Assembly and its implementation;

(2) the House of Assembly be represented thereon by three members of whom two shall form a quorum of House of Assembly members necessary to be present at all sittings of the committee;

(3) the Joint Select Committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the committee prior to such evidence and documents being reported to the Parliament:

(4) the Legislative Council be requested to suspend Standing Order No. 396 of the Legislative Council to enable strangers to be admitted when the Joint Select Committee is examining witnesses unless the committee otherwise resolves but they shall be excluded when the committee is deliberating;

and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 1 March. Page 522.)

The Hon. D.J. HOPGOOD (Deputy Premier): It is for me to conclude my remarks on this motion which I commenced a week ago. I draw members' attention to the content of my previous remarks and also to the content of the second reading explanation of the Government's legislation that was introduced in this place yesterday. I will not reiterate any of that, because that would be unnecessary, particularly in view of the limited time we have for private members business. I merely want to comment on a couple of matters relating to the motion we now have before us.

This motion envisages a joint select committee of both Houses, but the Government does not think that is necessary. What we are on about here is the reapportionment of the electoral boundaries for the House of Assembly. I think it is quite appropriate that that matter should be in the hands of the House of Assembly. In any event, the motion envisages there be only three members of this place on that joint select committee. First, the Government's recommendation to this place will be that there be a select committee of this House with seven members to allow a couple of Independent members from either side of the House to have representation on that process. I think that is highly appropriate.

Secondly, the Government does not believe that the terms of reference need be drawn in the way that they have been drawn here. We think that, by putting specific legislation and specific aspects of the Constitution Act before the select committee, that provides some focus for the select committee inquiry. If the Electoral Reform Society wants to come along, as it will, and urge a Tasmanian system or something like that on the select committee, naturally it will be heard. If people want to urge a system of oneiromancy, or interpretation of dreams, to use the famous word that the Electoral Commission once pressed upon us, they can also make that case before the select committee. It is for the select committee of this House to determine the instructions to the commissioners, who in turn will determine the boundaries upon which the members of this House will go to the next election, so I urge the House to oppose the motion.

Mr S.J. BAKER (Deputy Leader of the Opposition): I express some pleasure and some displeasure at the same time on this matter. Time will not allow me to respond to a number of the remarks made by the Deputy Premier. We have some sense of satisfaction that the Government is at least addressing the question of having a select committee, because we believe that the boundaries and the way that they are drawn—indeed the Constitution Act—is basically very flawed. It is incumbent on this Parliament to devise a fair electoral system that does say that every person's vote does count.

Mr Lewis: Equally.

Mr S.J. BAKER: Equally, and if a Party obtains 50 per cent—plus one—of the vote, then that Party shall be the Party of the Government. That has not pertained over the past 20 years—some people would argue it has not pertained over the past 40 years—so we are pleased that we are dragging this Government into the realisation that it has responsibility not only to this Parliament but also to the people of South Australia. We still have to determine the ultimate composition of the committee, and whether the select committee will be a joint select committee or a select committee of this House. At the outset, I said time would not allow me to go through a number of the arguments put forward by the Government. It is obvious to me that the Government was quite happy to retain the current system.

Indeed, the propositions that have been put forward by the Government do not satisfy our desire to see a free and fair system incorporated into the electoral laws of this State. It is just so vitally important that democracy prevails and that the rules and laws which were enacted 150 years ago and which have been modified over a period reach a conclusion that is accepted by the whole population. I believe that everyone in this State would agree that the current system is unfair. I seek leave to continue my remarks later.

Leave granted; debate adjourned

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

POLICE SUPERANNUATION BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as may be required for the purposes mentioned in the Bill.

TEA TREE GULLY TAFE COLLEGE

The SPEAKER laid on the table the interim report by the Parliamentary Standing Committee on Public Works on the Tea Tree Gully College of TAFE, Stage II.

Ordered that report be printed.

QUESTION TIME

HOME LOAN INTEREST RATES

Mr D.S. BAKER (Leader of the Opposition): Can the Premier say when home loan interest rates, charged by the State Bank, will begin to fall?

The Hon. J.C. BANNON: No, I cannot.

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. J.C. BANNON: No, I cannot. I wish I could. As the honourable Leader knows, this has been the subject of considerable debate in the current election campaign and I do not think anyone is prepared to hazard precise estimates either as to the time or the amount of reduction in home loan interest rates. I would just say that the signs that we see in the economy at the moment suggest that, given that growth has been arrested, gross national expenditure has dropped off more rapidly than gross national product, and the sort of cooling of the economy that the Federal Government was seeking to achieve has taken place, giving considerable hope that we will see a reduction in those rates.

NATIONAL SURVEY OF GENERAL PRACTITIONERS

Mrs HUTCHISON (Stuart): Is the Minister of Health aware of the results of a national survey of general practitioners done by the *Australian Dr Weekly*?

The Hon. D.J. HOPGOOD: Yes, I am, and I am glad that the honourable member has drawn this to the attention of the House because the doctors appear to be rather trenchant about the lack of a health policy from the Liberal Party in this Federal election campaign. This is not something I have made up: this comes from the 16 March 1990 edition of the *Australian Dr Weekly*, page 1, where it is stated:

> 69 per cent of GPs who were circularised were critical of the Liberal Party for not having a clear health policy. Many said that the public wanted to know the Party's intentions.
>
> By not clarifying the matter in detail, one GP said that people were left confused and frightened. A common concern was not knowing what would happen to general practice under a Party that offered itself as an alternative Government but had failed to articulate a detailed health policy.

We can rest our case in relation to this matter simply by quoting one GP who said, 'Listening to Andrew Peacock talk about a Liberal health policy is like listening to Max Gillies impersonating Ronald Reagan saying, "I had a dream".'

Members interjecting:

The SPEAKER: Order!

TERMINALLY ILL PATIENTS

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Minister of Health make representations to the Federal Government to change the rules relating to the restriction of 30 days hospitalisation to terminally ill patients? The Opposition has been approached by a woman whose mother has cancer and has been given a relatively short time to live. She entered Lyell McEwin Hospital on 30 January and, following diagnosis, was told she may have 30 days to live. She has survived this period, but her condition is deteriorating quite rapidly.

The Lyell McEwin has been seeking her removal from the hospital on the basis that she is not an acute care patient but the Mary Potter Hospice has no immediate vacancy for her. Notwithstanding her condition, she was booked to see an ophthalmologist at the Royal Adelaide Hospital on 1 March. However, while being wheeled out of the Lyell McEwin on a commode chair, she fell from it. She was finally put in a taxi for the RAH visit. Because Lyell McEwin has become persistent about her leaving that establishment, arrangements have been made for her to go to Modbury Hospital under another doctor, but here again it is for a maximum of 30 days. This woman needs more ongoing care than can be provided in a nursing home but the circumstances I have outlined raise the question: where does she go to get that care? I will give the Minister the woman's name for further investigation of this matter.

The Hon. D.J. HOPGOOD: I am happy to investigate the specifics of this case, but it seems to me to be rather unusual. The normal procedure would, of course, be admission to a hospice. The honourable member would be aware of the initiatives that the Government has taken in the present budget in relation to getting hospice beds in the northern areas between Lyell McEwin and Modbury. That would be the normal circumstance, and I would be very surprised if, say, at Daw House there are not people who have been there in those hospice conditions rather longer than 30 days. However, I am prepared to take it up.

WHEELCHAIR SPORTS

Mr HAMILTON (Albert Park): Can the Minister of Recreation and Sport advise what support the South Australian Government provides to the all-important wheelchair sports?

The Hon. M.K. MAYES: I thank the member for his question and his interest in this area. As we know, in the past he has shown a very keen concern for those people who are less able to compete or raise funds and he has himself assisted those less fortunate in relation to fundraising. It is important to note that the South Australian Wheelchair Sports Association is probably the most successful sports association of its kind in Australia.

Our wheelchair athletes are the best in Australia. We have won, back to back, the past three national titles and, in the past five years, we have had the title four times as the champion State. Part of the whole program that we have developed with wheelchair sports is to offer support at both the participation level and the elite level, which has resulted in success for our athletes. In fact, we have some great athletes—like Libby Kosmala, Robby Turner, and so on—who have represented our country internationally and at State and local competition level.

In terms of our basketball team, which is in an extremely competitive sport, our State is the champion of champions: we hold the record for the number of championships won, and that reflects the quality of support that the Wheelchair Sports Association of South Australia Incorporated puts into its athletes. I publicly acknowledge the work of the association's President (Mr Kevin Bowden) and its Executive Director (Mr Mark Tregoning), who have achieved some significant goals in that organisation. It is probably one of the best run organisations that we have in this State, and

its success at both a national and international level (where we brought back gold from both the Stoke Mandeville games and the world championships) is a great credit to it.

Last year we provided the association with a $50 000 grant to purchase a 900 square metre office complex at Hamptead Centre, Northfield, so the association now has a home. In fact, it is the first wheelchair sports association in Australia to have a permanent home. That is a significant move for the association, because it gives it a focal point for all its sporting activities. Last year, under the sports program, the Government gave the association nearly $11 000 for 11 individual scholarships for its athletes. We supported the association's elite athletes so they could continue their training and compete at national level.

In addition, the Government gave the association some $21 000 in grants through the South Australian Recreation Institute to support the overall program of wheelchair sports. I want to acknowledge the achievements of wheelchair sports in South Australia. It is one of the great sporting success stories in South Australia, and it reinforces the view that this is a caring community which is interested in the achievements of people who are not as able as others to compete in the ordinary sporting environment. Those people who have had the opportunity of seeing wheelchair athletes compete—whether it be at wheelchair basketball or any other sport—would know the competitiveness, the perseverance, determination and success that these people reflect. I am delighted to support them as Minister of Recreation and Sport, and I assure the community that I will continue to do so.

ENVIRONMENT POLICY

The Hon. D.C. WOTTON (Heysen): My question is directed to the Premier. Does the South Australian Government support moves by the present Federal Environment Minister, Senator Graham Richardson, as follows: first, allow the Commonwealth to override the South Australian and other State Governments on the environment—a proposal he will seek to entrench in ALP policy at the next Federal Conference despite the fact, to use Senator Richardson's own words, that some Premiers might not like it that much; and secondly, for the Commonwealth to independently monitor the environmental impact of the Roxby Downs mine? Or does the Premier believe that these moves would represent an unwarranted erosion of State rights which would lead to further costly Commonwealth-State duplication?

The Hon. J.C. BANNON: I am not inclined to see this as a question of State rights, so much as a question of what is in the best interests of the country. Undoubtedly, there have been situations at times where, if it had not been for a Federal Government prepared to exercise some jurisdiction, we would have seen major areas of this country devastated. The Franklin decision is one classic example, and the Daintree Forest is another, where a Conservative State Government, bent willy-nilly on getting into those areas and degrading them, could be induced not to do so only by the active intervention of a Federal Government.

Of course, it does cut both ways. I would be very worried indeed about a Federal Liberal Government and the policies that it would seek to impose on the States, and that is the stark choice that we face this Saturday, and it is as well that the Opposition has reminded us of that: that, if a Peacock Government were elected, we could forget about the sort of safeguards of the environment we have had to date from the national Government. The green light would be given and we would find that we would be very pleased indeed that, for instance, Robin Gray is not the Premier of Tasmania any more but that we have Michael Field, supported by the Green Independents, protecting the environment of that State. There is no question that a change—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The honourable member blusters and blows because he led with his chin and introduced the subject, and I thank him very much indeed for that because he has raised this dilemma very squarely indeed. In other words, in the interests of the country, there are times when it has been vital in the past few years that we have had a Federal Labor Government sensitive to environmental issues and, as a result, we have been able to ensure that State Governments do not degrade the environment. I am not so concerned about the situation here in South Australia while this Government is in office, because we are recognised throughout the country for our proper care and concern for the environment. In that context I do not believe that Senator Richardson's strictures or indeed the exercise of his powers has a great deal of relevance in the current context in South Australia, but it is a two-way thing.

As far as Roxby Downs is concerned, as we have declared publicly before, we believe that proper and adequate controls exist in relation to health and safety there. I understood that to be the position of members opposite. We would certainly ensure that rigorous standards are observed, and the indenture provides for that to be the case.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: The honourable member who interjects was the person who, in fact, made changes to recommendations and stood over those who wanted to make certain other changes in this area and was very proud to say he was doing so. In that instance Senator Richardson might well have a case to say, 'Look, I feel a little concerned about national standards being observed.' But that is a long time ago in very different circumstances. The honourable member no longer has any relevance in that respect, and that is probably just as well. That is our position and, as I said, let us not conduct this argument around the issue of State rights and the States versus the Commonwealth. Let us try to look at it in the interest of the environment, which all Australians have to protect for the future of our children.

GOODWYN OIL AND GAS PROJECT

Mr De LAINE (Price): Does the Minister of Industry, Trade and Technology believe there is anything which can be done to ensure Australian (and particularly South Australian) participation in the Goodwyn oil and gas project off Australia's north-west coast? I am aware of media reports that the Minister will fly to Perth tomorrow, in a last minute effort to get a fair go for Australian companies who may miss out on any of the major tender packages for this project. I am also aware that this is an issue which the Minister has taken up with the Federal Government and the project developers, Woodside Petroleum, particularly in relation to a fair go for the Port Adelaide based firm Eglo Engineering.

The Hon. LYNN ARNOLD: I thank the honourable member for his question, which is very important because very high stakes indeed are involved in this matter. This is a major national project that is developing the infrastructure of this country, and it will involve the expenditure of billions of dollars in the establishment of the platform referred to by the honourable member. The benefits to the economy

are very long term in respect of the development of our natural resources, but there is also a very important potential for our manufacturing industry if we can ensure that the platform itself—or as much as possible of the platform—is actually built within this country.

It is for that reason that I spoke on a number of occasions before the last State election about the importance of the benefits of this project for South Australian manufacturing industry. In fact, I have been in frequent contact with my Federal colleagues on this matter to ensure that Australian industry—South Australian industry in particular—gets fair treatment in respect of this whole project. It appears that the tender prices received give a big advantage to overseas contractors and to overseas suppliers. There is the very real danger that this contract may be filled overseas. I believe that that would be a grave problem for the Australian manufacturing industry and would have consequences for firms such as Eglo here in South Australia in as much as its skill and capacity would not be utilised as well as could be the case.

It is for that reason that I am flying to Perth tomorrow to attend last minute talks with Senator Cook (the Federal Minister) and David Parker (the Western Australian Minister for Industry and Technology) as we have discussions with Woodside and some of the tenderers in an effort to ensure that Australian tenders are given every fair consideration. In particular, we are asking that there be a further delay in the decision on the tender so that further refinement of the Australian tenders can be undertaken to ensure that they meet full expectations.

It appears that some of the Australian tender prices are in excess of overseas tender prices. I use the word 'appears' quite deliberately: first, because we have some very real concerns that we want to express about the way in which add ons have been made to the tender prices. We do not believe that they fairly reflect the situation that would obtain when this project was finally constructed, if Australian constructors were used.

Secondly, there is clear evidence that the overseas tender prices are abnormally low, and the very real suggestion is that they are being subsidised by the host Government of the overseas companies that are tendering. While it is reasonable to espouse a fair level playing field concept in international trade, it also requires that we take issue with any instance where an unlevel playing field is promoted by another country in an import situation in this country against the interests of Australian manufacturers. That is another issue we wish to pursue further.

Clearly, Eglo has the very real technical and production capacity to produce important parts of this contract. My job is to sell that message, and to sell it in such a way that every chance is given to see that the tenders have proper and fair treatment on behalf of Australian companies. I believe that that requires, first, recognition of what Australia can contribute to this area and, secondly, a delay in the tender decision making process. I believe that it is important enough to cancel all my other engagements and go to Perth tomorrow for these meetings.

WORKCOVER

Mr INGERSON (Bragg): Will the Premier investigate whether the Minister of Labour yesterday deliberately misled the House? Yesterday the Minister said that some employer representatives on the WorkCover Board had supported the decision to increase the maximum levy to 7.5 per cent. The Minister's actual words referring to the board's decision were 'there must have been some employers in support of the increase'. This comment is being interpreted by employers as a deliberate attempt by the Minister to claim strong support for the significant levy increase.

However, the facts are as follows. The WorkCover Board has six employer representatives. All six voted against the proposal to increase the maximum levy. Further, I understand that employer representatives asked the Chairman of the board to advise the Government that the proposal had not been passed unanimously by the board and was, in fact, opposed by all employer representatives.

The Hon. J.C. BANNON: No, the Minister did not mislead the House. The situation is a little more complex than the honourable member suggests. What I understood the Minister to say is that there had been agreement and, indeed, support by some, or in fact a number of, employers for that particular levy—

Members interjecting:

The Hon. J.C. BANNON: —that is, the level of levy in relation to the finances of WorkCover. That, I understand, remains the case. The reason why the formal adoption of the particular increase that is before us in that form was opposed was that it was not accompanied by certain conditions that are subject to further negotiation. So, in fact, far from the Minister misrepresenting the situation, I suggest that the honourable member is misrepresenting the situation and I suggest that he check a little more closely with his employer contacts.

MURRAY RIVER LINEAR RESERVE

Mr HOLLOWAY (Mitchell): I address my question to the Minister of Water Resources. Has the Murray-Darling Basin Commission considered establishing a linear reserve along the length of the Murray River and what steps have been taken to date in order to establish such a reserve?

The Hon. S.M. LENEHAN: At the last meeting of the Murray-Darling Basin Ministerial Council, held on 20 October 1989, the Ministers considered the resolutions of the Third Fenner Conference, sponsored by the Australian Academy of Sciences. Included in these resolutions was a proposal for a reserve along the length of the Murray River. The council directed the Murray-Darling Basin Commission to evaluate this proposal, and accordingly the New South Wales National Parks and Wildlife Service was given the brief of preparing an evaluation of what is called the 'parkway proposal'. It is proposed that a full report will be brought before the council in due course.

Let me remind members that this is not a new concept and that, in fact, it dates back to work done in 1982 in relation to the publication 'Who owns the Murray'. Whilst answering the question, I want to take the opportunity of putting on the public record the fact that the member for Mitchell has long been involved in working to save the Murray, working for issues that involve improvement of water quality and in terms of planning issues that will help to provide a better quality of water reaching South Australia. So, it is most appropriate that he should ask this question. I am delighted to say that the council and the commission are working to establish a parkway concept.

LOCHIEL COAL

Mr LEWIS (Murray-Mallee): My question is directed to the Minister of Mines and Energy. In light of what the Premier has just claimed about the Government's environ-

mental record, can I refer the Minister to an interview with ETSA's Coal Resources Manager, Mr Mick O'Brien, on 22 February 1990—

The SPEAKER: Order! What is the honourable member's question?

Mr LEWIS: It is a question. The syntax is as a question. Mr O'Brien said:

Lochiel is the most economical option we have.

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: As he said that Lochiel is the most economical option we have for a new coal source and power station, is it the Government's present intention to proceed with the Lochiel-Bowmans option as a source of coal for power generation as electricity demand continues to increase?

The Hon. J.H.C. KLUNDER: It is an important question and I am pleased that the honourable member has asked it.

Members interjecting:

The Hon. J.H.C. KLUNDER: I did understand it. Clearly, the issue of a new unit of power supply, which has been taken to be NPS 3, has been put down in rough terms for 1996 but, every time I have given that date I have also given the information that that will depend largely on demand. I am not in the business of putting a power station up too early or too late. At the moment—

Members interjecting:

The Hon. J.H.C. KLUNDER: In between the two. At the moment it would certainly appear that the level of demand and the options for reducing the demand are likely to see that power station being built later rather than sooner. That has the tremendous advantage to the State that we can look at such things as combined cycle, and we have the luxury of examining fluidised bed combustion and the possibility of heating coal to produce gas so that we can use both the heat and the gas to produce power, which is the combined cycle situation.

We can also wait until we ascertain what kind of gas is found in places such as South-West Queensland, the Northern Territory and the South-East of South Australia to see whether it is possible to move in a direction other than the current most economical and sensible direction. To all the people with whom I have spoken I have said that at the moment the preferred option is nothing more than a rosette that says, 'You are currently the preferred option,' and we will make sure that, when the time comes to make a decision about a power station, we will go on the then preferred option and not on one that is set in concrete at the moment.

BEVERAGE CONTAINER DEPOSITS

Mr FERGUSON (Henley Beach): My question is to the Minister for Environment and Planning. Following the successful High Court challenge to the Beverage Container Act, many people believe that they can no longer get back their deposits on the cans and beer bottles they have at present. Will the Minister tell the House what the Government is doing to ensure that people have a chance to redeem their deposits?

The Hon. S.M. LENEHAN: The Government is committed to maintaining what is a very popular piece of legislation.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: That remains to be seen. In the interim period, between the High Court judgment being handed down and the Government introducing an amended scheme, I have appealed to collection depots and retailers to honour the deposit values marked on existing containers. After all, the liquor industry has received these deposits from its customers. Obviously, this has to be an appeal—I cannot enforce it at law.

I have also appealed to the industry not to introduce a proliferation of containers on the market in the interim period and so confuse consumers. However, there are signs that this appeal has fallen on deaf ears so those companies that ignore this plea will carry their own market risks in so doing. The Government will move as quickly as it can to look at what can best be undertaken under the High Court judgment, because that judgment obviously is something that is binding on the State. We will look for the best possible solution as quickly as we can.

LOCHIEL COAL

Mr SUCH (Fisher): Can the Minister of Mines and Energy name any other country in the world where the Government or electricity authority is contemplating the development of a power station based on such a highly polluting coal as the Lochiel deposit? Has an environmental impact study been initiated at Lochiel and, if not, when will it be? Will the Minister assure the House that international standards will be observed for any new coal burning power station to minimise greenhouse gases, acid rain and other pollution?

The Hon. J.H.C. KLUNDER: I thought that I had just informed the House that we had not locked any position in concrete at this stage—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: —and that we would look at the situation when it became necessary to make a decision. Consequently, conducting an EIS on such power stations is a trifle premature because at the moment we do not know what kind of fuel we will be using or what method we will be using to burn it.

As to the question of whether I know of any other countries in the world where coal is being considered, considerable research is being done on circulating fluidised bed combustion in, as far as I can remember, the United States, East Germany and West Germany, as well as a considerable amount of research being conducted here. So, many places in the world are very seriously taking the option of safely and cleanly burning coal.

SHEEP PRODUCTS

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture advise the House whether any studies have been undertaken to assess the market potential of mutton and hogget?

The Hon. LYNN ARNOLD: I thank the honourable member for his question; I know that this matter is of great interest to him. In fact, within his electorate people are involved in this industry. I also know he has a personal liking for hogget in preference to lamb, as in fact I do.

A review was completed late last year by the Australian Meat and Livestock Industry Policy Council into the mutton sector of the meat and livestock industry in answer to a 1987 request by the Federal Minister. In the first instance, that report does not mention the potential for hogget, so to that part of the honourable member's question I have to say that we are not able to give a definite answer. However, I have had a subsequent report carried out into this mat-

ter—and I will advise members of that situation in just a moment.

With respect to mutton, the situation is that there has been a fall-off over many years in the amount exported. The record year for mutton production was 1971-72, when some 600 000 tonnes carcase weight was produced, of which 345 000 tonnes was exported. That figure fell in 1988-89 to 247 000 tonnes of production and 150 000 tonnes of export.

An honourable member interjecting:

The Hon. LYNN ARNOLD: I know that I am not supposed to answer interjections but, for the honourable member's benefit, I point out that a hogget is an ovine animal that has erupted one or two permanent incisor teeth and is aged between 12 months and 20 months. Getting back to the substance of the question—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: With respect to mutton, it is clearly a meat that has fallen out of favour in recent years. The study estimates that some 60 per cent of our mutton is exported, and that is a declining export market. With respect to the domestic consumption of mutton, we find that only 3 per cent of that mutton is marketed as table meat. The remainder finds its way into smallgoods, canned meats and pastry products such as meat pies. It clearly is interpreted by the policy report that there is a downward trend line and that will be addressed not so much by trying to increase table meat consumption of mutton as by trying to increase the consumption of mutton in the other avenues of use such as smallgoods.

With respect to hogget, I asked the department to do some work on that matter following the absence of any reference to hogget within the report. Again, it is a marketing or branding of meat that is seldom applied in the domestic situation in South Australia, although it is still used to some extent in Western Australia, where some 200 000 head are marketed annually as hogget. There is a small price premium for marketing hogget because, for some sections of the community, it has taste advantages over mutton, and I am one of those people who find that to be so.

The problem is that to keep a sheep to the hogget stage requires keeping it for a second season which requires imputing more cost to the production of the animal as opposed to its being dispatched as lamb. That increased cost is matched by a relatively small premium price advantage to be had over its price as mutton and a price drop over the price it would receive as lamb. For that reason, the market is not seen to have too much potential and it would require a major effort in getting greater consumer acceptance of hogget as a table meat, which does not seem to be worth the effort of the industry to achieve, which, for the member for Napier and me, is a pity.

ISLAND SEAWAY

The Hon. TED CHAPMAN (Alexandra): Will the Minister of Marine tell the House why the *Island Seaway* is now 25 hours late leaving Port Adelaide with general cargo, vehicles, essential stores, fruit and vegetables for Kangaroo Island and is still tied up at the Princes Wharf loading ramp? The *Island Seaway* was due to leave Port Adelaide at 1 p.m. yesterday on her scheduled mid-week trip to Kingscote. From there, in turn, she was scheduled, as is normal, to go to Port Lincoln and then back to Kingscote today. The trip to Kingscote from Port Lincoln was planned to have on board approximately 1 000 live sheep for the island abattoir. The sheep are currently being held at Port Lincoln during this delay. All the circumstances surrounding the delay and the reliability of subsequent trips are not known to the Opposition, and I seek that information from the Minister.

The Hon. R.J. GREGORY: I thank the member for Alexandra for his question. As it is the first question he has asked about the *Island Seaway* for some time, it must be operating quite well. However, the first time it has some difficulty, he rises again and asks a question.

Mr S.J. Baker: The first time!

The Hon. R.J. GREGORY: For his information and that of the member for Mitcham, who rudely interrupted, I advise that it is estimated that the *Island Seaway* will leave the Princes Wharf dock at 3 o'clock this afternoon. When the *Island Seaway* arrived from Kangaroo Island, it was found that, after unloading the top vehicle deck, the door could not be raised—

Mr S.J. Baker interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: There was an enormous amount of testing. First, the hydraulic systems were tested, then the electrical systems were tested and the ropes that pull the door up were checked and found to be slightly off balance. They were unable to get the door to lift and, eventually, it was pulled up by jacks and then by cranes and the goods in the cargo hold were discharged. Work was done on the door last night and it was found that it could not be closed. Further work revealed that the rollers that guide the door along the tracks had worn. Additional rollers are being made to replace those that are worn. The people who designed the door are travelling to Adelaide and, as soon as they arrive, they will check to ensure that the door operates correctly. I will make some pertinent points about the *Island Seaway*. It is a vessel designed by private enterprise; it is operated by private enterprise; and it is maintained by private enterprise.

Members interjecting:

The Hon. R.J. GREOGRY: It is members opposite, the guardians of private enterprise, who are actually criticising—

The SPEAKER: Order! The Minister will answer the question.

The Hon. H. Allison interjecting:

The SPEAKER: Order! The member for Mount Gambier is out of order.

The Hon. R.J. GREGORY: It is because private enterprise, in the form of the famous Adelaide Steamship Company, could never profitably operate a service to Kangaroo Island in the past 20 years that the Government is operating this subsidised service. The Government replaced the worn out *Troubridge* with a modern, state of the art vessel that costs over $1 million per year less to run than the *Troubridge*.

Members interjecting:

The Hon. R.J. GREGORY: We now have catcalls from members opposite who probably think that the brand new Holden Statesman being produced today should have been designed and built exactly as were the previous ones 27 years ago. If it was done on that basis, GMH would not sell a car because nobody would buy it, and members opposite know darned well it would not work and they know darned well it would be too dear to maintain and operate. They know all those things.

The Hon. TED CHAPMAN: On a point of order, Sir raised a serious question and I did look forward to a serious answer from the Minister. As you would agree, Sir, the Minister has strayed from the question.

The SPEAKER: Order! There is no point of order. I call on the member for Peake.

1991 AUSTRALIAN TRACK AND FIELD CHAMPIONSHIPS

Mr HERON (Peake): Will the Minister of Recreation and Sport support Athletics South Australia's bid to conduct the 1991 Australian track and field championships? In today's *News*, Marg Ralston reports that Athletics Victoria has encountered financial difficulties in conducting the Australian championships because of the requirement to hire the Olympic Park sports stadium.

The Hon. M.K. MAYES: I thank the honourable member for his question. It is certainly a great opportunity for South Australia again to exhibit its skill in conducting national sporting events in Adelaide. I will be delighted to receive any indication from Athletics SA seeking our support and certainly, as in the past, I will be happy to offer the support of both the department and the Government to assist in the development of this claim to win the national track and field championships for Adelaide in 1991.

The article by Marg Ralston contains quite a detailed outline in respect of the difficulties being encountered by the Victorian Athletics Association. I note from the comments made that, at a recent meeting of the executive of Athletics Australia, it was decided that the national championships not be held on a two to three year basis in any one of the States. Previously there had been an arrangement where Victoria, in a build-up to the Barcelona Olympics, would probably have the national track and field events for two to three years. In respect of the in between years, the executive is considering holding the championships in other States, and this is our opportunity. I congratulate Athletics South Australia in taking up that opportunity and accepting the challenge.

The article in todays *News* quotes Mr David Prince, the President of Athletics South Australia and Athletics Australia. He says that, from Athletics South Australia's point of view:

> Adelaide has a proven track record for the conduct of major meets and the last three have met the established criteria set down by Athletics Australia including financial viability.

One has to acknowledge that the third Adelaide Games, which were held just a fortnight ago, were a great success from the point of view of not only participation of the leading athletes but also the support from the public. The article then goes on to mention the difficulties encountered by Athletics Victoria, which claims that the cost of staging the event at Olympic Park could run as high as $26 000. The article then quotes our own State Director and General Manager of Athletics South Australia, Mrs Kathy Edwards, as saying:

> I will be saying why should we be paying all that money when we (South Australia) can do it for about half the cost? . . . South Australia is the first State where the Government has acknowledged athletics as a high profile sport that needed a headquarters of its own.

I announced on behalf of the Government a grant of $850 000 to Athletics South Australia so that it can buy the lease from the Adelaide City Soccer Club and take over as the sole contributor and sole occupier of that athletics facility. Athletics South Australia will have that as its home. That is a significant move and I know that it will enhance the quality of athletics in this State. I will be happy to receive from Athletics South Australia an outline of what it seeks in respect of its bid. I note that Mr Prince is looking for sponsorship support, and I look forward to working with him to ensure that we win that bid for the nationals here in 1991.

CITY VIOLENCE

Mr MATTHEW (Bright): My question is directed to the Minister of Emergency Services. In view of the fact that at least three schools have advised students not to go into the city due to the alarming increase in gang violence against young people, particularly university students and independent school students walking in the central business district, will the Minister ask the Commissioner of Police to establish a special task force to combat the problem? I have received information from a 17-year-old girl living in my electorate who was accosted by a group of youths outside Parliament House while on her way to the railway station from Adelaide University.

Further, a letter in yesterday's *Advertiser* detailed an assault on two university students, one of whom was allegedly 'felled, kicked and had his clothing ripped before security officers gave chase as the gang made off with the young man's sports gear'. As members are aware, a youth from Prince Alfred College was recently assaulted in Rundle Mall. Increasing violence of this type has resulted in at least three independent schools (PAC, Woodlands and Westminster) advising their students not to go into the city after school hours in school uniform. The schools issued this advice last Friday in response to a telephone call from the Independent Schools Board. The board had discussed the matter with police at the Bank Street Station, who warned of the likelihood that:

> Aboriginals and street kids would line up against private school kids in retaliation for the arrest of two youths involved in a previous incident.

In proposing a task force to deal with this serious problem, it is pointed out that it would not be new to police *modus operandi* as is demonstrated by the four-man task force, Operation Summer Clean Up, established last year by C Division with the sole objective of policing problems along the metropolitan foreshore.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. While he was speaking I was trying to recall an on-the-run briefing I had on this two weeks ago and, unfortunately, it is not clear enough in my mind, given the Opposition's predeliction for picking on minor details in what Ministers say. So, I will not give that information at this moment but I will undertake to bring back a report for the honourable member.

BILLBOARD ADVERTISING

Mr QUIRKE (Playford): My question is directed to the Minister for Environment and Planning. Has any consideration been given at a national level to standardising regulations relating to the display of advertising material on billboards and hoardings?

The Hon. S.M. LENEHAN: As outdoor advertising at present is controlled by individual States through their own legislation, I can tell the House that no consideration has been given to such a program because of the complexity of its implementation. However, in answer to the honourable member's question, I will consider raising, at the next meeting of Planning Ministers, this whole concept of bringing billboards under national standards, and this could well be considered in terms of the establishment of a national code to regulate the size and quantity of billboards and hoardings. To date this has not been undertaken at a national level by

Planning Ministers because of the various complexities that exist with respect to individual State legislation.

INDEPENDENT SCHOOLS FUNDING

Mr BRINDAL (Hayward): Does the Minister of Education share the concern of the Association of Heads of Independent Schools of Australia and other bodies that up to 13 000 South Australian students will be disadvantaged by the Hawke Government's proposed changes to the funding of independent schools? If he does, what steps has the Minister taken with his Federal counterpart to revoke the policy, which will inevitably force up school fees? If he does not believe that the Hawke Government's proposed policy change will be detrimental, on what basis does he arrive at that assessment?

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: I refer to a quarter-page advertisement inserted in the *Australian* last Monday headed 'An open letter to the Prime Minister', from the Chairman of the Association of Heads of Independent Schools of Australia, Father Greg O'Kelly. Father O'Kelly draws attention to the Hawke Government's plans to freeze funding to independent schools in categories one to seven from 1992 to 2000. These schools are sometimes inaccurately described as 'privileged schools' but, as Father O'Kelly points out, 'privileged' schools also contain students from struggling families and the less advantaged schools contain students from rich families. Father O'Kelly states that the 1992-2000 funding policy has every appearance of being sectarian. He says the policy clearly favours Catholic schools and disadvantages non-Catholic schools which, predominantly, fall into categories one to seven.

The issue was also raised in a recent letter in the *Advertiser* from the President of the Parents and Friends Association of independent schools, Mr M.L. Schluter.

Members interjecting:

The SPEAKER: Order! The honourable member must bring his question to a close.

Mr BRINDAL: Yes, Mr Speaker. He points out that the Hawke Government's plans to freeze funding will disdvantage 25 schools teaching 13 000 students.

The Hon. G.J. CRAFTER: It may be of interest that I have not heard from one school in this State or had one representation on this matter. All I have heard about it has been the advertisement in the national media to which the honourable member referred. I do not think there has been any publicity in the local media on this matter.

I note that the honourable member conveniently omitted to mention, in relation to the Federal Government's very detailed policies on education funding not for just the first year of office but for the next decade, involving very detailed funding indeed, the other programs that are aimed at assisting all students in our schools. For example, there is the ongoing commitment to Austudy, the special grants for those students who wish to stay at school and who would otherwise have left prior to completing year 12, and the enormous commitment that the Federal Government has made to family support through the Family Assistance Supplement. In this State, announced at the last election and now implemented, there are two major initiatives in financial support for Government and non-government school students.

One is the increase in the Government assisted student allowance; in fact, for secondary students in non-government schools that has been increased by more than $100. Then there is the free STA travel, which has been particularly beneficial to students from non-government schools, many of whom travel quite long distances to school. The honourable member has highlighted one issue with respect to a very small sector of the whole education community, and the premise on which he has made his statement while asking his question is that the Liberal Party would do away with needs-based funding to the non-government schools sector.

That would very quickly raise a huge sectarian debate in this country. The State aid question would be raised again, and I believe that it is a great credit to both Parties that in the past there has been a setting aside of that most divisive and destructive debate in this country. I believe that all responsible people in education accept that Governments (of any Party) cannot provide all the funds required for the total cost of the non-government education sector, and that those funds which are provided must be allocated on some form of needs basis.

That has been well established and, I believe, well accepted in this State and, in recent years, across this country. The unfortunate thing about this election campaign federally is that the Opposition has not shown its hand. It has not clearly stated how it will fund the non-government education sector over the next decade, when there will be increasing pressures on all sectors of education, particularly because of salaries claims that have been placed on education providers across this country.

I can only assume that the lack of representations received in this area is based on the fact that either people do not believe there will be a change of Federal Government or they are satisfied with the detailed policies that have been enunciated by the Hawke Government.

ETHNO-SPECIFIC NURSING HOMES

Mr GROOM (Hartley): Will the Minister of Ethnic Affairs report to the House on progress with regard to the implementation of measures to promote ethnic representation and participation in decision-making processes and planning in relation to services for the aged? I understand that the Advisory Committee on Ethnic Aged Issues was established in June 1985 and since that time, I am informed, much progress has been made in this area to the benefit of ethnic aged in South Australia.

The Hon. LYNN ARNOLD: I thank the honourable member for his question, which is about the very important issue of ageing in our community and, in particular, ageing within those communities where English is not the first language. I will obtain a detailed report of the progress that has been made in the various relevant areas of government over the period from 1985 until now, and supply that to the honourable member and to any other members who would be interested in receiving it.

Some things that have happened in the intervening period include the appointment within the Office of the Commissioner for the Ageing of an officer to address the needs of ethnic communities. That officer is available both in an advisory capacity to those who wish to know how best to handle their own requirements as they grow older and also to offer support to facilities that may be offering services to ageing people to look at how best they can address the needs of those within the ambit of their services.

With respect to nursing homes, for example, within the past few years we have seen the establishment of what may be termed ethno-specific nursing homes. They apply to those communities which have larger numbers in South

Australia or larger numbers within the aged category needing nursing home facilities. I refer particularly to the Italian and Greek communities, for both of which communities we have nursing home facilities.

I acknowledge that an insufficient number of beds is available; nevertheless it is more than applies in other areas. The situation is more problematic with respect to communities in which the population of those needing nursing home facilities is not large enough to support within any one area a totally ethno-specific nursing home facility.

The way that has to be addressed will be variable. One way was that followed recently by the Polish community, and I was pleased to be able to add my support late last year to approaches by the Polish community to the Federal Government to seek financial support for a joint arrangement whereby Southern Cross Homes and the Polish community would look to providing nursing home services, although not totally Polish ethno-specific, within one of their facilities for those Polish people in need of nursing care.

The problem becomes even more significant for communities where the numbers involved are much smaller still, but that does not derogate from the importance of the issue because for every individual the issue is clearly an important one. There are other areas of concern with respect to ageing and, as I said, I will bring a report for the honourable member detailing what is happening in the various areas of government that are relevant to this matter.

MAGILL JUNIOR PRIMARY SCHOOL

The Hon. JENNIFER CASHMORE (Coles): Will the Minister of Education outline to the House details of help available to Magill Junior Primary School following the fire which virtually wiped out the school library last night, causing some $250 000 worth of damage and, in particular, can he give an assurance that a temporary building will be ready for occupation by the end of this term, whether the book stock and other resources will be fully replaced without cost to the school and whether security measures will be taken to prevent further damage?

I know that the Minister and senior departmental officers visited the school this morining and that the school is grateful for the concern shown and prompt attention given following the disaster. However, the feelings of shock, distress and vulnerability are keen and it is important that the Minister give public assurances which will enable the school to get back on a normal footing without delay or cost to the school community.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and for her interest in this very sad chapter in the life of a school. It is a fine school, which provides a fine service for young people in that district. It is very distressing to see the effect that such an event has on teachers, parents, students and all those in the community who support schools, as they do, right across the State. I cannot give the precise information about what will be provided. In fact, the actual needs of the school were still being formulated, but I can assure the honourable member that all that can be done will be done as quickly as possible to put the school in the state it was in prior to the fire, so that the school's programs can be continued.

I will give the honourable member the information about the specific matters of the classrooms, the restocking of the library, and the like as soon as that information is known. These were precisely the matters that were being discussed by senior Adelaide Area Office officers of the Education Department who were with the Principal this morning. The Education Department has an incredibly committed and dedicated group of people who do respond quickly to those tragedies. There is a good deal of experience built up now over the years in being able to continue the programs of the school with minimal disruption to students. In fact, in this case the fire did not destroy classrooms as such, although it had some effect on some of them, and so the disruption to that extent can be minimised.

However, I must say to the House that it is of concern that there has been this year a number of fires in our schools. Fortunately, some of them have brought about only minimal damage, but I believe that we do require the interest and support of the whole of the community to remain vigilant and to report any sighting of persons on school property, particularly during the curfew hours that have been brought down. Indeed, at any time where suspicious persons are seen on school property, members of the public are urged, as a matter of responsibility, to report that to the Police Department.

It is of further concern to me that legislation is currently before the House to bring down a deterrent on the parents as well as the children who are involved in arson attacks or other acts of vandalism on public property, particularly on schools. As a result of my representations to the Attorney-General that provision has appeared in the legislation currently before the House. It is distressing that the Liberal Party opposes these new measures.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this short Bill is to introduce substantially increased penalties for sale or supply of drugs to children. It is introduced against a background of concern for our young people. Young people today live in a world marked with stress and uncertainty. Traditional values and extended family support systems have been shaken. There are pressures at school; young people cannot be sure they can get the job of their choice or find any kind of employment when they leave school. Life's opportunities are uncertain. Young people are bombarded with media images of success, style and material wealth. Peer group pressure is a very powerful, real and often coercive force.

To those who would seek to exploit the vulnerability of our young people by selling or supplying drugs, the Government, by introducing this legislation, is giving a clear message—such reprehensible behaviour will not be tolerated. Under existing legislation, the penalties for trading or supplying illicit drugs are already severe. The Bill reflects the gravity with which the Government views the situation if young people are the target.

Penalties for sale or supply of drugs to children (that is, persons under 18 years) anywhere it occurs in the State are

substantially increased—fines will be doubled and prison sentences will be increased by 5 years. For example;

in the case of large amounts of cannabis or cannabis resin, maximum penalties are increased to both $1 million and 30 years imprisonment (currently both $500 000 and 25 years);

in the case of smaller amounts of cannabis or cannabis resin, maximum penalties are increased to $100 000 or 15 years imprisonment or both (currently $50 000 or 10 years, or both);

in the case of large amounts of hard drug maximum penalties are increased to both $1 million and life imprisonment or such lesser term as the court thinks fit (currently both $500,000 and life imprisonment or such lesser term as the court thinks fit);

in the case of smaller quantities of hard drugs, maximum penalties are increased to $400 000 or 30 years imprisonment or both (currently $200 000 or 25 years or both).

The Government is very much aware that street youth are a particularly vulnerable group of young people. They are part of an environment which not only initiates drug use but reinforces continued participation in drug-related lifestyles. The dangers inherent in such lifestyles are many—for example, intravenous drug use and needle sharing increase the risk of contracting the HIV virus and hepatitis B. The Government does not pretend that a legislative response is the only solution to the complex set of problems faced by this group of young people—but the message to dealers is unequivocal.

Children are any community's greatest resource. They must be protected from the possibility of being introduced to dangerous and addictive drugs and the many evils that are associated with illicit drug use. The Bill therefore seeks to establish 'drug-free' school zones—any person in possession of drugs for the purpose of sale, who is found within 500 metres of a school, will also be liable to the higher penalties. The Government will not tolerate people lurking in the vicinity of schools, seeking to recruit young people into illicit drug use.

To ensure that the full weight of the Government's intention is given effect, the Bill also, as a third initiative, sets down certain matters that the courts will be required to take into account when fixing the penalties. For example, the amendments will allow certain places such as pinball parlours, amusement halls. specific streets, etc., to be prescribed. In a case involving sale or supply to a child, if the offence took place at or near one of these places, the court must also take that into account in fixing the penalty.

The Government has consistently maintained that strategies for dealing with drug abuse must be comprehensive. Legislation is an important part of an overall strategy but it must be underpinned by other elements, including education and preventive programs. These are important cornerstones of the Government's drug strategy. There are a number of programs in place or proposed for primary and secondary schools—for example, 'Learning to Choose', 'Free to Choose', Life Education, the TEACH program, to name but a few—aimed variously at providing information and assisting children to make healthy choices and resist peer group pressure. Indeed, over $1.5 million is being spent on various education/prevention programs this year.

It is within this context of concern for young persons, that this Bill must be viewed. The vast profits that can be reaped from the illicit drug trade ensure that there will always be persons prepared to exploit the vulnerabilities of youth.

This Bill introduces extremely severe penalties for which the Government makes no apology. The community must protect itself and, in particular, its young people who are the community's future, from the activities of an unscrupulous and dangerous minority, those who would seek to make profits from the possible addiction and death of young South Australians.

The opportunity has also been taken to include provisions in this Bill to amend the definition of cannabis following a recent court ruling on cannabis seeds. Members are no doubt aware of the ruling, which was based on a submission that cannabis seeds do not contain cannabis resin and are fibrous or partly fibrous and therefore are not cannabis within the meaning of the Act. The Government's intention when the Act was originally introduced was clearly that seeds should be included. Fibrous material that contains no resin was excluded from the definition to take account of hemp rope or matting. However, our advice is that there is very little, if any of this material currently available. The amendment therefore seeks to delete the reference to fibrous material, in order to remove any doubt about cannabis seeds coming within the meaning of the Act.

The definitions of cannabis resin and cannabis oil are also amended to make them more precise. This is to remove difficulties being experienced by forensic scientists in scientifically categorising preparations as being resin or oil, and thereby achieve the gradation in severity from cannabis plant through resin to oil which is contemplated by the Act.

Further amendments seek to allow for the setting of limits on the number of cannabis plants that can be grown before it is deemed to be a commercial operation. Provisions are also included to enable a similar limit to be set in relation to a simple cannabis offence for the purposes of expiation under section 45a.

In keeping with the scheme of the Act, these amounts will be fixed by regulation, and will follow the process necessary for that to be achieved. However, I indicate that the Government believes 10 plants to be an appropriate threshold. It has come to our attention that much court time has been spent hearing disputes on production of a wide range of numbers of plants as being for own use. There have been findings such as 200 plants for own use, with a value at the time of approximately $250 000. Clearly, this was not the Government's intention and the amendments seek to remedy the situation.

Clause 1 is formal.

Clause 2 provides for commencement on proclamation.

Clause 3 redefines 'cannabis' so as to incorporate the existing definition of 'plant' which is accordingly deleted. 'Cannabis oil' and 'cannabis resin' are redefined in more precise scientific terms, so as to clearly delineate the difference in strength between resin and oil. A substance is oil if, when dissolved in hexane, it shows a concentration of more than 85 per cent, by weight, of soluble material in the quantity of substance tested. The definition of 'child' is recast so as to provide a general definition, as well as a definition relating to commission of offences. A definition of 'school zone' is inserted. A school zone includes not only the grounds of a primary and secondary school but also the area within 500 metres of the school boundary.

Clause 4 recasts the penalty provision in section 32. The penalties for selling or supplying drugs are increased where the sale or supply is to a child. The penalty for being in possession of a drug for the purpose of sale to another person is likewise increased if the offence occurs in a school zone. The increases are in effect a doubling of the existing fines and adding five years to the maximum prison terms now available. Subsection (6), which provides for a much reduced penalty where production of cannabis is for the defendant's personal consumption, is amended to allow for

a number of plants to be prescribed for the purposes of determining whether cultivation of cannabis was or was not for personal use.

Clause 5 adds another factor to the matters that the sentencing court must consider when fixing sentence for a drug offence. In the case of the sale or supply of a drug to a child, the court must have regard to whether the offence took place within a school zone or at or near any other prescribed place. In the case of possession of a drug for the purposes of sale, being an offence committed outside of a school zone, the court must have regard to whether the offence occurred at any other prescribed place.

Clause 6 amends the definition of 'simple cannabis offence' in the expiation section, by allowing for a number of cannabis plants to be prescribed which will determine whether or not cultivation is an expiable offence.

Clause 7 is a consequential amendment relating to regulations that can only be made on the recommendation of the Advisory Council

Mr INGERSON secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Real Property Act 1886. Read a first time.

The Hon. S.M. LENEHAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is designed to enable land division proposals to be developed in stages. The South Australian Planning Commission and Councils have generally interpreted a staged division as being allowable under the Planning Act and Real Property Act and it has been standard practice for some land division developments, particularly large subdivisions, to be developed in stages.

Staged land division is the development of a portion only of a total proposal for which planning approval has been granted, followed by the development of further portions at later dates. The staging is carried out following the granting of separate certificates of approval to divide under the Real Property Act for the portions. These separate certificates implement a single planning approval for the total development given previously under the Planning Act. Staged land division is considered by developers and councils to be necessary in certain circumstances to allow development to proceed in an orderly manner.

An issue has arisen over the acceptance of staged development for land division. The Planning Appeal Tribunal, on 22 July 1988, delivered a determination on a matter in the District Council of Tatiara. The appeal involved an application to divide land at Bordertown into 68 allotments. It was the intention to proceed with the division of the land in stages. In the judgment the Tribunal stated that the Real Property Act does not contemplate a single planning approval for a large subdivision and then staged implementation under the Real Property Act.

The development industry has expressed concern with the uncertainty of the procedures to be adopted in processing land division applications for staged development. In order that land development can proceed in an orderly manner it is necessary for the Real Property Act to be amended.

Clauses 1 and 2 are formal.

Clause 3 inserts new section 2231ba into the principal Act. This section provides for staged division of land following planning authorisation.

Clause 4 replaces paragraph (3) *(a)* of section 2231f to make it clear that if planning authorisation has been given to the proposed division and has not expired a certificate may be issued by a council or the commission under this section notwithstanding that the development plan may have subsequently been amended so as to prohibit division of that kind.

Mr LEWIS secured the adjournment of the debate.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING (1987 AMENDMENT) AMENDMENT BILL

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Electrical Workers and Contractors Licensing Act Amendment Act 1987. Read a first time.

The Hon. J.H.C. KLUNDER: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Electrical Workers and Contractors Licencing Act Amendment Act 1987 (No. 10 of 87) provided for the reciprocity of licences between other States and South Australia. This legislation was in accord with a move nationally to enable qualified electrical workers to work interstate without further formality.

The Act was assented to on 9 April 1987 but was not proclaimed as some of the other States were not ready. In mid-1988 the other States had settled their respective positions and on 7 July 1988 ETSA caused to be published a notice in the *Gazette* announcing the arrangements for reciprocity. However, the Act had not been brought into operation.

The current legislation, therefore, does not provide for interstate electricians to practise without obtaining a South Australian licence. The Electricity Trust of South Australia and the Minister of Mines and Energy appear to be protected against any outcome of this current circumstance, but there may be a situation where, in the future, work done by an electrician while not licensed might fail, and an insurer may establish that the work was illegal and therefore attempt to avoid liability.

The proposed Bill, which will bring into operation the Electrical Workers and Contractors Licensing Act Amendment Act as from 7 July 1988 gives effect to the wishes of Parliament and is for no other purpose than to correct an administrative oversight.

Clause 1 is formal.

Clause 2 repeals section 2 of the 1987 amending Act (the commencement clause) and substitutes a new section 2 that provides that the 1987 amending Act came into operation on 7 July 1988.

Mr LEWIS secured the adjournment of the debate.

TECHNICAL AND FURTHER EDUCATION ACT AMENDMENT BILL

The Hon. M.D. RANN (Minister of Employment and Further Education) obtained leave and introduced a Bill for an Act to amend the Technical and Further Education Act 1976. Read a first time.

The Hon. M.D. RANN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is intended to achieve three things. First and foremost it amends the Act to provide wider opportunities for alternative employment for officers of the teaching service who became temporarily or permanently ill or disabled and are unable to perform the duties of their normal employment. The proposed amendments follow the more flexible and fairer approach contained in the Education Act and the Government Management and Employment Act in that provision is made for transfer of such a teacher to other employment with the Government. Provision is also made for leave without pay in some cases.

Secondly, the Bill seeks to extend the delegation power of the Minister of Employment and Further Education and of the Director-General of Technical and Further Education to permit delegation of the powers and functions contained within the Act to officers and employees appointed by the Minister under section 9 (6) of the Act.

The opportunity is also taken to reflect in the Act the new title of the Minister responsible for the administration of the Act.

Clause 1 is formal.

Clause 2 provides for commencement of the Act on proclamation.

Clause 3 amends the definition of 'Minister' so that it now refers to the Minister of Employment and Further Education.

Clause 4 provides that the Minister may also delegate powers to a person who has been appointed to office by the Minister under section 9 of the Act, as well as to the departmental officers and members of the teaching service.

Clause 5 similarly provides that the Director-General may delegate powers to such a person.

Clause 6 re-enacts section 17 of the Act so as to include powers to transfer an incapacitated officer of the teaching service to any other position in the teaching service or to some other Government position, or to grant the officer unpaid leave. This section is now identical to section 17 of the Education Act.

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

STRATA TITLES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Strata Titles Act 1988 has been in operation since September 1988. The Act has been well received and professional bodies and groups regularly utilising its provisions have found that it is a simple and effective piece of legislation which generally works well.

Monitoring the practical operation of any new piece of legislation is important and the Government has canvassed a range of opinions including those of the Standing Committee of Conveyancers, the Real Estate Institute, the Law Society and the Institute of Strata Administrators on the operation of the Strata Titles Act in order to determine whether any amendments were warranted at this stage. The result of these consultations is this Bill which can fairly be categorised as being a fine-tuning of the provisions in the Strata Titles Act.

The Bill is in large part devoted to clarifying the technical provisions relating to the division of land by strata plan. The Registrar-General indicated a number of practical problems, particularly concerning easements, encumbrances encroachments which have been rectified. The clauses notes explain these amendments in detail.

The other provisions of the Bill deal with the operation of the strata corporation. It is important that members of a strata corporation are clearly guided as to their responsibilities.

Provision is made by this Bill to ensure that where a strata scheme consists of residential premises the management of the corporation will be in the hands of unit holders. However, in order to provide commercial flexibility where all of the units in the strata scheme comprise non-residential premises the management committee can include non-unit holders. These provisions should ensure that residential schemes are administered in a way which is satisfactory to all unit holders, while non-residential schemes can be administered in a flexible way in keeping with the commercial and business nature of such schemes and the corporate nature of many such unit holders.

Provisions relating to the performance of structural work have been altered so that a unit holder may carry out work in relation to the unit which is authorised by the articles (in the case of non-residential schemes) or which is authorised by special resolution. (The current provision requires approval by unanimous resolution.) It is considered that a special resolution (requiring the support of two-thirds of the unit holders) gives sufficient protection to the interests of the unit holders in the scheme, while protecting the person who wishes to perform the structural work from the unreasonable conduct of a minority of members of the scheme. It is hoped these new arrangements will assist in the better practical management of strata schemes.

Provisions relating to the holding of general meetings and clarifying the procedures and voting rights at such meetings of the corporation are included as are provisions incorporating quorum requirements for the management committee.

New requirements requiring copies of current policies of insurance taken out by the corporation to be furnished to an owner, an intending purchaser or mortgagee are included. At present such policies must be made available for inspection but there is no requirement for copies to be furnished. It is considered that as there is a statutory duty to insure, the corporation should be required to provide copies of policies to prospective purchasers.

On the recommendation of the Law Society amendment is also made to allow for more flexibility in the leasing or licensing of part of a unit in non-residential premises. Cur-

rent restrictions on such leases or licences in relation to residential schemes remain but in relation to business or commercial premises different considerations apply. A variety of other minor matters are also dealt with in the Bill.

In order that the public can obtain up-to-date copies of the Strata Titles Act the Government intends to produce a new consolidation of the Act as soon as possible after the passage of these amendments.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure. The amendments effected to the principal Act by clauses 6 *(b)* and 27 of the Bill are to be taken to have come into operation on the day on which the principal Act came into operation (1 September 1988). The other amendments are to come into operation by proclamation.

Clause 3 inserts two new definitions into the principal Act. It is intended to clarify that a reference in the Act to a fence includes a reference to a gate, and to include a definition of 'statutory encumbrance' in connection with the operation of proposed new section 8 (7).

Clause 4 amends section 5 of the principal Act to provide that, for the purposes of the Act, the common property of a strata corporation includes any structure on the site committed to the care of the corporation as part of the common property.

Clause 5 amends section 7 of the principal Act in two respects. First, it is intended to clarify that a reference in subsection (6) *(b)* (ii) to the protrusion of footings includes any structure of a prescribed nature over the footings. Secondly, it is necessary to amend subsection (7) in conjunction with the proposed insertion of new section 17a.

Clause 6 revises subsections (5) and (6) of section 8 of the principal Act. Subsection (5) presently allows a strata plan to provide for the discharge of an easement over the relevant land with the consent of the registered proprietor of the dominant tenement. The new provision will allow an easement to which the relevant land is the dominant tenement to be discharged. The Registrar-General will also be empowered, subject to obtaining the proper consents, to discharge an easement on the Registrar-General's own initiative. Subsection (6) is to be replaced by two new subsections. New subsection (6) clarifies that an encumbrance not registered on the certificate for the common property comprised in a deposited plan will be taken to be discharged to the extent that it is not so registered. New subsection (7) ensures the preservation of statutory encumbrances (as defined) that exist in relation to the land comprised in a deposited plan.

Clause 7 proposes various amendments to section 12 of the principal Act. Subsection (2) *(b)* is to be amended to provide that the consent of a person with an encumbrance registered over common property must be obtained where the common property is to be effected by an amendment. New subsections (3a) and (4a) will allow an amendment (in limited circumstances) even though part of a building on the site may cause an encroachment on other land. (The provisions are similar to subsections (6) and (7) of section 7 of the principal Act.) New subsections (5) and (5a) will facilitate the operation of certain encumbrances where an amendment provides for the transfer of part of a unit to common property or another unit, or for the transfer of common property to a unit.

Clause 8 amends section 14 of the principal Act by including under subsection (7) a reference to the City of Adelaide Development Control Act 1976 and The Principles of Development Control under that Act.

Clause 9 amends section 16 of the principal Act to provide that an application for the amalgamation of two or more strata plans must be accompanied by a certificate certifying the correctness of the schedule of unit entitlements.

Clause 10 relates to section 17 of the principal Act. Subsection (7) prescribes the rules that are to apply in relation to the land comprised in a strata plan where the plan is cancelled. It is proposed to include a provision that will allow an easement that was discharged when the plan was originally deposited in the Lands Titles Registration Office to be revived at the request of the registered proprietors of the dominant and servient tenements.

Clause 11 proposes new sections 17a and 17b. Section 17a addresses the problem that arises where a person's consent is required for the purposes of an application under Division II or IV but the whereabouts of the person is unknown. Section 17b will facilitate the creation of easements on the deposit or amendment of a strata plan.

Clause 12 relates to section 23 of the principal Act. Under that section, each officer of a strata corporation must be a unit holder. It is proposed to alter the provision so that an officer need not be a unit holder if none of the units comprised in the scheme consist of residential premises.

Clause 13 amends section 25 of the principal Act. Section 25 *(a)* provides that the strata corporation must hold the common property for the benefit of the unit holders and the other members of the strata community. However, section 10 (1) of the Act provides that the common property is held in trust for the unit holders. It is therefore thought to be appropriate to provide that the interests of non-unit holders will only be taken into account in the management of the common property to such extent as may be appropriate.

Clause 14 amends section 26 of the principal Act in two respects. It is proposed to clarify that a reference in section 26 (2) *(b)* to a unit is a reference to a unit within the site, and to provide consistency between subsections (1) *(a)* and (3) of that section by inserting into subsection (3) the words 'deal with'.

Clause 15 provides than an amount paid by a person under section 27 of the principal Act is not recoverable by the person from the strata corporation when he or she ceases to be a unit holder.

Clause 16 relates to the authorisation that a person must obtain under section 29 of the principal Act before he or she can carry out prescribed building work on a unit. The section presently provides that the authorisation must be by unanimous resolution of the corporation. It is proposed to amend the provision so that the authorisation may be by special resolution of the corporation, or, in the case of non-residential schemes, under a provision of the articles of the corporation (thus allowing a general authorisation to be inserted in the articles by special resolution under section 19 of the Act).

Clause 17 amends section 30 of the principal Act to exclude subsidence from the events in relation to which insurance must be obtained.

Clause 18 amends section 31 of the principal Act to insert under subsection (2) the amount of 'public liability' insurance that is presently prescribed by the regulations.

Clause 19 makes a number of amendments to section 33 of the principal Act. Many of the amendments are of a technical nature. New subsection (2a) will provide that reasonable steps must be taken to ensure that a meeting of a corporation is convened on a day, and at a time and place, that is reasonably convenient to a majority of members of the corporation.

Clause 20 relates to voting rights at general meetings. The references in section 34 to 'a poll' are to be altered to 'a

written ballot'. New subsection (6) will clarify that the written ballot is to be taken amongst unit holders (or proxies) attending the relevant meeting.

Clause 21 proposes various amendments to section 35 of the principal Act. It is noted that new subsection (1a) will allow a management committee to consist of, or include, persons who are not unit holders if all of the units comprised in the scheme consist of non-residential premises.

Clause 22 alters the 'relevant date' under section 38.

Clause 23 will require a strata corporation to provide a copy of any insurance policy on the application of a purchaser, prospective purchaser, or mortgagee of a unit. The amendments will also require that the minute books of the corporation must be made available on request. New subsection (2a) will ensure that a corporation does not charge more than the prescribed fee for a 'search' under section 41.

Clause 24 will, by amendment to section 44 of the principal Act, allow a unit holder to grant a lease or licence over a part of a unit if all of the units in the scheme consist of non-residential premises.

Clause 25 will require that a person appointed by a body corporate under section 44a of the Act be a director, manager, secretary or other officer of the body corporate if any unit in the scheme consists of residential premises.

Clause 26 corrects a printing error in section 50 of the Act.

Clause 27 clarifies the status of the boundaries of units in strata plans deposited in the Lands Titles Registration Office under the relevant provisions of the Real Property Act 1886.

Clause 28 amends schedule 3 of the principal Act to restrict the ability of a person to interfere with plants on the common property of a corporation

Mr LEWIS secured the adjournment of the debate.

CORONERS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 March. Page 539.)

Mr INGERSON (Bragg): This simple Bill provides for the mandatory reporting of deaths of persons detained in custody or accommodated in institutions established for the care or treatment of persons suffering from mental illness, intellectual retardation or impairment, or drug dependency. The Act allows the Coroner to hold an inquest into the death of a person in one of these institutions, but there is no requirement for such deaths to be notified to the Coroner unless they appear to be of a violent or unusual cause. Penalties are imposed for not reporting a death referred to above, although there is a defence if a person who is charged is able to prove that he or she believed on reasonable grounds that a Coroner or, in some circumstances, a police officer was aware of the finding of the body or death. In addition, penalties have been substantially increased in this Bill.

It seems to me to highlight one of the questions that was raised in another Bill last evening, that is, what is the major purpose of this legislation and why is it necessary to bring it before the House to provide for a fundamental area of control that the Coroner should have had and must have had over previous years? After all, this sort of problem has not occurred suddenly. Perhaps, in his reply, the Minister could advise the House why this type of Bill has been introduced when it appears that these sort of powers have been exercised before by the Coroner. I support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, which amends the Coroners Act in a number of ways. The member for Bragg would like to know why this measure has come before us at this time. It results from requests from the Coroner and the Coroner's office. From time to time, all Ministers receive from those under their responsibility requests to amend legislation, either as a result of a periodic review or particular instances that have arisen where the current legislation has been seen to be wanting. Although I do not have the information before me, I am aware that a number of the matters touched on in this Bill have been raised as a result of the interim recommendations of the Royal Commission into Aboriginal Deaths in Custody. That has highlighted the need for amendments to legislation requiring the mandatory reporting of deaths of persons in custody, whether in prison or within some other form of institution. This has now been provided for in this measure. I commend the Bill to members.

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

WAREHOUSE LIENS BILL

Adjourned debate on second reading.
(Continued from 1 March. Page 541.)

Mr SUCH (Fisher): I support this Bill because it offers a reasonable balance between the rights and obligations of depositors using warehouses and warehouse operators. It repeals the Warehousemen's Liens Act 1941, which was slightly amended in 1974. This Government, and other Governments, cannot be accused of rushing into the matter. The Act which this Bill repeals was cumbersome and vague in places and I am pleased that this Bill addresses those particular aspects.

Under this Bill, a warehouse operator now has only to give notice where a lien is to be enforced, that is, where the goods are to be offered for sale. This Bill will reduce the need for the number of regulations that existed under the old Act, and any move in that direction is to be welcomed. The fewer regulations generally, the better. It brings the law up to date in respect of current drafting practices—for example, deletion of sexist terminology—and that is also to be welcomed.

The Minister might like to consider a couple of points that I will make. Under the existing Act, one of the forms of notice to depositors is by registered mail. I notice that, under the Bill, that provision is deleted and notice may be conveyed by ordinary mail. In addition, where there is a surplus from the proceeds of the sale of deposited goods in respect of a claim made to the Treasurer within a period of six years and on the establishment of *bona fides*, that surplus can be returned to the rightful owner, but I notice that there is no provision for any adjustment to take account of inflation within those six years. I would appreciate the Minister's response to those points.

This sort of Bill does not keep us awake late at night, but it is like insurance: there comes a time when the details of the legislation are very important. Therefore, I welcome this updating to bring the law into line with current practices and trends, and I am pleased to support the Bill.

The Hon. T.H. HEMMINGS (Napier): I congratulate the Minister on this measure. I am not sure what the member

for Fisher meant when he said that there was slow progress in introducing this Bill. It is an indication of the way in which this Government works. If something needs to be done, it is looked at very thoroughly so that, when it eventually reaches Parliament for debate, everyone is well aware of what is required in the community. I congratulate the Government on ensuring that, when Bills such as this reach Parliament, everyone is extremely happy with them.

In August 1989, a similar Bill was introduced and, with respect to the wording of clause 10 (1) *(c)*, representation was made to me by members of the community that the clause gave the impression that there was an absolute obligation on a warehouse operator to notify persons with a registered interest in the goods of the intention to sell, even if there is no reasonable means of ascertaining whether the goods are subject to any security. This new Bill clears up that point, and I urge all members to support its speedy passage.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure which, in part, provides for the deregulation and modernising of legislation with respect to the rights of those who store goods in warehouses and the proprietors of those warehouses to recover costs associated with that storage. The original 1941 Bill, which was in fact based on more ancient legislation, clearly indicates that the current trends and needs of the community have changed quite dramatically since that time. I was interested to read in the *Hansard* of the House of Assembly for 1941 the comments on the Bill by the Hon. Shirley Jeffries, the member for Torrens and Attorney-General at that time. He was replying to questions about whether the legislation applied to the storage of wheat and in what circumstances it would not apply. I guess the storage of wheat and many other goods has changed quite dramatically in this State since the Second World War.

There are some slight amendments in the Bill compared with that introduced into Parliament towards the end of the last session: they are referred to in the second reading explanation and I will not go over them. In all other respects, the Bill is the same as that which was introduced last year. The Bill in this form will, hopefully, provide the law and the benefits which flow from it to the community so that there is more applicability of the law and an enhancement of the rights of those who are involved in the storage of goods in warehouses.

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

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 1 March. Page 540.)

Mr OSWALD (Morphett): This Act allows the Supreme Court to appoint a manager to a protected estate where a person is aged or infirm and incapable of exercising responsibility for his or her own affairs. In all circumstances, it is the Supreme Court which makes those protection orders. The Bill presently before us, as I understand it, seeks to provide for the District Court to make protection orders when dealing with an action for damages for personal injury. There is power in the District Court to direct that money payable to a plaintiff for damages be paid to the Public Trustee under the Administration of Probate Act which constitutes the Public Trustee as a trustee. A protection order under the Aged and Infirm Persons' Property Act would give more flexibility in the application of such moneys as well as allowing the District Court to appoint some person other than the Public Trustee to be a manager of a protected estate.

Secondly, the Bill seeks to terminate a protection order under the Aged and Infirm Persons' Property Act when an administrator is appointed under the Mental Health Act 1977 to manage the affairs of a person who is mentally ill or mentally handicapped. Thirdly, a protection order under the Aged and Infirm Persons' Property Act cannot be made in respect of a person whose estate is the subject of an administration order under the Mental Health Act. Finally, a number of statute revision-type amendments are also made in the Bill.

This is a complex matter. It is a melding of the Mental Health Act and the Aged and Infirm Persons' Property Act. Generally, the Bill is acceptable to the Opposition, although a couple of matters which require some attention. I will refer to them in more depth in Committee, but I will summarise our concerns. We will be asking questions in respect of clause 9 where the relationship between the Aged and Infirm Persons' Property Act and the Mental Health Act is dealt with. In our view, that notice of appointment of an administrator under the Mental Health Act ought to be given to the manager appointed under the Aged and Infirm Persons' Property Act. Also, we will be seeking to add a reference to the Mental Health Act. Under that Act, the Public Trustee must be appointed by the Guardianship Board as the administrator unless special circumstances exist for the appointment of another person.

Many members have probably had representations to their electorate offices where the husbands or wives of people in relation to whom an order has been made by the Guardianship Board have complained about the fact that all of their responsibilities have been taken away from them by the appointment of a Public Trustee. I believe that the Bill is a good vehicle to explore these difficulties and to seek to amend that provision of the Mental Health Act which appoints an administrator to remove the priority given to the Public Trustee and to allow the Guardianship Board to exercise discretion as to who should be appointed to manage the protected estate, in the same way as the Supreme Court has a discretion under the Aged and Infirm Persons' Property Act, provided of course that, if some person other than the Public Trustee is appointed, there is proper accountability.

I hope that members have grasped what we are attempting to achieve. I am sure that we have all had representations at some time or other where husbands or wives of persons in relation to whom an order has been made by the Guardianship Board have complained about the fact that all of their responsilities have been taken away from them by the appointment of a Public Trustee. My amendment seeks to resolve that complaint that has existed for some time, and I will speak on that further in the Committee stage. With those remarks, I indicate that the Bill is generally acceptable to the Opposition, but we will raise those two matters in Committee.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure. It is true to say that it is natural that there would be persons within families who have been placed under the control of the Guardianship Act or of other Acts where the fundamental rights for the administration of their affairs are removed from them. I have had representations also—

and I suppose all other members during their period of office would have received similar representations—from members of the family or friends of persons who are similarly aggrieved. I am not quite sure whether any single legislative act—certainly not the amendments that the honourable member proposes—will overcome that problem, because it is inherent in the nature of the action taken in the interests of the person who is in some way too incapacitated to take those decisions that we all enjoy in the community at large. Whilst the course of action that the honourable member seeks to take is laudable, I believe the method by which he is taking it will not achieve his aims.

As the honourable member has outlined to the House, this measure provides for a series of amendments to the Aged and Infirm Persons' Property Act. It vests powers in the District Court that were previously vested only in the Supreme Court, and that will streamline procedures and enable the District Court to make protection orders in appropriate places. In addition, it has been found that there have been some difficulties in administering this legislation, so the Bill provides for a protection order to be taken out, and that will be taken to have been rescinded when an administrator has been appointed subsequently under the Mental Health Act and notice of appointment has been filed with the court. The provision requires the former manager of the protected estate to file accounts, statements and affidavits to have the matter finalised. A number of other minor matters of a drafting nature have been attended to. I commend the Bill to members.

Bill read a second time.

Mr OSWALD (Morphett): I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider a new clause relating to the appointment of a person other than the Public Trustee as an administrator under the Mental Health Act 1977.

Motion carried.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Relationship between this Act and the Mental Health Act 1977.'

Mr OSWALD: I move:

Page 2, line 33—After 'court' insert 'and serve a copy of the notice on the former manager of the protected estate'.

As I said initially during the second reading debate, where the relationship between the Aged and Infirm Persons' Property Act and the Mental Health Act is dealt with, it is our view that notice of appointment of an administrator under the Mental Health Act ought to be given to the manager appointed under the Aged and Infirm Persons' Property Act. I will not delay the Chamber in speaking at length to this proposal. The Minister, being a professional lawyer will, I am sure, have a thorough grasp of what our legal advisers have put forward.

The Hon. G.J. CRAFTER: As I said during the second reading debate, the intention of the honourable member is laudable but the method by which he wants to carry this out in this situation is not appropriate and, for that reason, I oppose the amendment. The amendment would require the administrator appointed under the Mental Health Act 1977 to serve a copy of the notice of appointment on the former manager of the protected estate. It is not appropriate to adopt that course of action and it is not appropriate that the administrator should be the person to serve that notice, because I believe that that ought to be the responsibility of the Government. The administrator may not have direct knowledge of who the former manager was. The court would have a record of the former manager and, through its rules, it could ensure that the former manager be advised of the appointment of an administrator. In addition, obviously, the court would alert the former administrator to the need to file accounts and statements and so on as required by the court under the clause to which I referred in my second reading speech. For those more practical reasons I believe that the amendment advanced by the honourable member should be opposed.

Amendment negatived; clause passed.

Clauses 10 and 11 passed.

New clause—'Amendment of Mental Health Act 1977.'

Mr OSWALD: I move:

Page 3, after line 8—insert new clause as follows:

12. The Mental Health Act 1977 is amended by striking out subsection (3) of section 28.

I wish to summarise the argument that I put in the second reading debate. On a number of occasions, husbands or wives of persons in relation to whom an order has been made by the Guardianship Board have complained about the fact that all their responsibilites have been taken away from them by appointment of the Public Trustee. The provision seeks to give power so that some person or agency other than the Public Trustee can be made the trustee. We believe that the Bill is a good vehicle with which to explore this problem. It is an opportunity to correct something and the provision seeks to amend that provision of the Mental Health Act while the Bill is before us.

It appoints an administrator, removes the priority given to the Public Trustee and allows the Guardianship Board to exercise discretion as to who should be appointed to manage a protected estate, in the same way as the Supreme Court exercises discretion under the Aged and Infirm Persons' Property Act. We believe that the proposal has merit. Why should only the Public Trustee in particular perform this role when others could be given opportunity by direction? My legal advisers assure me that it is practicable to go down this track and I have been urged to pursue this matter. I ask members to support the amendment.

The Hon. G.J. CRAFTER: I oppose this amendment. It is not an amendment to the Bill currently before us: it is an amendment to the substantive Act of quite a fundamental nature with respect to the work of the Guardianship Board and, indeed, the work of the Public Trustee Office as it is currently established in this State. Whilst there may well be some merit in pursuing the argument that the honourable member has advanced in the House today, I believe that a conclusion ought to be drawn as a result of a very thorough examination of all the circumstances surrounding the work of the Guardianship Board. I will ask my colleague the Attorney-General to comment on the work of the Guardianship Board when the Bill is being debated in another place.

However, it is not true to say that there is only the avenue of the Public Trustee with respect to the administration of estates, because there is currently power in certain circumstances for others to be appointed by the Guardianship Board; that is provided for currently in the legislation. However, I understand that the honourable member is seeking to eliminate that prior right of the Public Trustee, and I believe that is not appropriate in an *ad hoc* way to provide such a radical change to the policy that has hitherto applied in this State with respect to the administration of estates of this type. It is for those reasons that I urge caution on the House in dealing with this matter, a matter of considerable importance and sensitivity, and I believe we should take such steps only after thorough inquiry.

Mr OSWALD: I appreciate the Minister's remarks. This amendment was not put forward without a lot of thought and advice from others. We feel strongly about it. We know it is a dramatic step and it is a major change of policy in regard to the present Act. The Minister has provided a lot

of information which I am sure will become valuable in this debate both in the other place and in Party discussions. Nevertheless, I have been advised by my legal advisers to pursue the matter and I will do that shortly.

The Committee divided on the amendment:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S.Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald (teller), Such and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote to the Noes. The question therefore passes in the negative. New clause thus negatived.

Title passed.

Bill read a third time and passed.

SUPPLY BILL (No. 1)

Returned from the Legislative Council without amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL

In Committee.

(Continued from 21 March. Page 742.)

Clauses 2 and 3 passed.

Clause 4—'Road blocks'.

Mr INGERSON: Last evening the Minister explained that this whole process was to clarify existing legislation and to make some changes that are required. On how many occasions have these powers been required or may be required in the future? We recognise that the community supports these powers, but what situations have occurred that require this legislation to be clarified?

The Hon. G.J. CRAFTER: I do not have the precise figures but, if one looks at the situations in which the police may have to exercise the powers provided for in this measure, one sees that that is not infrequently. For example, the circumstances which may require a road block to be established are, I should have thought, quite frequent in our community with respect to escapees from custodial institutions, high speed car chases in pursuit of persons believed to have committed offences, and the apprehension of those involved in drug offences in remote areas of the State, an example of which we have had recently. Apart from those situations, there is the provision of support by police and the powers to provide that support to the community in declared dangerous areas as a result of natural disasters, although we cannot predict how often those will occur.

We have these disasters from time to time, whether they be as a result of flooding (particularly in country areas) or of bushfires during the summer. There is less risk in this State of cyclones, but much damage has been done over the years as a result of storm and tempest. Then there are the man-made disasters which, once again, one cannot predict, such as accident sites around harbour facilities. Some years ago there was a fire in an oil depot at Birkenhead.

Space debris could come down or we could have chemical spillages and such accidents. Then there are issues relating to the activities of mentally deranged persons. An example of that occurred in Rundle Street some years ago where a person was terrorising and holding people captive. Unfortunately, from time to time, there are situations of seizure and hostages being held or suicide attempts, which may well require the exercise of those powers. I believe that all members can see that the number of incidents each year in which these powers may be required is not inconsequential. These are important powers and, undoubtedly, they will be exercised each year under a range of circumstances.

Mr INGERSON: The concern of many of my colleagues and of the community is the problem highlighted by the Council for Civil Liberties; that, if this legislation is suddenly required, one would have expected there to have been a considerable number of difficulties in these two areas. I want to make it clear that the Opposition is not opposing this legislation, as I said last night, but there is much concern that all of a sudden we are getting legislation requiring the recognition of road blocks and such when we have not heard too much in the recent past of the difficulties the police are having—and the media are usually fairly good at explaining to the community where difficulties occur.

I am not suggesting that there have not been road blocks, but what I and many people in the community are concerned about is why we suddenly have this legislation and why there is the need to clarify this position. If the Minister is saying that clarification is required, there must be a reason for it. I suspect that one does not suddenly say, 'Let's start clarifying all these Acts,' since, if we did that, we would be having continuous debate in this place. There must be more to it than purely and simply saying that there is a need for clarification.

The Hon. G.J. CRAFTER: We do, indeed, have ongoing debate about the criminal law and the administration of criminal justice in our community, and it is appropriate that we have the capacity to amend our legislation to provide those vested with the responsibility to administer the criminal justice system in this State with the appropriate powers. The Commissioner of Police has sought these amendments as a result of substantial work being done in his department over a period of time, and in conjunction with similar moves being made in other States.

However, I reiterate what was said about this matter last evening: primarily it is a matter of clarification of the law. It is true that there is an extension of police powers to establish road blocks, carry out inspections of vehicles and apprehend persons. That is clearly justified in the context of this legislation, and there should be no fear in the community about matters of that type, given the examples I related to the House last evening, such as that of fruit fly road blocks being established.

I do not believe that there is a history of excessive use of powers in this State but, on the other hand, we need to ensure that our Police Force has the appropriate powers to apprehend persons believed to have committed serious criminal offences. It is for those reasons, as well as because of the changing nature of crime in our community and the techniques used by criminals, that we need to update our laws continually and provide police with appropriate powers. I do not think that anyone would seriously argue that this is giving police *carte blanche* in this area or that there will be excessive powers. The powers are quite restricted under this legislation, and the Government believes that the checks and balances provided by the legislation are appropriate to ensure that there are no excesses.

As I also indicated last night, this is not something that is secretive or done in an anonymous way such as we might have, for example, with respect to listening devices, and the

like, which we have dealt with in this House. This is something that occurs quite publicly and almost always is subject to the scrutiny of the media and of the broader community. I believe that safeguards are in place to allay the fears raised in this place by the Opposition on behalf of bodies such as the Council for Civil Liberties, which has always had a brief to scrutinise legislation of this type to ensure that no excessive powers are given where there is no need for such powers to be granted to police and to other authorities vested with similar powers.

Mr INGERSON: I thank the Minister for that reply. He mentioned that the police, through the Commissioner, had requested these amendments. At some time will the Minister ask the Commissioner to place before Parliament the reasons for this clause, since it does take it into the area of major offences? The provision does not talk about the road blocks for fruit fly and does not take into consideration any other minor road blocks that may be set up, but it seems to me that, since there is concern, we should ask the Minister to obtain from the Police Commissioner a reasonably detailed statement for the Parliament, so that this process can be more fully explained.

The Hon. G.J. CRAFTER: I will certainly refer the honourable member's request to my colleague so that that matter can be addressed in another place. Historically, there has been a widespread belief in our community that police do have the power to establish road blocks and to search vehicles and their occupants when necessary. Every young boy in our community would have taken that as folklore, and perhaps it is all too often seen as the exciting aspect of policing in our community.

Perhaps now, with an increasing awareness of civil liberties and personal rights, there may be some understanding that the police simply cannot do that as a matter of absolute right. There are limited circumstances in which road blocks can be established, and certainly powers of search and seizure are quite limited in this State. I believe that this measure proceeds down that path to allow responsible policing practices in the community. However, it still does provide the necessary checks and balances. It applies to serious criminal offences, and there are reporting procedures that are associated with the exercise of this power by police officers.

Mr INGERSON: I move:

Page 2, lines 5 to 7—Delete paragraph *(b)* and substitute the following paragraph:

(b) may be renewed from time to time by a justice for a further period (not exceeding 12 hours).

My purpose in moving the amendment flows from questions I asked previously about the concern of many people in the community regarding the need to have a restriction placed on the use of these road blocks after a period of 12 hours. As the Minister will be aware, another paragraph in this clause clearly states that a senior police officer can set up the road block for 12 hours, but that really relates to the new renewals part of the clause.

However, to support my amendment, I refer to a letter sent to a colleague in another place from the South Australian Council for Civil Liberties. It states:

With respect to the road block proposal, we accept the desirability of police being able to restrain the movement of criminals by stopping and searching vehicles, but we cannot understand why the road block should remain in force for periods of 12 hours with a right of renewal for a further 12 hours. We would have thought that in appropriate legislation a vehicle stopped at a road block should be subject to search and allowed to pass along its intended route unless the police are satisfied that they are implicated in the 'major offence' justifying the road block.

We would have thought that the use of road blocks in connection with detecting crime would be an unjustifiable imposition upon ordinary commerce unless very special circumstances existed. Such circumstances should not be a matter for police officers, but should require permission at a judicial or ministerial level. Permitting police officers to create road blocks which effectively imprison large areas of the community is a potentially political weapon and this legislation fails to guard against abuse of that sort.

Based on that letter and with the support of a majority of my Opposition colleagues, I move this amendment and ask that the Minister consider the conditions outlined.

The Hon. G.J. CRAFTER: I appreciate the Opposition's support for the general measure. However, on very practical grounds, I oppose the intervention of the judicial review of granting the renewal for a period not exceeding 12 hours. Where there is a requirement that a senior police officer has to make that decision, it is often in circumstances where it may not be practical to achieve easily a judicial review.

Secondly, I believe that there are circumstances where the Police Department and senior police officers are in possession of all the relevant information and can make a decision speedily but appropriately in those circumstances, yet the judicial officer may find himself or herself in a position where there needs to be a substantial inquiry to gain that same set of facts. Given that some of these situations occur in remote areas of the State—and we are indeed a vast State—then the absolute requirement that there be a judicial review may hinder those police operations.

Therefore, I believe that the fears expressed by those people who have made representations to the honourable member's colleague are unfounded. Clause 4 contains substantial safeguards, which are built into the system. I repeat: these uses of the power occur in the public domain, usually under quite intense scrutiny of the media in the circumstances, and so one is not likely to find that there is frivolous or excessive use of this power. I believe that that is properly provided for within the framework of the existing clause.

The Committee divided on the amendment:

Ayes (23)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacer and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

Noes (23)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

The CHAIRMAN: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote to the Noes.

Amendment thus negatived.

Mr INGERSON: I move:

Page 2, lines 25 to 26—Delete 'by the person for whose apprehension the road block was established'.

It is the Opposition's belief that, if the police set up roadblocks, they should be able to take possession of objects in a much broader sense if they believe that there are drugs, guns or other equipment in a vehicle that may be secondary to the reason for setting up the roadblock. It is for that reason that the Opposition seeks to delete the provision which states specifically that the roadblock has been set up for a particular person. We are concerned that, if public roadblocks are to be set up and there are other instances, it should be as broad as possible for the police to take the widest possible amount of information and possession.

The Hon. G.J. CRAFTER: Presumably, the Council for Civil Liberties did not request the amendment that the Opposition has just moved. I believe that it is in contradiction to the argument that the honourable member advanced

with respect to the last provision because it would grant quite extensive general search powers to the police. That would be unacceptable to the Council for Civil Liberties and to many people in the community and would diminish the effectiveness of the operations of the police in the administration of justice and the support that they receive from the community.

The Government does not consider that the police should be able to use a roadblock as a means of obtaining evidence of the commission of an offence by other than the person for whose apprehension the roadblock was established. A roadblock is established for the purpose of apprehending a specific person or persons and that is provided for in the measure that we previously discussed in those specific circumstances, and I believe that that is an appropriate limitation on police powers.

Amendment negatived.

Mr INGERSON: I move:

Page 3, lines 9 to 18—Delete subsections (9) and (10) and substitute the following subsections:

(9) The Commissioner must, within seven days after the granting of an authorisation under this section, submit a report to the Minister stating—

(a) the place at which the establishment of a road block was authorised;

(b) the period or periods for which the authorisation was granted or renewed;

(c) the grounds on which the authorisation was granted or renewed;

(d) whether, and to what extent the road block established pursuant to the authorisation contributed to the apprehension of an offender or the detection of an offence;

(e) any other matters the Commissioner considers relevant.

(10) The Minister must cause copies of a report under subsection (9) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

I have moved this amendment because there is some concern that there needs to be significant notification after the event of this type of action. If it is such a serious matter, Opposition members see the need for it to be put before Parliament and explained.

The Hon. G.J. CRAFTER: The Government opposes the amendment because it takes the police into an area of unnecessary bureaucracy after an event has occurred. One must bear in mind that these situations often occur in a blaze of public attention. The media scrutinise these matters very carefully, as does the local community and others who are engaged in it. The Bill provides for the Commissioner of Police to report to the Minister and, indeed, it is usual for the Police Commissioner to make regular reports to the responsible Minister for purposes of ensuring that the police exercise appropriate powers.

It has never been the history of this Police Department or, to my knowledge, other Police Departments to be backward in asking for appropriate powers to be granted when they seem to be inadequate. So there is a dialogue and a reporting procedure in place, and rightly so. The only areas in legislation where regular reporting is required by law, as I have mentioned in debates previously on this measure, is where the police power represents an invasion of personal privacy, which, if the Commissioner was not required to report in such a case, would be known only to the police. I refer to listening devices and telephone interception legislation. A roadblock is quite a different matter altogether. It is established in the public arena and, as I said, more likely than not in a blaze of media attention.

Mr GUNN: It is a pity that the Minister does not seem to accept the merits of the amendment put forward by the member for Bragg. One of the distinguishing features between a decent society and a democratic society is the accountability of law enforcement officers and their agencies. From my understanding and research, whenever law enforcement agencies are subject to proper scrutiny, there are no problems. It is only when Parliaments and Governments, for reasons best known to themselves, allow those agencies the privilege of not being fully accountable that there are problems. The amendment is no great inconvenience to the police: it simply guarantees that people's rights will not be impeded.

I find the attitude of the Government somewhat difficult to comprehend because I was always of the view that it stood for civil liberties and accountability. The Minister posed the interesting concept that this amendment is bureaucratic. Coming from a Government which has been very tardy in the area of examining statutory authorities and the need to get rid of a number of them (except in the area of marketing where they play an important role), the Minister's explanation is unacceptable. I am particularly concerned because, if we grant the police these powers, it will not be long before someone will think up another reason why they should have further powers, and so it goes on. It is never ending.

Those of us who have been in this place for quite a while can recall Ministers telling us that Commissioners of various departments found it difficult to enforce various powers and, as a result, we gave then certain dastardly powers from time to time. That is not an adequate excuse for the bestowal of these powers. We are all fully aware, and you, Mr Chairman, above all, should be aware that, once you are taken to court by a Government or a Government agency, its resources are unlimited and the individual is at a complete disadvantage. One of the roles that this Parliament can properly take and enforce is to be fully briefed. The only way that can happen so that members of Parliament can question the Government of the day about the activities of its agencies is to have the information provided quickly. That is all this amendment does. Therefore, I believe that the process of administration of the law is enhanced by full accountability. To put it mildly, I am perturbed and concerned that the Government has not seen its way clear to accept these amendments. Hopefully, action will be taken to have these amendments accepted when this measure receives further consideration.

The Hon. G.J. CRAFTER: I have heard the honourable member make that speech with respect to many Bills and in varying situations. I appreciate his consistency and vigilance in matters of this type, particularly with respect to the abuse of powers by not only police officers but also other persons vested with regulatory responsibility. My argument that this is unnecessary bureaucracy applies in this situation because this is the reporting mechanism after an event and what is the value of that? It is to check the appropriateness of the law and its administration. The Bill provides that those vested with the primary responsibility—the Commissioner of Police and the Minister—receive appropriate reports, and it provides for the nature of that reporting process and the details required in those reports; for example, the number of authorisations granted under this section, the nature of the grounds on which the authorisations were granted, the extent to which roadblocks contribute towards the apprehension of offenders and the detection of offences, and any other matters that the Commissioner considers relevant.

There is also a requirement that the Minister lay on the table of both Houses of Parliament copies of the Commissioner's report. I believe that that is the appropriate mech-

anism. In the fullness of time, members of Parliament can judge the effectiveness of this law and its administration. Presumably the honourable member is not suggesting that we, as parliamentarians, or that the Parliament as such, should interfere in those matters coming before the courts from time to time, or that we should interfere in the day-to-day activities of the Police Department. Our role is one step back from that. It is most certainly to scrutinise the law and its administration, and I believe we have a good record of doing that in this State. The legislation that we have before us provides for us to continue in that important role that we have as members of Parliament.

Mr INGERSON: The amendment requires the Commissioner and the Minister to lodge reports before both Houses of Parliament within seven days. It is not as if extra bureaucratic action will be required, because those reports will be created and made to the Minister. The Bill emphasises major offences. We are not asking the Minister to put before us all roadblocks—only those in relation to this type of action. It seems to me—and my comments are obviously supported by the member for Eyre—that this sort of action is reasonable and gives the Parliament an opportunity to scrutinise but, more importantly, it provides the opportunity for private members or the Government itself to do that.

As the Minister would be aware, the tabling of a report two months after June could relate to an action some 14 months earlier. The major reason for this amendment is to enable Parliament and, consequently, the people of South Australia to know what is going on in relation to the most major offences.

Mr GUNN: I do not want to delay the proceedings of the Committee—we all had a fair innings last night on various matters. I am always of the view that, if adequate accountability clauses are provided in legislation, the people administering it will be a little more cautious in their judgment. We have just had a case brought to our attention where a person in the Police Force, probably well meaning but acting quite outside the realms of commonsense, stopped certain people from attempting to contain a bushfire. I realise that senior police are involved in this matter, but there is always the tendency for certain people to have a bit of a gung ho attitude. If they are aware that they will have to report, in my view that is a proper protection.

I do not want to impede the police in dealing with the criminal elements in this country who carry out all sorts of vicious crimes and engage in anti-social behaviour. I have no problem with that, but I do have a grave concern to ensure that people's rights are protected. Considering what took place in Queensland and, to a lesser degree, in New South Wales, I believe that there was not adequate accountability. Parliament should not lightly hand over this authority without providing an opportunity for it to be fully briefed.

I ask the Minister: if this legislation passes through Parliament, how long before the Parliament will have the opportunity to examine it again? We will not actually debate this legislation for a considerable time. Maybe it will not be for another 10 years—it could go on like Topsie. It is just about impossible under our current arrangements for a private member's Bill to pass through the Parliament if someone wishes to amend it. If a question is asked in Question Time, the Minister will act a bit like Fred Astaire and be fairly quick on his feet. Sometime later, he will probably present a prepared statement in an endeavour to impart as little information as possible to ensure that he does not get into any trouble.

That is how the system operates. Then, people will be getting up making fairly outrageous statements to get something done about it. In my judgment, that is not a satisfactory arrangement. I would say to the Minister that, if he can bat out this debate and block us off, that is fine but, at the end of the day, the Government has the responsibility to ensure not only that the police operate in an efficient, effective and well organised manner, but also that the community at large is protected so that people have the opportunity to redress unnecessary vigilance or other actions taken by the police.

Many people are concerned that they do not have any rights once they are issued with a summons by the police. Unless one has access to large amounts of money, one is completely disadvantaged. Parliament is passing more and more laws that will make life more and more difficult for the average person. It is a very bad trend and I am one of those people who will not sit idly by in relation to these matters. Let me make it very clear: the first time I consider one of these matters of misuse, I will look forward to examining the Commissioner before the budget Estimates Committee. I already have a number of questions I want to ask him.

Members interjecting:

Mr GUNN: I do not mind what he is. For the benefit of the member for Mitcham, I am one of those with the view that this is a democracy and we are accountable to the electors of this State. I have no problem with that. Those officers are accountable to this Parliament, and that is what this amendment is about. Throughout the world, under dictatorships of the left, right or whatever, problems are created when that accountability does not apply. Look at the nonsense that occurred for years in Queensland and New South Wales, where Governments would not allow debate in Parliament; there was not a decent committee system and there was no accountability.

The Public Service was politicised and the result was an absolute disgrace in both States. Hopefully, the situation has been rectified in both New South Wales and Queensland. I do not want to say any more. There is no point in my delaying the House, but I hope the Government will take account of what has been said.

The Hon. G.J. CRAFTER: I appreciate the honourable member's discussion of the philosophy of the rule of law and of parliamentary democracy and responsible government. Of course, all of those are, to some extent, relevant to the Bill before us, but it is simply not within the provisions of this House and the opportunities that they give all members to participate in the administration of the laws of this Parliament. Also, opportunities are vested outside this Parliament by the representations and advocacy that we can make on behalf of constituents. In a State such as this we have the opportunity to pick up a telephone to ring the Commissioner of Police or other department heads about matters, or have discussions with Ministers. That is one of the great attributes of this State. So, there is a wide variety of ways in which members of Parliament can exercise those powers that are vested in them by the people of this State.

What are the facts in this situation? Laid down in this legislation are criteria whereby a very senior officer of the Police Department must first organise the road block. After that event a report, the details of which are provided here, must be provided to the Commissioner of Police. The Commissioner of Police must then report to the Minister, who is obliged to table in Parliament annually, full details as required by this legislation. That is quite an extensive accountability process. It may not be quick enough or in the form that some members want, but one can ask why

under the law we do not have a similar requirement in relation to a variety of other offences.

Where do we stop with that strict reporting requirement, and how much of the time of officers in the Police Department should be taken up with this reporting process to this place? One could range over many serious crimes in the community where there is no such requirement for reporting, for example, serious drug offences, licensing offences, serious criminal offences against the person such as rape, armed robbery, and so on. We must draw the line somewhere, and I believe that the impact that such a strict reporting process would have if it were across the spectrum of the criminal law would be excessive.

I do not think there is a call for that in the community. With respect to this aspect of the administration of justice at this time, I believe that the provisions for reporting are appropriate and are not excessive. However, I believe that, if we were to follow the amendments proposed by the Opposition, we would be getting into an area of administrative excess. But time will tell and I suggest that the structure that is established under the Bill, as introduced in this place by the Government, will help us to analyse how effective this reporting process is.

Mr GUNN: I raise a matter that I hope the Minister can explain. Last Sunday, I was travelling along the Eyre Highway (strictly in accordance with the Road Traffic Act) and, to my surprise, a police vehicle suddenly wheeled around in front of me, flashed its lights and stopped an interstate citizen. I thought, 'Hello, he must have a radar gun on board.' After I had pulled up at a garage at the next town to get some petrol and a cup of tea, the car pulled up and I asked the driver whether the police had the radar gun out that day. He said, 'No, they are just randomly stopping people, checking drivers licences and various other things.' In itself, that constituted a road block, because the police were stopping people. Why is it that those extra powers are required? Were those police officers acting illegally?

I give another example, something that I saw with my own eyes; I happened to come down the right road. I went to the opening of the refurbished Quorn school and sports stadium, and one of the senior officers, who had driven up from Adelaide and arrived a bit late, said to me, 'There is a road block at the weighbridge and the police are stopping everyone.' They stopped many people. I understand that they had stopped hundreds of vehicles. Did the police have the authority? If they did not, they would have to withdraw all the charges made. If they do not have the authority they should withdraw the charges because they have acted contrary to the law.

There was a great blare of publicity about that road block and about the ability of the police to collect outstanding warrants and various things. They might not have had that authority at that time and, therefore, I want to know from the Minister whether the police operated with the complete authority of the law on that occasion or whether we are really passing retrospective legislation.

These amendments have the intent of giving the public a little more protection. Senior superintendents have gone to the media detailing the number of people charged, the number of vehicles defected and the number of warrants served; I understand that some 1 800 vehicles were stopped and inspected at the weighbridge. The Star Force was up there. I would like the Minister, for the benefit of this House and the public, to define clearly what the situation was.

The Hon. G.J. CRAFTER: I am pleased to do that. It is set out very clearly in the second reading speech. It is all there for the honourable member to see. The police are exercising their proper duties with respect to road traffic laws in this State. Thankfully, this State actually has a reducing road toll at this time. That is clearly why this Parliament has given substantial powers to police officers to stop motor vehicles for a number of matters relating to road safety issues.

The police do not have general power to stop and search a vehicle and that must be clearly understood. However, they do have legislative power to stop vehicles in limited circumstances as set out in sections 41 and 42 of the Road Traffic Act, section 96 of the Motor Vehicles Act and section 68 of the Summary Offences Act. Presumably they are the sections which apply in the circumstances referred to by the member for Eyre, and they relate to general road traffic, licensing, and so on. Also, that may occur under the general law where there is reasonable cause to suspect that the vehicle contains stolen goods or offensive weapons or where there is evidence of an offence. That is the extent of the general powers of the police in those circumstances.

Mr Gunn interjecting:

The CHAIRMAN: Order!

Amendment negatived; clause passed.

Clause 5—'Insertion of ss. 83b and 83c.'

Mr INGERSON: I move:

Page 3—
Line 23—Delete 'unsafe' and substitute 'dangerous'.
Line 31—Delete 'and'.
Line 32—Delete 'two days' and substitute '24 hours'.
After line 32—Insert:
and
(c) may be renewed by a senior police officer for a further period (not exceeding 24 hours).

The first amendment removes the word 'unsafe' and substitutes 'dangerous'. It would be inconsistent, given the definition of 'dangerous areas' not to continue with the use of the same word.

The other three amendments relate to a timeframe. We believe that a period of two days is too long and, in essence, the amendment would reduce that timeframe to 24 hours in both cases.

The Hon. G.J. CRAFTER: I believe that the amendment is not necessary. The Oxford dictionary defines the word 'dangerous' as 'unsafe'. So, I believe that a court or, indeed, any person in the community who seeks to search out that matter would find that there is simply no difference in the meaning of those two words.

The amendment to line 31 is also opposed. It is contingent on the insertion of new paragraph *(c)* after line 32. The amendment to line 32 is opposed because the provision in the Bill allows for an area to be declared as a dangerous area for a period of up to two days. The two day period is a maximum period. The senior police officer will make a judgment as to the length of the period of the declaration at the time of making it. The two day period is not seen as being unduly long, given that it may cover matters such as earthquakes, outback flooding, or the like. So, it is considered that the existing provision is appropriate.

The amendments would reduce the period of declaration from a maximum of two days to a maximum of 24 hours, with a renewal period of 24 hours. I guess this is a matter of administration and of taking advice on the appropriate administration of the legislation. However, the Government prefers the provisions in the Bill whereby there is an automatic maximum period of two days. The Government has taken advice from the relevant authorities on the appropriate way of wording that provision.

Amendments negatived.

Mr INGERSON: I move:

Page 4, after line 10—Insert the following subsection:
(6a) It is a defence to a charge of unlawfully entering a dangerous area, locality or place contrary to a warning under

this section (but not to a civil action for compensation under subsection (6)) to prove—

(a) that the defendant entered the dangerous area, locality or place primarily believing that it was necessary to do so in order to protect life or property;

or

(b) that the defendant entered the dangerous area, locality or place as a representative of the news media primarily believing that it was necessary to do so in order to report adequately on the conditions prevailing there.

The Hon. G.J. CRAFTER: I conditionally oppose this amendment, because it has some merit. Obviously, further consideration of the issues raised in the amendment is required. That should occur in another place after the Government has had some time to consult the police in particular on this matter, so I can give an undertaking to members that this matter will be reviewed and will be the subject of close scrutiny in another place.

Mr INGERSON: I thank the Minister, because there is no doubt that there are occasions when the public should be given rights to their own property. That is at their own risk and, consequently, it does not bind the Crown in any way. The same applies in relation to the media. I thank the Minister for recognising those areas as potentially needing change, and I look forward to the changes being made in the other place.

Mr GUNN: I am pleased that the Minister has seen some merit in this amendment, because it is very clear that we will have police officers exercising the powers provided by this clause who have no local knowledge or understanding (and who may not have any experience with flood or fire), endeavouring to obstruct people such as landowners who may have lived in the area all their lives and are most experienced in those areas. One of the great problems we face involves outside people coming into our areas and starting to impose conditions and making decisions when they are ill-equipped to do so. I believe that we will have to go to the barriers upstairs on this clause if there is not some alteration.

As the clause is drafted, it seriously impinges on people's rights and privileges. I have already given one example of a person who was well meaning but quite inexperienced and who acted quite outrageously, and all of us have examples of that. My only regret is that, if this clause goes through, people in this place will have to stand up and say that on such and such a day officer so and so did this or that, and this is how foolish it was. I do not think that that cause is appropriate, but it will be the only redress people will have unless they go through that whole exercise which is time consuming, cumbersome and not really very satisfactory. I am pleased that the Minister has agreed to re-examine this clause.

Amendment negatived.

Mr INGERSON: I move:

After line 19—Insert new subsections as follows:

(8) The Commissioner must, within seven days after the making of a declaration under this section, submit a report to the Minister stating—

(a) the area, locality or place in relation to which the declaration was made;

(b) the period for which the declaration was in force;

(c) the grounds on which the declaration was made;

(d) any other matters the Commissioner considers relevant.

(9) The Minister must cause copies of a report under subsection (8) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is then not in session, within seven sitting days after the commencement of the next session of Parliament.

Line 31—Delete 'the Commissioner' and substitute 'a justice'.

Lines 32 and 33—Delete 'the Commissioner may issue to a member of the Police Force a warrant in the prescribed form authorising the member' and substitute 'he or she may authorise a member of the Police Force'.

After line 37—Insert the following subsection:

(3a) An authorisation may be granted under subsection (3) orally or in writing but a written record must be kept of—

(a) the premises in relation to which the authorisation was granted;

(b) whether the taking of property found in the premises into safe custody was authorised; and

(c) the grounds on which the authorisation was granted.

Page 5, after line 3—Insert the following subsections:

(6) The Commissioner must, within seven days after the granting of an authorisation under this section, submit a report to the Minister stating—

(a) the premises in relation to which the authorisation to enter was granted;

(b) whether property was taken from the premises pursuant to the authorisation;

(c) the grounds on which the authorisation was granted;

(d) any other matters the Commissioner considers relevant.

(7) The Minister must cause copies of a report under subsection (6) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

I am moving all further amendments under my name at this stage. All the other amendments have been considered by the Committee in relation to road blocks and, in essence, these are the same types of amendments. I assume that the Government will oppose these. We are disappointed that the Government has not seen fit to support these amendments in this place but we will have to pursue them in another area.

The Hon. G.J. CRAFTER: The Government does oppose these amendments, and I believe that during the debate so far I have outlined our concerns with them. However, I have also indicated that the Government proposes to give further consideration to some matters advanced by the Opposition on this measure.

Amendments negatived; clause passed.

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.

Mr OSWALD (Morphett): This evening I should like to raise two or three subjects that have been raised with me in my electorate office in Glenelg. The first is a delightful letter I received from a grade 5 student (whom I shall call Tanya) at one of our primary schools. For obvious reasons, I will exclude her surname. The letter states:

Dear Sir/Madam,

I'm writing this letter considering Marineland dolphins, seals that swim on it and South Australian land. It was given to us as our land, not the Chinese land. Even worse if the project goes on, they will definitely make it a Chinese private beach which is even more disappointing as it is really a public beach, which gives us responsibility. As I think this should get the point across to the Government, they should do something major about it and fast.

As I'm a grade 5 student at . . . I care about the future. Please save Marineland. PLEASE!

It is signed, 'Yours faithfully, Tanya', and around the letter she has written, 'Save our land', 'Save our beach' and 'Save our creatures—we care'. I assured Tanya that I would bring this letter to the attention of the House, and I am sure that its sentiments are shared by those who are also concerned about the future use of the West Beach Trust area. It is

rather interesting that at the same time I have also received many representations from others in the Glenelg, Glenelg North and West Beach areas.

One group went to a lot of trouble in putting together a petition which, since it was not prepared correctly, unfortunately could not be tabled in the Parliament. I have brought that petition in and intend reading the text into *Hansard* so that members will be aware of it. It states:

We the undersigned citizens of South Australia totally reject any South Australian Government right to sell, lease or negotiate land belonging to the people of this State. Further, the suggestions of private beaches, golf courses, etc. is contrary to popular opinion. Therefore, we demand that the Zhen Yun proposal be thoroughly researched and the project then be voted on by South Australians.

There are 63 signatories to that petition. I have included Tanya's letter with the petition so that the House can see the depth of feeling in the Glenelg area, encompassing children right through to senior citizens. There is considerable concern that the West Beach Trust area, which was dedicated back in the Playford days, is to be handed over to private development so that what was dedicated public land will become, if the project proceeds, land designated for private entrepreneurial use.

This is an interesting direction from a socialist Labor Government, which is allowing the project to happen. The situation is amusing to many of us on the conservative side of politics. Although members in the Labor Party may not believe it, the conservative side of politics has much support for the environment and for retaining public land for use by the people. The West Beach Trust area has been dedicated, and we believe that it should remain dedicated for use by the public, particularly for sporting purposes and the like. The caravan park was an extension into the area, it is there, and I will not comment other than to say that I would never attempt to move it.

We then had the addition of the cabins, which took over more of the land, and they got away with that, so the next stage now is to develop the hotel complex. I am not enthusiastic about the hotel complex. Certainly, I have the greatest of sympathy for Bill Sparr, who is trying to get the Glenelg Grand Hotel up and running. It is outrageous that the Government is sponsoring a competitor about five minutes drive along the coast when it will take some years for the Sparr group to get the Grand Hotel up and running. Perhaps years down the track we could look at another four star or five star hotel in the immediate vicinity. Surely, we should finish one project, in this case the Grand Hotel, before we attempt to start another one. Let me say this to the Government: it should never underestimate the depth of feeling that exists along the western seaboard against this type of proposal on land that was dedicated years ago for public recreational use.

The other subject to which I refer this afternoon relates to education. It has been brought to my attention that one of the primary schools in my area has had the funds for special education teaching cut back from .4 to .2 of a teacher. This reduction in time might not appear to be alarming to some members, but I believe it is an absolute disaster because, when the new curriculum guarantee packages were brought in, schools were told clearly that no school would be disadvantaged as a result.

With various categories or assessment levels for special needs children, last year this school had .4 of a salary for assistance involving children with special difficulties, and the school could commit allocation to assessment levels 3, 4, 5 and 6. However, this year the salary component has been reduced to .2. What is worse, that salary can be used only for children in the level 4 assessment. However, in that school, 16 children need level 3 assessment resources and two children need level 4 resources.

The irony of the situation is that the teacher is not allowed to be involved with the 16 children in the wrong category, that is, in resource level 3. This .2 of a teacher cannot have access to these children. There are 18 children needing assistance, but the teacher is allowed to provide assistance for only two children. The situation is ludicrous.

I am sorry to say that the Minister of Education is not listening to my comments and is engaged in a discussion with one of his colleagues opposite, not yet having tuned in to what I am saying. I am disappointed. Now the Minister of Education is about to leave the Chamber, and I am sorry he is doing so, because what I am saying is of vital concern, and I am certainly willing to use the remaining two minutes to repeat those figures for the Minister's benefit, if he has not been listening hitherto.

The school in my electorate had an allocation of .4 of a salary and that allocation has been reduced to .2. The teacher is allowed to help children only in classification 4 yet, in classification 3, 16 children need special education assistance, but that .2 of a teacher is not allowed to assist those 16 children. Therefore, the .2 of a teacher assists only two children because that teacher has been told that teaching at assessment level 3 is not allowed. The situation is ludicrous, and the remaining 16 children have to be taught by their class teachers.

The Hon. G.J. Crafter interjecting:

Mr OSWALD: For the record, the Minister said that he would get the other side of the story. I would appreciate his doing that. I would like him to do that fairly quickly and not take the usual long response time of the Education Department. If the Minister would be good enough to directly send me a letter this coming week, I will circulate it amongst the parents. I have received deputations from parents and they are extraordinarily concerned that their children do not receive special education; that only two children receive special education from that teacher and the other 16, because they have the wrong classification, do not receive any attention at all. The teachers themselves have to teach all levels of children, but surely when a special education teacher comes to the school he or she should teach all children in need of special education.

Mr QUIRKE (Playford): I rise to talk about the Pilots Federation. As a newly-elected member of this House, I am acutely aware of the many problems that South Australia will face in the next 20 years in developing our tourist infrastructure. I take on board some of the comments that the member for Morphett made earlier this afternoon about the provision of hotel accommodation of a very high standard in or around his electorate. I hope that the Zhen Yun development literally gets off the ground—up and running—together with the Sparr project at Glenelg.

The area that the member for Morphett represents is very much undervalued in terms of its tourist potential, with its proximity to the airport and its many surrounding facilities. I am sure that all members hope that a tourist infrastructure in South Australia will be developed which will be second to none in the country and which will increase our percentage of the total tourist cake to very much more than its present lamentable 8 per cent. However, there are a few problems in relation to that, not the least of which are developments which are not yet complete and which have not yet begun.

The strike last year by the domestic airline pilots was an example of what can happen to well-laid plans; how they can be destroyed by extremely ruthless groups that believe

they operate in a world where they can hold a gun to one's head and say, 'Pay up; deliver to us the best conditions that you possibly can; and we want more besides, we want another 29.4 per cent.' Then, at the end of the day, if they do not get their way, they will wreck the whole system. I now turn my attention to the current Federal election campaign, and I am sure we will see a satisfactory re-election of the Hawke Government on Saturday—

Members interjecting:

Mr QUIRKE: An honourable member interjects, 'God help Australia!' That is the tenor of what I will say next, because one strike will mushroom into strikes in a whole range of areas should the Federal Liberal Party be successful on Saturday. The reality is that if the Liberal Party wins the Federal election it will set national parameters, and we will see many more bloody-minded strikes of the type the airline industry suffered last year.

I would have thought that seven years on the Federal Opposition benches would have moderated the conservative view of the colleagues of members opposite on a number of issues, particularly in relation to the very important industrial and wages fronts. Obviously, the Federal Opposition suffers the same sorts of problems that have bedevilled other members of the conservative Parties since 1970.

The Pilots Federation has been out doorknocking in the Federal electorate of Makin (where I live). I welcome that. In fact, at first, when they knocked on my door, we amiably agreed to disagree. Then, whereas normally I would take in doorknockers from that side of politics, make them a cup of tea and offer them whatever else is necessary; on this occasion I said that they should get out there and knock on as many doors as possible. I did this because, for every door they knock on, they remind voters in the electorate—and in every electorate in which they doorknock—what they did to the tourist industry last year in many parts of Australia.

Parading up and down in their captains' uniforms demonstrates that Gilbert and Sullivan are not dead. I thought that Gilbert and Sullivan had died with the demise of Joh and his mates in Queensland. I thought that water-powered cars and such things were things of the past. Unfortunately, the Pilots Federation still believes it is alive and well. I do not know what it will do after Saturday night if its side does not win; I think it will have a problem. The chap who knocked on my door was extremely nice, but I thought it was dangerous walking around in an airline uniform, which clearly showed he belonged to the Pilots Federation. However, that is not such a big problem in Makin because that electorate does not contain the many lovely tourist facilities, such as those in places like Cairns, and so on, that stand the chance of being wrecked.

I wonder whether the pilots are doorknocking in those areas where they have created a great deal of misery and unemployment. A couple of the little chestnuts that they put in my hand are worthy of highlighting here today. I was given a broadsheet which spoke about everything except the Pilots Federation's methods of negotiation. It states that Bankcard interest rates are up, that housing interest rates are up and that the Labor Government 'has caused permanently working spouses'. I do not want to be a pedant and ask what that means, but it really needs more explanation.

Since 1983, a lot of spouses have chosen to go into the work force and, in fact, of the 1.6 million new jobs that have been created since that time, about 800 000 are spouses who have opted to go into the work force and enjoy the employment that was not on offer before that time. A great deal of them who have legitimate child-minding problems have managed to achieve child-care places that did not exist before, either.

The real roasted chestnut part of this particular document is at the end where it says that the foreign debt is up. Well, the Pilots Federation should know all about that because it was one of the chief causes for it last year. The other document that was handed to me had a number of interesting points, which I will read out to the House. The Pilots Federation admitted that Australia would lose about $2 billion in gross domestic product as a result of this dispute. It went on further to say that the tourist industry has lost $650 million. That is a lot of employment. In addition, it states that 60 businesses in Cairns alone have failed as a result of the dispute.

Every day that the dispute continued last year, we witnessed the Pilots Federation's policy of stand and deliver. That is the only way it can be described. The pilots tried to hold a gun to the head of the Government and the airlines with an attitude of, 'Pay up or else'. The Government stood up to them. The curious thing is the attitude of my conservative colleagues. They are an odd bunch. For years they have said that Governments should stand up to the unions and stop industrial blackmail.

Mr S.J. Baker interjecting:

Mr QUIRKE: Many times the member for Mitcham has stood up here, wanting us to get heavy with the unions. I am afraid that the Hawke Government could not tolerate the sort of policies that the Pilots Federation pursued. Yet, what did we see? The Opposition came out in defence of its pilot mates.

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

Mr S.G. EVANS (Davenport): I take this opportunity to raise a police matter, which is the responsibility of the Minister of Emergency Services. I ask the Minister to investigate a breakdown in police procedures which resulted in the Darlington police attempting to arrest a young man for a fine default almost three months after police at the same station advised the man's family of his death in a road accident.

The history of the case is that, on 9 April 1989, the young man was apprehended for speeding in a small town called Gordon, just outside Ballarat, and was to appear in court on 10 July. He did not appear so the matter was adjourned until 1 August. On 1 August last year the court found him guilty in his absence and fined him $268. That fine was not paid so, on 5 October, a summons was issued for the lad to show cause why he had not paid the fine. That was returnable to the Ballarat court by 6 November. That did not occur and he did not appear, so the magistrate brought down a decision that, if the fine was not paid, the lad would serve three days gaol.

As it was an interstate matter, as far as the Ballarat police were concerned, pursuant to the Service and Execution of Processes Act of that State, a warrant of apprehension was issued for payment of the $268 or three days gaol. The warrant was issued from the Ballarat court on 6 November and forwarded to Adelaide police headquarters on the same day. On 11 November the young man sent a money order to the Ballarat police which they received on 15 November, and I have a receipt showing that as payment for the fine. On that day, the Ballarat police informed Adelaide police headquarters that the fine had been paid, and withdrew the warrant for the lad's arrest and asked for it to be returned.

On 19 November, four days later, the police arrived at the young man's home and took him down to the Darlington police station because he did not have the money to

satisfy the warrant. His father then went down to the police station after normal trading hours and offered to pay the fine by cheque because the police did not believe that the lad had paid the fine by money order (and the receipt had not got back to Adelaide by the 19th, given that it was not received in Ballarat until the 15th).

The father cashed the cheque at the service station over the road at Darlington where he normally dealt and paid the police the $268. Of course, the Darlington police sent that to Ballarat. We must remember that the young man had already been taken into custody after he paid the fine until it was paid the second time. On 3 December the young man was killed in a motor accident on the Lobethal road. He was one of the most prominent young sportsmen in motorbike riding in this State. The Darlington police called and informed the family of that sad event.

On 12 December the family received the receipt and the $268 that had been paid the second time; the Darlington police received that from Ballarat. Yet on 24 February this year, the same police station sent an officer to apprehend the lad again for non-payment of the fine. He would have had to serve three days imprisonment for non-payment. I will not mention the officer's name, but he left a card at the family home but the lad was already deceased.

It is a sad case. The family is very hurt. There was enough sadness and depression in the family because of the loss of their son. That lad had been arrested after having paid the fine. It had been paid the second time and the police had called for his arrest three months after he was dead. Those officers were from the same station that had handled all matters in relation to that young man.

It may be that the police station at Darlington is under considerable pressure because of the amount of work, and the lack of staff and equipment, and I can appreciate that because I have a fair bit of contact with that station. The officers are under a lot of pressure and there are some problems with their keeping up with the workload. I ask the Minister to investigate the matter to find out what happened in terms of police procedures. I do that on the basis that I hope it has not happened on other occasions and will not happen again, because it is a very serious matter for that family.

I also hope that, when the Minister brings down a report—and I will be quite happy if he brings it down as a short ministerial statement in the Parliament—in some small way an apology can be made to the family, perhaps by way of a written letter or someone calling on the family to say they are sorry for what has happened. It is not the sort of matter that one relishes raising, because the Police Force has a lot of responsibility, but this family feels very hurt about the situation. I will provide the Minister with the name of these people; they do not want their name mentioned in the Parliament, and I can understand that. I am sure that the Minister would have a lot of compassion in this sort of case and that he will follow it through. That aside, Sir, I finish by bringing one matter to your attention, and that is the number of members in the House.

A quorum having been formed:

Motion carried.

At 5.21 p.m. the House adjourned until Tuesday 27 March at 2 p.m.